



Alachua County

Board of County Commissioners

Mary C. Alford, *Chair*
Charles S. Chestnut, IV, *Vice Chair*
Ken Cornell
Anna Prizzia
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Administration
Michele L. Lieberman
County Manager

November 15, 2023

scott.woolam@dep.state.fl.us

Mr. Scott Woolam
Senior Program Analyst
Division of State Lands
3900 Commonwealth Blvd
Mail Station 100
Tallahassee, Florida 32399-3000

Dear Mr. Woolam,

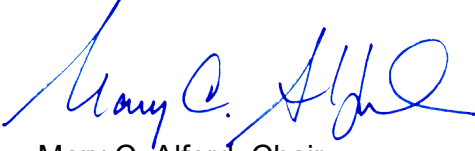
The Alachua County Board of County Commissioners is requesting the Cabinet to consider 1) releasing property along NE 63rd Avenue, Gainesville, described in the attachment titled *Declarations of Covenants, Conditions, and Restrictions*, from the restrictions requiring that the property be used solely for a fairground; provided fairground uses include agricultural, community-based or government-oriented activities and 2) accepting new covenants, conditions and restrictions that Alachua County has agreed to place on the proposed Alachua County Agriculture and Equestrian Center property, property described in Exhibit A.

The original conveyance of property from the Board of Trustees to Alachua County in 1972 through Deed Number 25315 was to require the property be used for a county agricultural center and county fairground and construction of facilities for these purposes, prohibiting commercial use that is inconsistent with an agricultural center and fairgrounds. The deed restrictions were subsequently moved to an alternate property with additional covenants and restrictions that included use of the property for emergency/disaster shelters, community meetings, trade shows, school-based education, youth activities, business and economic development and cultural events.

Alachua County has now invested \$18 million in the purchase and development of a better situated property that now contains a state-of-the-art agricultural center with a full-service event site offering facilities for equestrian and agricultural activities, festivals, trade shows, animal shows, banquets and other community events. Various events include the Alachua County Youth Fair and Livestock Show, horse shows and goat shows and the UF/IFAS Master Gardener Plant Sale. As this property meets the intent and requirements of the State's covenants and restrictions, the County is requesting that the Waldo/Weisman site be released from the covenants and covenants in turn be placed on the Alachua County Agriculture and Equestrian Center site.

Please contact Michele Lieberman, County Manager, regarding this request and if you have any questions at mlieberman@alachuacounty.us or 352-374-5204.

Sincerely,



Mary C. Alford, Chair
Alachua County Commission
Chr24.006

XC: Board of County Commissioners
Michele L. Lieberman, County Manager
Sylvia Torres, County Attorney
Mari K. Daniels, Assistant County Manager



2337792

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2337792 7 PGS

2007 MAY 14 02:38 PM BK 3598 PG 1133

J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK13 Receipt#330181

This instrument was prepared by:
Gary L. Heiser, Senior Attorney
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd, MS35
Tallahassee, Florida 32399-3000

Declaration of Covenants, Conditions and Restrictions

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 10TH day of APRIL, 2007, by ALACHUA COUNTY, a charter county and political subdivision of the State of Florida, whose mailing address is 12 SE 1st Street, Gainesville, Florida 32601 ("COUNTY") for the benefit of the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, whose mailing address is State of Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000 ("TRUSTEES").

WITNESSETH:

WHEREAS, TRUSTEES conveyed to COUNTY that real property, which is more particularly described in Deed No. 25315 dated June 20, 1972, and recorded in Official Records Book 796, Page 238, Public Records of Alachua County, Florida, subject to certain deed restrictions ("Restrictions"), the violation of which, at the option of TRUSTEES, shall cause the title to said real property to revert to TRUSTEES ("Reverter"); and

WHEREAS, COUNTY has requested that TRUSTEES release the said real property from the Restrictions and Reverter so COUNTY may redevelop said real property; and

