

William E. Sexton

From: Robert Batsel <RBatsel@lawyersocala.com>
Sent: Thursday, October 17, 2024 10:36 AM
To: William E. Sexton; Peter Lee
Cc: henningj@cf.edu; Christopher Knife (knifec@cf.edu); Tart, Amanda; Schwartz, Thomas; Heidi Carlman
Subject: CF Property f/k/a Pioneer Garden Club Premises - Marion County Health Clinic
Attachments: 1182 1142 Deed from City to ACC, Inc..pdf; 1667 579 Release of Restrictive Covenant.pdf; 1990 Statutes - Municipal Purpose.pdf

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Pete and Will,

Good morning. I have copied President Henningsen, Chris Knife, Amanda Tart, and Tom Schwartz and am writing with a quick request concerning the property owned by the College of Central Florida adjacent to the Appleton Museum of Art. As you know, we are finalizing a lease with Marion County to utilize the property as an employee health clinic. The purpose of my email is to request a quick reply to confirm the City's agreement that the proposed use is permitted pursuant to the restrictive covenants encumbering the property, which include a reversionary interest in favor of the City. I am certain this is not an issue but requesting your reply to provide the College and County with extra assurance.

The first attachment is the 1983 deed from the City to the Appleton Cultural Center, Inc., which is the College's predecessor in interest. The deed includes conditions / restrictions requiring construction of the museum within three years, prohibiting any encumbrance or pledge of the property, and requiring that the property be used solely for "municipal purposes." The next attachment is an "Acknowledgement and Release of Restrictive Covenant" dated June 25, 1990. This acknowledges compliance and releases the first two of the foregoing conditions/covenants but restates the latter requirement that the owner shall only use the property for municipal purposes. Finally, I've attached an excerpt of then-current Section 166.021, Florida Statutes, defining "municipal purpose" as "any activity or power which may be exercised by the state or its political subdivisions."

We are confident that any use that would be a lawful use within the authority of the College, as a political subdivision, would be a "municipal purpose," including the proposed lease to the County for an employee health clinic. Before moving forward, we would appreciate your confirmation on behalf of the City by reply email.

Of course, if you have any questions or would like to discuss, please don't hesitate to let us know. Thank you, in advance.

Best,

Rob

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