

ORDINANCE NO. 2011- 17

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ESTABLISHING PROCEDURES AND REQUIREMENTS FOR REAL PROPERTY ACQUISITION, DISPOSITION, EXCHANGE AND LEASING; PROVIDING FOR RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, County government efficiency is desired and promoted by the Board of County Commissioners; and

WHEREAS, it is in the best interest of the Board to approve this ordinance to establish procedures and requirements for County staff to acquire, dispose, exchange or lease real property for County purposes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that:

SECTION 1. The above recitals are incorporated into the body of this Ordinance and such recitals are adopted as findings of fact.

SECTION 2. Definitions:

Board means Board of County Commissioners of St. Johns County, Florida.

County means St. Johns County, Florida.

Property Appraiser means St. Johns County Property Appraiser.

SECTION 3. Determination of value.

If the proposed purchase price of real property to be acquired through purchase by the County or the value of real property, as determined by the Property Appraiser, to be disposed of through sale or exchange by the County is:

- i. One hundred thousand dollars or less, no appraisal shall be required.
- ii. Greater than \$100,000 but less than \$500,000, at least one appraisal shall be obtained prior to approval of the agreement for the purchase, sale or exchange by the Board.
- iii. Five hundred thousand dollars or more, at least two appraisals shall be obtained prior to approval of the agreement for purchase or sale by the Board.

- iv. The County, regardless of the appraised value of the property may convey such property to another governmental entity or charitable institution at a private sale for such price as the Board may establish. The conveyance shall be done in accordance with Florida Statute 125.38.
- v. The County may, at its option, utilize Federal Government or State procedures and requirements for obtaining appraisals where Federal government or State requirements for a specific transaction are different from those set forth in this section.
- vi. Acquisitions of real property from another governmental entity are exempt from the requirements of this section when the assessed value of the real property, as determined by the Property Appraiser, is greater than the purchase price of the real property.
- vii. Acquisition of real property needed to accommodate the County's Capital Improvement Projects, County Maintenance Projects, and Developer right-of-way and easement dedications are exempt from the requirements of this section.
- viii. The Board shall not be required to comply with the requirements of Florida Statute 125.355, as may be amended, unless the Board seeks to utilize the exemption from Florida Statute 119.07, as may be amended, for information relating to the purchase of real property or except as otherwise required by law.

SECTION 4. Standards and procedures for the sale or lease of real property.

- (a) Any interested person may obtain information regarding the procedures for the acquisition or lease of County owned real property by written request to the County.
- (b) Except as otherwise provided in this section, the County shall utilize one of the following types of negotiation procedures in the selection of a person to whom County owned real property may be sold or leased; invitation for bid, request for proposals, or public auction. The solicitation issued by the County shall provide for the competition and qualification standards upon which the sale or lease of County owned real property will be determined. Public notice of the County's intent to consider the sale or lease of the real property and the availability of the competition and qualification standards shall be provided a reasonable period of time prior to the date set for submission of responses to the solicitation. The County shall notify all persons who have submitted a response by United States regular mail, facsimile, email or hand-delivery of the County's intention to consider final action regarding the sale or lease of the real property at a regular meeting of the Board. The notice shall state the time and manner for making objections and shall be mailed, emailed or delivered to the address provided to the County or transmitted by facsimile to the facsimile number provided to the County.

- (c) Notwithstanding the provisions of Section 4 above, the County may, in its discretion:
- (i) Extend the term of or otherwise modify the terms of an existing lease on a finding by the Board that such extension or modification is in the best interests of the County.
 - (ii) Negotiate the sale or lease of real property with a particular person based on a finding by the Board that the person is the only person capable of reasonably utilizing the real property to the use which the Board has determined to be appropriate use of the real property. Circumstances justifying such action may include, but shall not be limited to, the location or restrictions on the use of the real property.
 - (iii) Negotiate to sell County property that promotes an economic development initiative when it's determined to be in the best interest of the public pursuant to Florida Statute 125.045(3).
 - (iv) Dispose of properties that escheat to the County pursuant to Florida Statute in the same manner as other surplus properties except when the Board makes a determination that limiting the sale of such escheated properties to adjacent property owners is in the public interest.
 - (v) Negotiate a lease of real property for a term not to exceed thirty years.
 - (vi) When the County is purchasing property to accommodate a future Capital Improvement Project the County may assume an existing tenant lease or negotiate a new lease with an owner of the property when immediate possession is not necessary. Further, the county may enter into an agreement extending these leases when such extension is in the best interest of the county.
- (d) In no event shall the sale or lease of County-owned real property violate the St. Johns County Comprehensive Plan or zoning regulations of St. Johns County.
- (e) The provision of this section shall not apply to any sale or lease of real property which is exempt from the competitive bidding requirements of Florida Statute 125.35, as may be amended; to exchanges of real property pursuant to Florida Statute 125.37, as may be amended, or to any sale or lease of real property pursuant to Florida Statute 125.38, as may be amended.

SECTION 5. Delegation of Authority.

