

THIS INSTRUMENT PREPARED BY AND RETURN TO:
MARK A. BRIONES
McLin & Burnsed P. A.
Post Office Box 491357
Leesburg, Florida 34749-1357

**LIMITED WAIVER OF
RESTRICTIVE COVENANT**

(RESERVED FOR RECORDING)

THIS INSTRUMENT executed the ____ day of _____, 200__, by **THE CITY OF LEESBURG, FLORIDA**, Grantor, whose address is Post Office Box 490630, Leesburg, Florida 34749-0630, in favor of **LEESBURG REGIONAL MEDICAL CENTER, INC.**, as Grantee, whose address is 600 East Dixie Avenue, Leesburg, Florida 34748.

WITNESSETH:

WHEREAS, on October 12, 2000, Grantor conveyed certain real property to Grantee by Warranty Deed recorded in Official Records Book 1870, Pages 2053-2069, Public Records of Lake County, Florida; and

WHEREAS, that deed contained a restrictive covenant requiring that the property be utilized only for a hospital and those ancillary uses ordinarily associated with the hospital, and provided for title to revert to Grantor if the property at anytime was not vacant or else being used for hospital purposes or health care purposes operated directly by Grantee; and

WHEREAS, later, the Community Development Corporation of Leesburg & Vicinity, a Florida nonprofit corporation, requested that it be allowed to utilize an existing structure on the property for its offices for a limited period of time, and requested that Grantor consent to such use despite the restrictions in the deed to the contrary; and

WHEREAS, on January 20, 2004, the Grantor did grant permission for the Community Development Corporation of Leesburg & Vicinity, (here after the "CDC") to occupy the structure located at 314 North Canal Street, Leesburg, Florida, and to use the structure for it's offices, and Grantor further consented to Grantee entering into a lease with the CDC to permit such use and occupancy, despite the fact that such use is not health care related; and

WHEREAS, NOW, the CDC is interested in subleasing some of the office space at 314 North Canal Street, Leesburg, Florida, to the Lake Sumter Children's Advocacy Center, Inc.

NOW, THEREFORE, for and in consideration of the sum of \$10.00 and other good and valuable consideration, to it in hand paid, receipt whereof is hereby acknowledges, Grantor hereby grants permission for the CDC to sublease to the Lake Sumter Children's Advocacy Center, Inc., a portion of the structure located at 314 North Canal Street, Leesburg, Florida, so that the Lake Sumter Children's Advocacy Center, Inc., may use the structure in accordance with the agreement reached between Grantor and Grantee under that document recorded in Official Records Book 2498, pages 985-986, Public Records of Lake County, Florida. The execution of this instrument and the permission granted hereby for the use of this structure by the CDC and the Lake Sumter Children's Advocacy Center, Inc., shall not be implied to waive the rights of

Grantor to enforce the restrictive covenant in the deed referenced above as to any other use or occupancy of the property which is not in compliance with the literal terms of the restrictive covenant, nor does the permission granted hereby obligate Grantor to extend similar permission for any other use or occupancy which does not comply with the restrictive covenant. Except as to the specific and limited extent of the permission granted hereunder for the use of the property by the CDC and Lake Sumter Children's Advocacy Center, Inc., for office space, the restricted covenant shall continue in full force and effect and Grantor reserves all rights and remedies thereunder.

IN WITNESS WHEREOF, Grantor has caused its duly authorized representatives to set their hands in seals to this instrument.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor

Attest: _____
BETTY RICHARDSON, City Clerk

Approved as to form and content:

FRED A. MORRISON, City Attorney

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared LEWIS PUCKETT, as Mayor, and BETTY RICHARDSON, as City Clerk, respectively, who acknowledged before me on the _____ day of _____, 20__, that they executed the foregoing instrument on behalf of the City of Leesburg, Florida, and who were either {CHECK ONE} personally known to me, or who produced _____ as identification.

NOTARY PUBLIC, State of Florida

Commission Number

Type or print name of Notary

Commission Expiration Date