

Sep 28, 2009 01:18 PM

BOOK 3909 PAGE 2085

J. K. IRBY

Clerk Of Circuit Court
Alachua County, Florida
CLERK3 Receipt # 422122

2530973

6 PGS

This Document Prepared By:
Kristie A. Williams, Land Rights Coordinator
Gainesville Regional Utilities
PO Box 147117
Gainesville, FL 32614-7117

MEMORANDUM OF LEASE

This Memorandum of Lease ("Memorandum") is executed this 28th day of September, 2009, by and between The City of Gainesville, Florida, d/b/a Gainesville Regional Utilities ("Lessor") and Gainesville Renewable Energy Center, LLC, ("Tenant") and evidences that on the 28th day of September, 2009, a Lease Agreement was executed for the real property described in Exhibit "A", attached hereto and made a part hereof ("the Premises").

1. **Lease Term.** The term of the Lease shall be for forty seven (47) years commencing on the 28th day of September, 2009 and terminating at midnight on September 28, 2056.
2. **Premises.** Subject to the terms of the Lease, Lessor has leased to Tenant the use of the Premises, and during the term of the Lease, Lessor has granted Tenant an easement for ingress, egress and utilities over that property described in Exhibit "B", attached hereto and made a part hereof, which easement is recorded in Official Records Book 3909, Page 2082 of the Public Records of Alachua County, Florida.
3. **Notices.** All notices, requests, demands, and other communications to the Lessor or Tenant shall be made at the following addresses:

Lessor:

Gainesville Regional Utilities
PO Box 147117
Gainesville, Florida 32614-7117
Att.: Robert E. Hunzinger, General Manager

Tenant:

Gainesville Renewable Energy Center, LLC
75 Arlington Street, 5th Floor
Boston, MA 02116
Att.: James S. Gordon, President

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date first set forth above.

LESSOR

Signed, sealed and delivered
in the presence of:

Print Name: Rita K. Strother

Print Name: RAYMOND C. MANASCO, JR

CITY OF GAINESVILLE, FLORIDA
d/b/a GAINESVILLE REGIONAL UTILITIES

By:
Robert E. Hunzinger
General Manager for Utilities

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TENANT

Signed, sealed and delivered
in the presence of:

Joshua H. Levine
Print Name: Joshua H. Levine
Vivek Ravishanker
Print Name: Vivek Ravishanker

GAINESVILLE RENEWABLE ENERGY
CENTER, LLC

By: James S. Gordon
James S. Gordon
President

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 28th day of September, 2009, by Robert E. Hunzinger, General Manager for Utilities, of the City of Gainesville, Florida, a municipal corporation, who is personally known to me and duly sworn, acknowledged that as such officer, and pursuant to authority from said corporation, he executed the foregoing instrument on behalf of said corporation, as its act and deed, and for the uses and purposes set forth and contained in said instrument.

Rita K. Strother
Notary Public, State of Florida
My commission expires: May 12, 2012



STATE OF Massachusetts
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me this 28th day of September, 2009, by James S. Gordon, President of Gainesville Renewable Energy Center, LLC, a Delaware Limited Liability Company, on behalf of the company. He is personally known to me or has produced _____ as identification.

Laura Martin
Signature of Notary
Print Name: Laura Martin
Notary Public, State of Massachusetts
My Commission Expires: July 4, 2014

Approved as to Form and Legality:

By: Raymond O. Manasco, Jr.
Raymond O. Manasco, Jr.
Utilities Attorney
City of Gainesville, Florida