- (a) The County Administrator shall have the authority to execute and approve Purchase and Sale Agreements, on behalf of the Board, for any acquisition of real property under the amount of \$250,000, for properties described in Section 3.vii above or otherwise, reasonably necessary to provide or improve County services, after review and eligibility confirmed with the County Attorney, and with subsequent notification of Board members, when the value of the real property is less than the Property Appraisers assessed value and when timing or condition warrant immediate action.

(b) The County Administrator or his or her designee shall have the authority to execute, on behalf of the Board, license agreements and limited term easements using standard form documents approved by the Board and such other standard form documents as may be approved by the Board from time to time.

(c) The County Administrator is authorized to utilize Florida Statute 125.35, 125.355, 125.37, 125.38 and 125.045, as may be amended from time to time, in lieu of any other provisions contained herein.

SECTION 6. Applicability.

This Ordinance shall be applicable to any acquisition, disposition, exchange, or lease of real property by the County and shall be complied with by all County departments in connection with any such transaction except as otherwise provided in this Ordinance. This Ordinance shall not apply to any disposition or acquisition of real property by the County through or as a result of eminent domain.

SECTION 7. Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be invalidated. All ordinances or parts of ordinances, which are inconsistent with any provisions of this Ordinance, are hereby repealed as to the extent of such inconsistencies.

SECTION 8. Effective Date.

This Ordinance shall become effective upon filing with the Secretary of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida this 17th day of May, 2011.

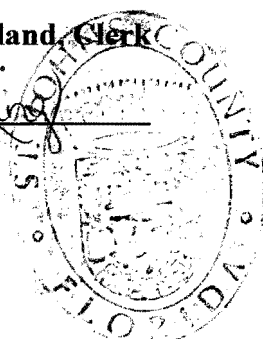
**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: _____

J. Ken Bryan, Chair

Attest: Cheryl Strickland, Clerk

By: Yvonne King
Deputy Clerk



Rendition Date: May 23, 2011

Effective Date: May 24, 2011

THE ST. AUGUSTINE RECORD

COPY OF ADVERTISEMENT

SJC MINUTES & RECORDS C/O CLERK
ATTN MS.P DEGRANDE
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L1184-11
P.O.#: HG 05-17

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

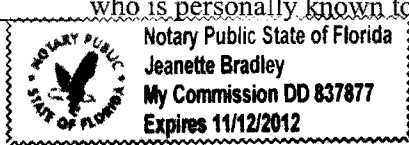
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **BRI HALL**
who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida;
that the attached copy of advertisement being a **NOTICE OF HEARING**
In the matter of **ORD FOR REAL PROPERT - HEARING MAY 17, 2011**
was published in said newspaper on **05/06/2011**

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore has been continuously published in said St. Johns County, Florida,
each day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he/she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this 6 day of May 2011
by Bri Hall who is personally known to me
or who has produced as identification

Jeanette Bradley
(Signature of Notary Public)



(Seal)

**NOTICE OF A PUBLIC HEARING
BY THE ST. JOHNS COUNTY
BOARD OF COUNTY
COMMISSIONERS**

NOTICE IS HEREBY GIVEN that
the Board of County Commissioners
of St. Johns County, Florida,
will hold a public hearing on **Tuesday, May 17, 2011 at 9:00 a.m.** in
the County Auditorium at the
County Administration Building,
500 San Sebastian View, St. Augustine,
Florida, to consider adoption of
the following ordinance:

**AN ORDINANCE BY THE BOARD
OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY,
FLORIDA ESTABLISHING PROCEDURES AND REQUIREMENTS FOR REAL PROPERTY ACQUISITION, DISPOSITION, EXCHANGE AND LEASING; PROVIDING FOR RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

The proposed ordinance is on file in
the office of the Clerk of the Board
of County Commissioners at the St.
Johns County Administration Building,
500 San Sebastian View, St.
Augustine, Florida and may be
examined by parties interested
prior to the public hearing.

Interested parties may appear at the
public hearing and be heard with
respect to the proposed ordinance.

If a person decides to appeal any
decision made by the Board of
County Commissioners with
respect to any matter considered at
the public hearing, he/she will need
a record of the proceedings, and
for such purposes he/she may need
to ensure that a verbatim record of
the proceedings is made, which
record includes the testimony and
evidence upon which the appeal is
to be based.

**NOTICE TO PERSONS NEEDING
SPECIAL ACCOMMODATIONS
AND TO ALL HEARING
IMPAIRED PERSONS:** In accordance
with the Americans with
Disabilities Act, persons needing a
special accommodation to participate
in the proceedings should contact
ADA Coordinator, at (904)
209-0650 at the St. Johns County
Administration Building, 500 San
Sebastian View, St. Augustine, FL
32084. For hearing impaired individuals:
Telecommunication Device for the Deaf (TDD):
Florida Relay Service: 1-800-955-
8770, no later than 5 days prior to
the date of the hearing.

**BOARD OF
COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**
CHERYL STRICKLAND, ITS
CLERK
By: Patricia DeGrande, Deputy
Clerk
L1184-11 May 6, 2011



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

May 24, 2011

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

2011 MAY 27 PM 3:42
CLERK OF THE SUPREME COURT
ST. JOHNS COUNTY, FL

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 23, 2011 and certified copies of Ordinance Nos. 2011-16 and 2011-17, which were filed in this office on May 24, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://info.florida.gov>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282