

**LEGISTAR #**

**210549**

This Instrument Prepared By  
David E. Todd, Regional Counsel  
United States Department of Commerce  
Economic Development Administration  
401 West Peachtree Street, NW Suite 1820  
Atlanta, Georgia 30308-3510

## COVENANT OF USE

This Covenant of Use (hereinafter the "Covenant") is made this \_\_\_ day of \_\_\_, 2021 by the City of Gainesville, Florida, a municipal corporation of the State of Florida (hereinafter the "City") as required by and in favor of the United States Department of Commerce, Economic Development Administration (EDA) wherein it is agreed by the City as follows:

### RECITALS

- A. EDA made two Offers of a Financial Assistance Award. The First Financial Assistance Award is dated February 8, 1999 to the City in the amount not to exceed \$1,440,000.00 for the construction of a technology incubator (hereinafter the "Project"). The Second Financial Assistance Award is dated September 11, 2000 to the City in the amount not to exceed \$270,000.00 for the further construction of the Project.
- B. The Offers of Financial Assistance Awards respectively bear EDA Award No. 04-11-04392 and EDA Award No. 04-01-04729 (hereinafter collectively the "Awards.")
- C. The City has requested releases of the EDA's property interests created pursuant to the Offers of said Financial Assistance Awards as provided in 13 C.F.R. Part 314 as to a parcel of land described in Exhibit "A" attached hereto and made a part hereof by this reference (hereinafter the "Released Land".)
- D. In connection with said First Financial Assistance Award, the City executed an Agreement and Mortgage in favor of EDA an Agreement and Mortgage dated October 12, 1999 and recorded in Official Records Book 2258 at Page 1302 in the Office of the Circuit Court Clerk in and for Alachua, County

Florida. In connection with the Second Financial Assistance Award, the City executed in favor of EDA an Agreement and Mortgage dated on or about December 7, 2000 and recorded In Official Records Book 2326 at Page 2398 in said Office of said Circuit Court Clerk. Pursuant to EDA's regulations, EDA has released both Agreements and Mortgage in consideration the City executing and recording this Covenant of Use.

### Agreements

In consideration of the Recitals (which are incorporated herein by reference), EDA's releasing said Agreements and Mortgages and other good and valuable consideration, the receipt, adequacy and sufficiency which are hereby acknowledged, the City for itself and its successors agrees as follows:

- I. Pursuant to 13 C.F.R. §314.10, the Released Land is and shall henceforth be subject to and encumbered by the following covenant and restriction, to wit:
  - a.) At no time shall the Released Land be used in violation of the nondiscrimination requirements set forth in 13 C.F.R. § 302.20, and
  - b.) At no time shall the Released Land be used for explicitly religious activity prohibited by applicable federal law.
- II. It is stipulated and agreed that the terms of this Covenant constitute a reasonable restraint on, alienation of use control and possession of or title to the Released Land given the federal interest expressed herein.
- III. This Covenant shall run with the land and shall bind the City and its successors in title in and to the Released Land.

In Witness Whereof, the City has caused this Covenant to be executed by its officials duly authorized to take such actions on behalf of and binding upon the City and its successors in title.

City of Gainesville, Florida

By: \_\_\_\_\_  
Lauren Poe  
Mayor

Attest:

\_\_\_\_\_  
[Print Name] \_\_\_\_\_  
As it: \_\_\_\_\_  
[Print Title]

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ (date) by Lauren Poe, Mayor, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
[Notary Seal] Notary Public

\_\_\_\_\_  
Name typed, printed or stamped  
My Commission Expires: \_\_\_\_\_

"EXHIBIT A"

LOT 105 NEW GAINESVILLE PLAT BOOK "A", PAGE 66 TAX PARCEL NO. 1340-000-000. LOT 105 LESS WEST 20 FEET FOR RIGHT OF WAY, NEW GAINESVILLE, A SUBDIVISION AS PER PLAT BOOK "A", PAGE 66, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

LOT 106 NEW GAINESVILLE PLAT BOOK "A" PAGE 66 TAX PARCEL NO. 11341-000-000. THAT PORTION OF LOT 106, NEW GAINESVILLE, AS PER THEREOF RECORDED IN PLAT BOOK "A", PAGE 66, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING SOUTH AND WEST OF STATE ROAD NO. 20; LESS THAT PART CONVEYED TO THE CITY OF GAINESVILLE IN O.R. BOOK 2084, PAGE 2793.