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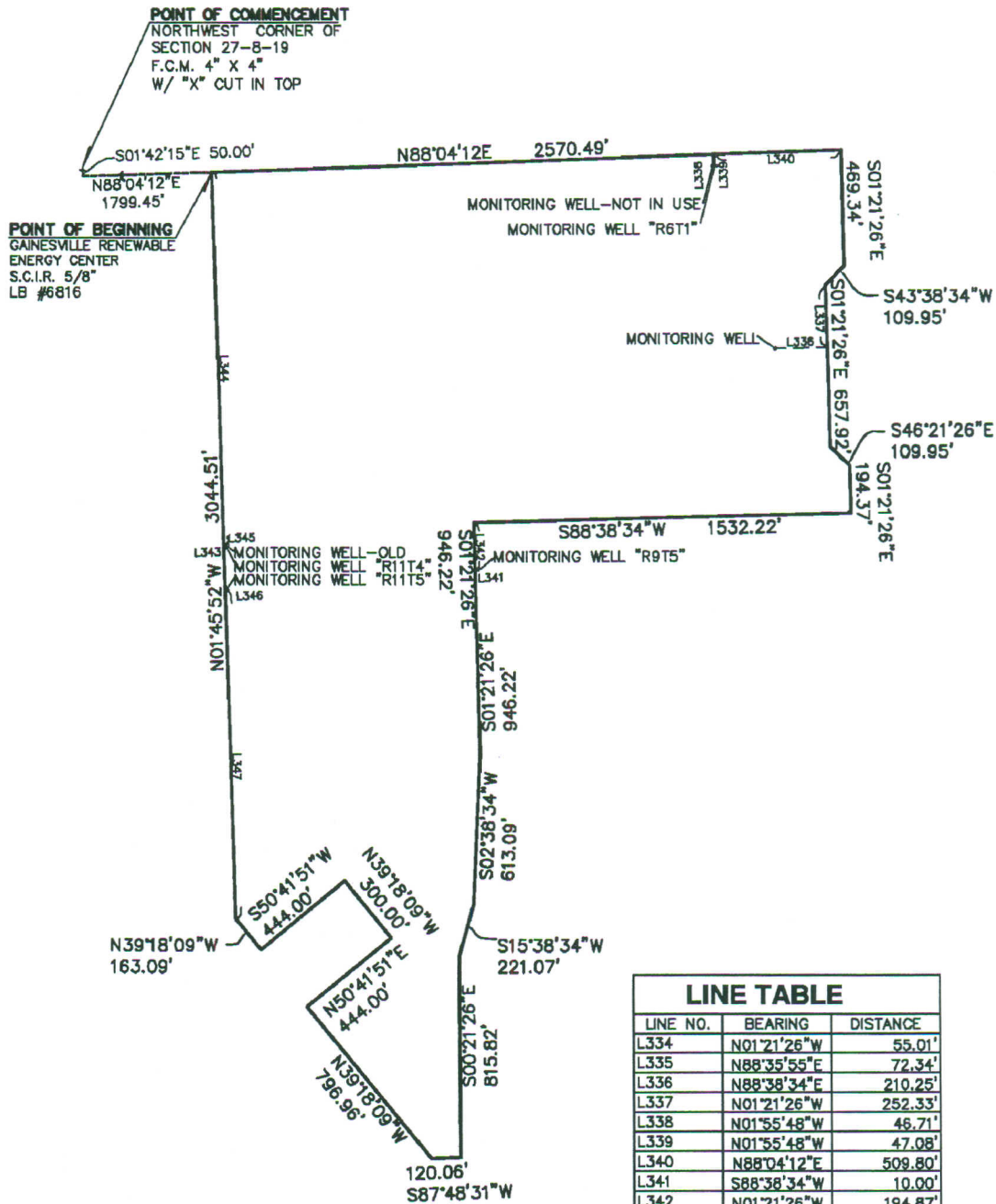
EXHIBIT "A"**Description of Premises**

