



Memorandum

Memorandum No: 12-359

Date: December 24, 2012

To: Honorable Mayor and Commissioners

From: Lee R. Feldman, ICMA-CM, City Manager

Re: South Side School – Restrictions on Use

At the City Commission Conference Meeting of December 18, 2012, the City Commission requested information on the various restrictions on use at the South Side School.

1. Warranty Deed, Declaration of Restrictive Covenants dated March 26, 2004.

Section 2(b) The parcel identified as Southside North in the Interlocal Agreement between the parties, which includes the historic designated Southside School building, shall be preserved and only used for **public purposes associated with open space, recreational, historic, environmental, educational endeavors or governmental use** for the benefit of the public. These permitted uses may include administrative office space accessory to the permitted uses.

Section 2.1(a) The Property shall not be used for any purpose other than for public purposes associated with recreational, open space, historic, environmental, educational endeavors or governmental use for the benefit of the public and **not** for profit or private development.

2. Restrictive Covenant associated with State of Florida Cultural Facilities Program Grant (Grant Number 07-9009, "Southside Cultural Community Center"; \$500,000).

Section 1. This restrictive covenant shall run with the title to the facility and the associated land, shall encumber them, and shall be binding upon the Grantee and its successors in interest for (10) ten years following execution of the grant award agreement.

Section 5. The Grantee shall maintain the facility as a **"cultural facility,"** defined as a building which shall be **used primarily** for the **programming, production, presentation, exhibition** or any combination of the above functions of any of the cultural disciplines, such as: **music, dance, theatre, creative writing, literature, painting, sculpture, folks arts, photography, crafts, media arts, and historical and science museums.**

For the Commission's information, I am also attaching Memorandum 04-859, "City Ownership of Southside School Site". This memorandum, exhibit 3, contains the Warranty Deed referred to in item 1. above.

Attachment: Memorandum 04-859, "City Ownership of Southside School Site"

c: Stanley D. Hawthorne, Assistant City Manager
Susanne M. Torriente, Assistant City Manager
Harry A. Stewart, City Attorney
Jonda K. Joseph, City Clerk
John C. Herbst, City Auditor
Chaz Adams, Public Affairs Manager