

RESOLUTION NO. 060074

PASSED June 12, 2006

A Resolution of the City Commission of the City of Gainesville, Florida, granting an extension of time to Florida Food Service, Inc. under the Declaration of Protective Covenants and Restrictions for the Airport Industrial Park, as amended, to commence and complete construction of a building and commence a use on certain real property; and providing an effective date.

WHEREAS, Florida Food Service, Inc., the owner of Lot 13, Airport Industrial Park, Unit II, has exercised its option to purchase Lot 12 of Airport Industrial Park, Unit II, and has an option to purchase a portion of an unplatted lot in the Airport Industrial Park, Unit II containing approximately 3.51 acres, more or less; and

WHEREAS, Florida Food Service, Inc. has requested an extension of certain time requirements as provided in the declarations of protective covenants and restrictions governing Unit II of Airport Industrial Park, which are recorded in Official Record Book 2605, at page 526 of the Public Records of Alachua County, Florida, as amended to commence and complete certain improvements as more fully set forth herein; and

WHEREAS, City of Gainesville has requested from Florida Food Service, Inc. a schedule of construction and improvements to Lot 12, and in response to that request Florida Food Service, Inc. represents the following:

- A. Construction on Lot 13 as an extension of the existing building on Lot 13 will be commenced on or before December 1, 2006;
- B. Lot 12 will be cleared and fenced within 90 days upon closing and within five years of the date of closing, a warehouse/building consisting of a minimum 28,000 square feet will be constructed and completed on Lot 12;

C. Upon the exercise of the option to purchase the unplatted 3.51 acres, the closing will occur simultaneously with the closing on Lot 12, and it will be fenced and cleared at the same time Lot 12 is fenced and cleared. It will then be used immediately for parking.

WHEREAS, Florida Food Service, Inc. certifies to the City of Gainesville, Florida, a municipal corporation, that it understands that, until completion of the improvements by Florida Food Service, Inc. on Lot 12 and on the 3.51 acre unplatted parcel, Florida Food Service, Inc. will not lease, sell, convey, or otherwise transfer to any third party the aforesaid lot and parcel; and

WHEREAS, Florida Food Service, Inc. requests that the City acknowledge that a sale of the entire business of Florida Food Service, Inc. to a third party shall not constitute a breach of any commitment by Florida Food Service, Inc. to complete construction of buildings and improvements so long as the third party to whom the entire business of Florida Food Service, Inc. might be sold agrees in writing to be bound by this Resolution; and

WHEREAS, the City Commission of the City of Gainesville acknowledges the request of Florida Food Service, Inc. asking the Commission to adopt a resolution creating an extension to the time requirements of Section 12.01 of the Declarations of Protective Covenants and Restrictions for Airport Industrial Park, Unit II, as amended.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE;

Section 1. A time extension is granted under the Declarations of Protective Covenants and Restrictions for Airport Industrial Park, Unit II, as amended, is recorded

in OR Book 2605, Page 526, et seq, of the Public Records of Alachua County, Florida, to allow Florida Food Service, Inc. five years from the date of closing of the purchase of Lot 12, Unit II, and the purchase of the unplatted 3.51 acres adjacent to Lot 13 within which to commence and complete construction of a warehouse/building consisting of a minimum 28,000 square feet on Lot 12 of Unit II, and to use the unplatted acreage as parking.

Section 2. The City Commission declares that the construction, completion and use of parking on the 3.51 acre unplatted parcel within the aforesaid five years meets the spirit and intent of Section 12.01 of the aforesaid Declarations of Protective Covenants and Restrictions for Airport Industrial Park, Unit II, as amended.

Section 3. This Resolution does not grant any vested rights to Florida Food Service, Inc., and does not relieve the owner/developer from applying for development permits and receiving development orders as these terms are defined in Chapter 163, F.S. and the City's Code of Ordinances.

Section 4. This Resolution shall become effective immediately upon the closing of Lot 12 and the 3.51 acre unplatted parcel conveying title to the property from the City of Gainesville, Florida to Florida Food Service, Inc.


MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:


KURT LANNON,
CLERK OF THE COMMISSION


MARION J. RABSON, CITY ATTORNEY

SEP 25 2006