

This Instrument prepared by:
Herbert W.A. Thiele, Esq., County Attorney
Leon County Attorney's Office
301 South Monroe Street, Suite 202
Tallahassee, Florida 32301

NOTICE OF CLAIM OF INTEREST
IN CAPITAL CIRCLE COMMERCE PARK

THIS NOTICE OF CLAIM OF INTEREST is made this 26th day of September, 2006, pursuant to Section 712.05, *Florida Statutes* (2005), by **LEON COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida, whose address is 301 South Monroe Street, Leon County Courthouse, Tallahassee, FL 32301;

WITNESSETH

1. The name of the entity making this Notice of Claim is Leon County, Florida, a charter county and political subdivision of the State of Florida (hereinafter referred to collectively as "Claimant"). The name and address of the person filing the claim on behalf of Claimant is Parwez Alam, in his official capacity as County Administrator, 301 South Monroe Street, Leon County Courthouse, Tallahassee, FL 32301.
2. The name and address of the Owner of the property which is the subject matter of this Notice of Claim is Capital Circle Commerce Park, LLC, a Florida limited liability company, (hereinafter referred to as "Owner") c/o Joan H. Fregly, Managing Member, P.O. Box 3886, Tallahassee, FL 32315.
3. The land affected by this Notice of Claim comprises the property located in Leon County, Florida on the east side of Capital Circle Northwest, approximately 500 feet south of Old Bainbridge Road, identified by the Leon County Property Appraiser as Parcel ID No. 2106200040000, and legally described in the deeds recorded in O.R. Book 2689 at Page 119 and O.R. Book 3246 at Page 2268 of the public records of Leon County, Florida, (hereinafter the "Property").
4. The nature, description, and extent of Claimant's interest in the Property is an equitable interest based on the following circumstances regarding the Claimants relationship to the Owner and the Property:
 - a. The Owner, through its representatives Roger Leslie and Joan Fregley, made a presentation to the Claimant, through its Board of County Commissioners (the "Board"), at the Board's March 28, 2006 Workshop on Local Economic Development Issues (the "Board Workshop") wherein the Owner requested the Board to contribute \$300,000.00 toward the Owner's development of a 20,000 square-foot facility on the Property, which facility would be subsequently leased to the local branch of Freightliner of Southern Alabama, Inc. ("Freightliner") for the expansion of the Freightliner's local branch office and the creation of additional jobs in Leon County;

b. Based on the Owner's oral representations made at the Board Workshop, the contents of which can be heard beginning at the 1:35:00 (one hour thirty-five minute) point of the video archive accessible on the Board's website at <http://www.leoncountyfl.gov/admin/agenda/realworkshops.asp>, along with the Owner's written representations made in correspondence to the Board's Chairman, copies of which are attached hereto as composite Exhibit "A", the Board approved the Owner's request and directed that an incentive grant be awarded to the Owner in the amount of THREE HUNDRED THOUSAND and 00/100 DOLLARS (\$300,000.00) (the "Incentive Grant");

c. The Claimant's payment of the Incentive Grant to the Owner, on May 26, 2006, was made in reliance upon the Owner's representations to the Claimant that the Incentive Grant will be utilized for the development of a new facility on the Property for the expansion of Freightliner's local branch office which, in turn, would create new jobs in Leon County. Therefore, Claimant has an equitable interest in the Property which secures the Owner's promise to utilize the Incentive Grant as represented to the Claimant.

IN WITNESS WHEREOF, the Claimant has hereunto affixed its hands and seals on the date above first written.

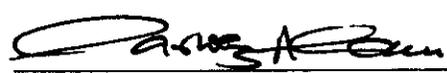
SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

LEON COUNTY, FLORIDA, a charter
county and political subdivision of the State
of Florida

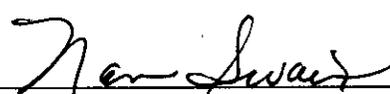


Signature of First Witness
Daniel J. Rigo

Print or Type Name of First Witness



By: Parwez Alam
Its: County Administrator

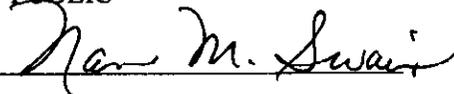


Signature of Second Witness
Nan Swain

Print or Type Name of Second Witness

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 26th day of September 2006, by Parwez Alam., as County Administrator of Leon County, Florida, and who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC
Signature 

Typed or printed name _____
My Commission expires _____

22



CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that I did on this 26 day of September, 2006, mail by certified mail a copy of the foregoing notice to each of the following at the address stated:

Capital Circle Commerce Park, LLC
c/o Joan H. Fregly, Managing Member
P.O. Box 3886
Tallahassee, FL 32315