A PARCEL OF LAND IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, LYING NORTH AND EAST OF THE CSX RAILROAD RIGHT-OF-WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE S 01°42'15" E, ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 50.00 FEET, TO A CONCRETE MONUMENT FOUND STAMPED "GFY LB021" MARKING THE INTERSECTION WITH THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF NW 128TH LANE; THENCE RUN N 88°04'12" E, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 1799.45 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 883, PAGE 502, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE CONTINUE N 88°04'12" E, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 2570.49 FEET; THENCE S 01°21'26" E, A DISTANCE OF 469.34 FEET; THENCE S 43°38'34" W, A DISTANCE OF 109.95 FEET; THENCE S 01°21'26" E, A DISTANCE OF 657.92 FEET; THENCE S 46°21'26" E, A DISTANCE OF 109.95 FEET; THENCE S 01°21'26" E, A DISTANCE OF 194.37 FEET; THENCE N 88°38'34" W, A DISTANCE OF 1532.22 FEET; THENCE S 01°21'26" E, A DISTANCE OF 946.22 FEET; THENCE S 02°38'34" W, A DISTANCE OF 613.09 FEET; THENCE S 15°38'34" W, A DISTANCE OF 221.07 FEET; THENCE S 00°21'26" E, A DISTANCE OF 815.82 FEET; THENCE S 87°48'31" W, A DISTANCE OF 120.06 FEET, TO A POINT LYING 100.0 FEET NORTHEASTERLY, AS MEASURED PERPENDICULAR, FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE CSX RAILROAD RIGHT-OF-WAY; THENCE N 39°18'09" W, PARALLEL WITH SAID NORTHEASTERLY RAILROAD RIGHT-OF-WAY LINE AND 100.0 FEET NORTHEASTERLY THEREFROM, A DISTANCE OF 796.96 FEET; THENCE N 50°41'51" E, A DISTANCE OF 444.00 FEET; THENCE N 39°18'09" W, A DISTANCE OF 300.00 FEET; THENCE S 50°41'51" W, A DISTANCE OF 444.00 FEET; THENCE N 39°18'09" W, PARALLEL WITH SAID NORTHEASTERLY RAILROAD RIGHT-OF-WAY LINE AND 100.0 FEET NORTHEASTERLY THEREFROM, A DISTANCE OF 163.09 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF AFORESAID EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 883, PAGE 502, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE N 01°45'52" W, ALONG SAID EAST BOUNDARY AND THE SOUTHERLY AND NORTHERLY EXTENSIONS THEREOF, A DISTANCE OF 3044.51 FEET TO THE POINT OF BEGINNING; BEING AND LYING IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.

CONTAINING 130.78 ACRES, MORE OR LESS.

EXHIBIT "A" Continued
Sketch of Premises



LINE TABLE		
LINE NO.	BEARING	DISTANCE
L334	N01°21'26"W	55.01
L335	N88°35'55"E	72.34
L336	N88°38'34"E	210.25
L337	N01°21'26"W	252.33
L338	N01°55'48"W	48.71
L339	N01°55'48"W	47.08
L340	N88°04'12"E	509.80
L341	S88°38'34"W	10.00
L342	N01°21'26"W	194.87
L343	S88°14'08"W	6.96
L344	N01°45'52"W	1524.98
L345	S88°14'08"W	11.27
L346	S88°14'08"W	6.14
L347	S01°45'52"E	1341.96

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EXHIBIT "B"**Description of Ingress/Egress Easement**

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE S 01°42'15" E, ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 50.00 FEET, TO A CONCRETE MONUMENT FOUND STAMPED "GFY LB021" MARKING THE INTERSECTION WITH THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF NW 128TH LANE; THENCE RUN N 88°04'12" E, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 1799.45 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 883, PAGE 502; THENCE S 01°45'52" E, ALONG SAID EAST LINE AND NORTHERLY AND SOUTHERLY EXTENSIONS THEREOF, A DISTANCE OF 3208.64 FEET TO A CONCRETE MONUMENT FOUND STAMPED "RLS 509", MARKING THE INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A 120.0 FOOT WIDE CSX RAILROAD RIGHT-OF-WAY; THENCE S 39°18'09" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1229.34 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE S 39°18'09" E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 120.00 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 39°18'09" W, A DISTANCE OF 161.11 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°03'17", A DISTANCE OF 143.56 FEET TO THE PT OF SAID CURVE; THENCE N 00°21'26" W, A DISTANCE OF 112.06 FEET TO THE INTERSECTION WITH THE SOUTH BOUNDARY LINE OF THE GAINESVILLE RENEWABLE ENERGY CENTER; THENCE S 87°48'31" W ALONG SAID BOUNDARY LINE, A DISTANCE OF 120.06 FEET; THENCE S 00°21'26" E, A DISTANCE OF 108.22 FEET TO THE PC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 41.11 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, THOROUGH A CENTRAL ANGLE OF 51°03'17", A DISTANCE OF 36.63 FEET TO THE PT OF SAID CURVE AND THE POINT OF BEGINNING; BEING AND LYING IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.

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EXHIBIT "B" Continued
Sketch of Ingress/Egress Easement

