

RESOLUTION No. 070545

PASSED October 22, 2007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA EXTENDING FOR TWO YEARS THE POSSIBILITY OF REVERTER / RIGHT TO REPURCHASE LOT 22 IN THE AIRPORT INDUSTRIAL PARK; CONSENTING TO A TRANSFER OF OWNERSHIP OF LOT 22; SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF GAINESVILLE, FLORIDA as follows:

WHEREAS, the City Commission of the City of Gainesville approved a contract for purchase and sale of real property with J.A. Beguiristain Holdings, Inc. on September 12, 2005 (the "Contract") for the following described real property:

Lot 22, Airport Industrial Park, Unit III, as per plat thereof recorded in Plat Book "T", page 88, of the Public Records of Alachua County, Florida (the "Property"); and

WHEREAS, the closing on the sale of the Property from the City to J.A. Beguiristain Holdings, Inc. (the "Owner") occurred on November 4, 2005; and

WHEREAS, the Contract stipulated in Clause 25, Possibility of Reverter, that in the event Purchaser does not complete a multi-space light industrial business building(s) on the Property within two years following closing of the Contract, the Property shall revert back to the City; and,

WHEREAS, said reverter language is similarly contained in Article XII, Section 12.01 of the Amended Declaration of Protective Covenants and Restrictions for the Airport Industrial Park, Units I, II and III adopted by the City Commission on January 13, 2003 and recorded as Official Records Instrument #1908415, in the Public Records of Alachua County, Florida (the "Declaration") and referenced in the Contract in Clause 3 and in the deed that conveyed title to the Property recorded as Official Records Instrument #2192706, in the Public Records of Alachua County, Florida; and

WHEREAS, said reverter language in the Declaration states that, "Declarant (City) may by appropriate resolution extend the aforesaid 2-year time limitation if in its discretion good cause therefore is shown by Owner"; and

WHEREAS, the Declaration also states that the Property shall not be transferred to any third party prior to construction and completion of the initial building and improvements and Clause 26 of the Contract states that the Owner shall not transfer the Property within 10 years of the date of closing, without prior written consent of the City; and

WHEREAS, the Owner. has attempted over the prior two years to work with staff on development options for Lot #22 and has shown good cause for extension and provided a timeline and milestones for project completion; and

WHEREAS, to facilitate the development of the Property, the Owner has requested consent to transfer the Property to a new business entity, the majority ownership of which is held by Mr. Jose Beguiristain; and

WHEREAS, the City of Gainesville has an interest in development of Airport Industrial Park property in order to provide for additions to the City's tax base and provision of employment in East Gainesville as part of an overall Citywide economic development strategy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

1. The Owner is hereby granted a two year extension, from the date of adoption of this Resolution, to the Possibility of Reverter/Right of Repurchase contained in the Contract and the Declaration for good cause shown, subject to the timeline and milestones provided by the Owner in letter dated August 29, 2007, a copy of which is attached as Exhibit "A," to develop a state of the art distribution facility catering to small and mid-size business entities;
2. On a quarterly basis, City Staff shall monitor the timeline and milestones provided by the Owner in Exhibit "A".
3. The Owner is hereby permitted to transfer ownership of the Property to a new corporate entity held in majority ownership by Jose A. Beguiristain, subject to the Contract, the Declaration and this Resolution.
4. That Pegeen Hanrahan, Mayor, is hereby authorized and directed to execute said Resolution on behalf of the City of Gainesville and Kurt M. Lannon, Clerk of the Commission, is hereby authorized and directed to impress the official seal of the City of Gainesville, to attest to said execution, and to record a true and correct copy of this Resolution in the Public Records of Alachua County, Florida.
5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session this 22 day of October, 2007.

**CITY COMMISSION OF
GAINESVILLE, FLOIRDA**

By: Pegeen Hanrahan
Pegeen Hanrahan, Mayor

ATTEST
[Signature]
Kurt Lannon, Clerk

(SEAL)

APPROVED AS TO FORM
[Signature]
Gainesville City Attorney
OCT 24 2007