WHEREAS, in exchange for TRUSTEES' release of said real property from the Restrictions and Reverter, COUNTY agrees to place restrictive

covenants on the use of the real property that is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

NOW THEREFORE, in consideration of TRUSTEES agreeing to release the real property described in Deed No. 25315, dated June 20, 1972, and recorded in Official Records Book 796, Page 238, Public Records of Alachua County, Florida, from the Restrictions and Reverter contained in said Deed No. 25315, COUNTY hereby creates, imposes and establishes, the following Declaration of Covenants, Conditions and Restrictions ("Declaration") upon the Property for the benefit of TRUSTEES:

1. COUNTY hereby creates, establishes and imposes the following restrictive covenants, in perpetuity, upon the use of the Property:

A. The Property shall be used solely for a fairground; provided fairground uses include agricultural, community-based or government-oriented activities. If an agricultural, community-based or government-oriented activity is considered commercial in nature, said activity may not be conducted on the Property for a period greater than six (6) consecutive months.

B. The Property shall not be used for commercial purposes except as authorized in paragraph A. above nor shall any other use be made thereof which is inconsistent with the authorized uses.

C. No form of gambling shall take place on the Property.

2. The covenants and restrictions contained this Declaration shall run with the title to the Property in perpetuity and be binding upon COUNTY and all successive owners (and all parties claiming by, through and under the owners) of the Property.

3. Until TRUSTEES release this Declaration from the Property, TRUSTEES shall be deemed a third party beneficiary of this Declaration in a court of competent jurisdiction.

4. TRUSTEES shall have the authority to enforce the covenants and restrictions contained in this Declaration in any judicial proceeding seeking any remedy recognizable at law or in equity, including an action or lawsuit seeking damages, injunction, specific performance, or any other form of relief, against any person, firm or entity violating or attempting to violate any of the covenants and restrictions contained in this Declaration.

5. This Declaration has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Venue for enforcement actions regarding this Declaration shall be in the Circuit Court of Leon County, Florida.

6. The invalidation of any of the covenants and restrictions contained in this Declaration by a court of competent jurisdiction shall in no way affect the validity of any of the other covenants or restrictions contained in this Declaration, which shall remain in full force and effect.

7. COUNTY covenants and represents that on the date of execution of this Declaration, COUNTY is seized of the Property in fee simple and has good right to create, establish, and impose the covenants and restrictions contained in this Declaration on the use of the Property. COUNTY also covenants and represents that the Property is free and clear of any and all liens, mortgages, or encumbrances that could impair County's right to impose the covenants and restrictions contained in this

Declaration or that would be superior to the covenants and restrictions contained in this Declaration.

8. COUNTY agrees to incorporate this Declaration in any subsequent deed or other written legal instrument by which COUNTY transfers or conveys fee simple title or any other lesser estate in the Property or any part thereof to a third party either verbatim or by making an express reference to this Declaration and specifically identifying the official records book and page at which this Declaration is recorded in the public records of Alachua County, Florida. COUNTY further agrees to give written notice to TRUSTEES of the conveyance or transfer of any interest in the Property at least 30 days prior to the date of such conveyance or transfer.

9. All notices, consents, approvals, or other communications hereunder shall be in writing and shall be sent by United States certified mail, return receipt requested, or shall be hand delivered by a recognized national overnight courier service, to the appropriate address indicated on the first page of this Declaration or to any other address or addresses as either party may designate from time to time by notice given in accordance with this paragraph.

10. The failure by TRUSTEES to enforce any covenant or restriction contained in this Declaration shall in no event be deemed a waiver of such covenant or restriction or of the right of TRUSTEES to thereafter enforce such covenant or restriction.

11. Any modification, release, or cancellation of the provisions of this Declaration shall only be valid when such modification, release, or cancellation has been reduced to writing, duly executed by or on

behalf of COUNTY and TRUSTEES and recorded in the public records of Alachua County, Florida.

