



## Legislation Details (With Text)

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**Title:** Release of Agreements and Mortgages by the United States Department of Commerce, Economic Development Administration (B)

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**Attachments:** 1. 210549\_A Release of Mortgages\_2021.11.04.pdf, 2. 210549\_B Escrow Letter\_2021.11.04.pdf, 3. 210549\_C Final Covenant of Use\_2021.11.04.pdf

Date	Ver.	Action By	Action	Result
11/4/2021	1	City Commission	Approved as Recommended	

### Release of Agreements and Mortgages by the United States Department of Commerce, Economic Development Administration (B)

The Economic Development Administration (EDA) and the City accepted two offers of financial assistance in the construction of a technology incubator, (hereafter the “Project”, locally known as GTEC). The first was dated on or about February 8<sup>th</sup>, 1999, in the amount not to exceed \$1,440,000.00 and the second dated September 11, 2000, in the amount not to exceed \$270,000 for the construction of the Project on the property. Whereas the offers of financial assistance awards respectively bear EDA award No. 04-11-04392 and 04-01-04729, respectively.

The City entered into the agreement and mortgage with the EDA on or about October 12, 1999, and had it recorded in Official Records Book 2258 at Page 1302 in the Office of the Circuit Court Clerk in and for Alachua County, Florida (“First Mortgage”). In connection with the second offer, the City entered into the agreement and mortgage in favor of EDA on or about December 7, 2000, and recorded in Official Records Book 2326 at Page 2398 in the Office of the Circuit Court Clerk in and for Alachua County, Florida (“Second Mortgage”).

Whereas, both the First and Second Mortgage has an obligation period of (20) twenty years and therefore the terms of both have elapsed and expired, the City requested that the EDA execute a satisfaction and release of both respective mortgages.

To complete the release of mortgage, the following documents must be authorized to be recorded at the Office of the Circuit Court Clerk in and for Alachua County, Florida, by no later than November 8, 2021.

Release of Mortgages

Escrow Letter

Covenant of Use (Note, the City Commission must authorize the Mayor to sign this document).

The Covenant of Use is required by the EDA and binds the City to the following:

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.

### **Strategic Connection**

Goal 3: A Great Place to Live & Experience

Goal 4: Resilient Local Economy

Filing fees for the three documents will be determined at filing at the Office of the Circuit Court Clerk in and for Alachua County, Florida.

1) The City Commission to authorize the Mayor to sign the Covenant of Use.

2) The City Commission authorize City staff to file the three documents at the Office of the Circuit Court Clerk in and for Alachua County, Florida by the November 8, 2021 deadline.