BOB INZER
Clerk of the Circuit Court
Leon County, Florida

Luchda E. Roark
By: Luchda E. Roark
Print Name of Deputy Clerk





Since 1973
Commercial Consultants Corporation
www.ccc-net.com
Reg. Real Estate Broker
Post Office Box 3986
Tallahassee, Florida 32315
Telephone (850) 386-5184
Fax (850) 386-9479



January 30, 2006

Honorable Bill Proctor
Chairman Leon County Commission
301 South Monroe Street
Tallahassee FL 32301

Dear Chairman ^{Bill} Proctor:

Capital Circle Commerce Park (CCCP) located on Capital Circle NW is in the process of becoming the primary warehouse distribution center for Leon County. We purchased the former abandoned Bayliner Boat manufacturing plant, along with 32 acres of land, nearly three years ago. This rusting vacant 80,000 square foot building, having been designated a "brown field" by Leon County, is in the process of a remarkable transformation.

Thus far we have completely renovated the existing facility with a new roof, siding, doors, pavement, etc. We have continued investing for the future adding two additional buildings for American Tire as well as Penske Trucks, our total investment now approaching \$7,000,000.00

Freightliner Corporation has the potential of becoming a key participant in job formation in Leon County. Currently, the rather small Tallahassee branch of Freightliner Corporation at CCCP has five employees. Freightliner is currently considering doubling or perhaps tripling their current Full Time Equivalent Employees (FTE) in their Tallahassee branch to from ten to seventeen. The new employees could be hired over the next 18-24 months. These are good paying and not entry level jobs with benefits.

The expansion of the Tallahassee Freightliner branch will require a larger free standing facility within which to actualize the anticipated increased business. The current facility is too small and cannot accommodate the increased number of FTE employees.

The costs associated with the CCCP's redevelopment have been enormous. While the park is perfectly located and postured for growth, it has become necessary to acquire twenty-five additional acres to provide for buffers and natural areas. In addition, we were required to comply with the latest state and county rules and regulations concerning access, environmental issues, as well as significant storm water treatment facilities and more.

Page -2-
Honorable Bill Proctor
Chairman Leon County Commission
January 30, 2006

As this development has moved forward, we continue to receive significant increases in the costs of steel, concrete and other basic materials necessary in realizing additional growth within the park.

CCCP is requesting your consideration for a grant of \$500,000 which would be used as a match to assist in the development of Freightliner's new facility which would accommodate the new employees in Tallahassee. This grant would be a significant factor in providing an affordable competitive rent currently available in other contiguous counties. In addition, this facility would provide essential truck and parts services to many private and public entities which certainly would include Leon County, the Leon County School Board, COT and more.

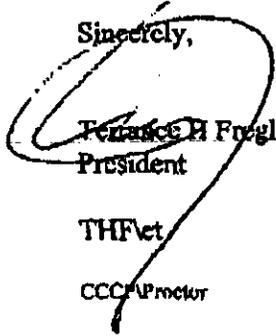
Capital Circle Commerce Park will continue growing while providing numerous benefits to Leon County and its citizens through job creation as well as revenue through increased taxes. We are currently working fervently to develop the Park, ultimately expecting to create as many as 125 local jobs within the next three years.

A much needed component of this new economic development growth could come in the form of a Technical Assistance grant of \$100,000 to assist us with economic development services at CCCP. It is anticipated that this grant could assist in marketing, planning and permit fees.

A total grant of \$600,000 from the Leon County Economic Development Initiative for expansion of the Tallahassee Freightliner operation (\$500,000) and expansion of the Capital Circle Commerce Park for Technical Assistance (\$100,000) is vital to continued growth of jobs and tax bases in this area of the County which so sorely needs your help.

Thank you in advance for your considerations.

Sincerely,



Terrance H. Frogly
President

THF/vet

CCCP/Proctor



Commercial Consultants Corporation

Reg. Real Estate Broker
Post Office Box 3886
Tallahassee, Florida 32315
Telephone: 850-386-5184
Fax: 850-386-9479

20 March 2006

Honorable William Proctor
Chairman
Leon County Commission
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301-1853

Dear Chairman Proctor:

Capital Circle Commerce Park (CCCP) hereby requests to be placed on the agenda for the March 28, 2006 Leon County Economic Development Workshop. The purpose will be for our Economic Development Team to discuss the CCCP grant application for a Leon County Economic Development Initiative of \$600,000.

The funds will be used to match our Job Creation Site Building (\$500,000) and for Job Creation Technical Assistance (\$100,000). All funds will be spent in the Capital Circle Commerce Park (CCCP) in Leon County to construct a 20,000 square foot building for the Leon County Freightliner Company and associated activities.

Thank you for your consideration.

Sincerely,


Joan Fregly