12. If COUNTY violates any covenant or restriction contained in this Declaration, COUNTY, at the sole option of TRUSTEES, shall convey all of its right, title and interest in and to the Property to TRUSTEES for no consideration.

IN WITNESS WHEREOF, COUNTY has executed this Declaration on the day and year first above written.

Executed and delivered in our presence:

ALACHUA COUNTY, FLORIDA
By its Board of County Commissioners

Mark J. Hill
Witness Signature

By: Paula M. DeLaney
Paula DeLaney, Chair

MARK J. HILL
Printed/Typed Name

Markesha Jean
Witness Signature

(OFFICIAL SEAL)

MARKESSHA BOYKIN
Printed/Typed Name

ATTEST: J. K. Buddy Irby
J. K. Buddy Irby, Clerk

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 10th day of April, 2007, by Paula DeLaney and J.K. Buddy Irby, as Chair and Clerk, respectively of the Board of County Commissioners of Alachua County, a charter county and political subdivision of the State of Florida, on behalf of Alachua County. They are personally known to me.

Lisa M. Vaidyanathan
Notary Public, State of Florida
Lisa M. Vaidyanathan
Print/Type Notary Name

Commission Number: DD249545

Commission Expires: October 17, 2007

Approved as to form and legality

By: David W. Hynes
Alachua County Attorney



Lisa M. Vaidyanathan
MY COMMISSION # DD249545 EXPIRES
October 17, 2007
BONDED THRU TROY FAIR INSURANCE, INC.

EXHIBIT "A"

A TRACT OF LAND SITUATED IN SECTION 13, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION FOR A POINT OF REFERENCE AND RUN S01°00'04"E, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 684.89 FEET TO A STEEL ROD AND CAP STAMPED "PLS 4788" MARKING THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2621, PAGE 655 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE CONTINUE S01°00'04"E, ALONG SAID EAST LINE OF SECTION 13 AND ALSO ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 1112.36 FEET TO A STEEL ROD AND CAP STAMPED "PLS 4788" MARKING THE SOUTHEAST CORNER OF SAID LANDS; THENCE RUN S89°56'20"W, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 1408.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S89°56'20"W, ALONG SAID SOUTH LINE, A DISTANCE OF 166.82 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075" MARKING THE EASTERNMOST POINT OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2218, PAGE 2945 OF SAID PUBLIC RECORDS, SAID POINT BEING AT THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 30°03'02"; THENCE RUN ALONG THE NORTH LINE OF SAID LANDS, ALONG SAID CURVE, AN ARC LENGTH OF 183.57 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N75°02'44"W, 181.47 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075" AT THE END OF SAID CURVE; THENCE RUN N60°04'34"W, ALONG SAID NORTH LINE, A DISTANCE OF 59.61 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075", SAID POINT BEING AT THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, SAID CURVE HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF 29°58'25"; THENCE RUN ALONG THE NORTH LINE OF SAID LANDS, ALONG SAID CURVE, AN ARC LENGTH OF 235.41 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N75°02'50"W, 232.74 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075" AT THE END OF SAID CURVE; THENCE RUN S89°57'34"W, ALONG SAID NORTH LINE, A DISTANCE OF 17.04 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075", SAID POINT BEING AT THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, SAID CURVE HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF 33°00'06"; THENCE RUN ALONG THE NORTH LINE OF SAID LANDS, ALONG SAID CURVE, AN ARC LENGTH OF 259.19 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S73°27'30"W, 255.63 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075" AT THE END OF SAID CURVE; THENCE RUN S56°55'59"W, ALONG SAID NORTH LINE, A DISTANCE OF 14.85 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075", SAID POINT BEING AT THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, SAID CURVE HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 32°56'51"; THENCE RUN ALONG THE NORTH LINE OF SAID LANDS, ALONG SAID CURVE, AN ARC LENGTH OF 201.27 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S73°28'55"W, 198.50 FEET TO A CONCRETE MONUMENT STAMPED "LB 5075" MARKING THE END OF SAID CURVE AND ALSO BEING THE WESTERNMOST POINT OF SAID LANDS; THENCE RUN S89°56'19"W, ALONG THE AFOREMENTIONED SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2621, PAGE 655, A DISTANCE OF 2023.64 FEET TO A STEEL ROD AND CAP STAMPED "PLS 4788" MARKING THE SOUTHWEST CORNER OF SAID LANDS WHICH ALSO LIES ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24; THENCE RUN N29°29'24"E, ALONG WEST LINE OF SAID LANDS AND ALSO ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1013.06 FEET TO AN IRON PIPE MARKING THE BEGINNING OF A CURVE CONCAVE

SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF 5593.43 FEET AND A CENTRAL ANGLE OF $10^{\circ}12'52''$; THENCE ALONG SAID WEST LINE AND ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID CURVE, AN ARC LENGTH OF 997.17 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF $N34^{\circ}38'57''E$, 995.85 FEET TO A STEEL ROD AND CAP STAMPED "PLS 4788" MARKING THE NORTHWEST CORNER OF SAID LANDS AND ALSO MARKING THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2870, PAGE 696 OF SAID PUBLIC RECORDS; THENCE CONTINUE, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG A CURVE CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF 5593.43 FEET AND A CENTRAL ANGLE OF $00^{\circ}26'18''$, AN ARC LENGTH OF 42.80 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF $N39^{\circ}58'32''E$, 42.80 FEET, TO A CONCRETE MONUMENT STAMPED "PLS 6185"; THENCE RUN $N88^{\circ}39'45''E$, ALONG THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2870, PAGE 696, A DISTANCE OF 127.02 FEET TO A STEEL ROD AND CAP STAMPED "FDOT"; THENCE RUN $N00^{\circ}53'50''E$, A DISTANCE OF 5.55 FEET TO A CONCRETE MONUMENT STAMPED "PLS 6185"; THENCE RUN $S89^{\circ}15'23''E$, ALONG SAID NORTH LINE AND ALSO ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2870, PAGE 692, A DISTANCE OF 1910.09 FEET; THENCE RUN $S00^{\circ}44'37''W$, A DISTANCE OF 1714.66 FEET TO THE POINT OF BEGINNING.

BSM: Mary Lewis

DATE: 3/27/07

Exhibit B

Legal Description of the Alachua County Agriculture and Equestrian Center Property

A tract of land lying in Section 35, Township 9 South, Range 17 East, Alachua County Florida, being more particularly described as follows:

For a Point of Reference, Commencing at the Southwest corner of Section 35, Township 9 South, Range 17 East, said point being marked by a nail with disk marked PRM/PCP LB7239; thence N.01°56'01"W., along the West line of said Section 35, a distance of 145.70 feet to an intersection with the North Right of Way Line of State Road No. 26; thence N.88°13'40"E., along said North Right of Way Line, a distance of 1065.07 feet, said point being the POINT OF BEGINNING and the beginning of a curve to the right, of which the radius point lies N.01°46'20"W., a radial distance of 25.00 feet and having a chord bearing of N.47°15'17"W., 35.06 feet; thence northwesterly along the arc, through a central angle of 89°02'06", a distance of 38.85 feet to a point of reverse curve to the left having a radius of 360.00 feet and a central angle of 81°07'41"; thence northwesterly along the arc, a distance of 509.74 feet to a point of reverse curve to the right having a radius of 280.00 feet and a central angle of 81°55'55"; thence northwesterly along the arc, a distance of 400.39 feet; thence N.01°56'01"W., a distance of 578.67 feet; thence N.88°13'40"E., a distance of 1,461.47 feet; thence S.01°47'16"E., a distance of 1,230.31 feet to an intersection with the said North Right of Way Line of State Road No. 26; thence S.88°13'40"W. along said North Right of Way Line, a distance of 883.27 feet to close on the POINT OF BEGINNING.

Containing 1,600,116 square feet or 36.734 acres, more or less.