

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF JEFFERSON COUNTY, FLORIDA, RELATING TO THE  
DISPOSITION OF SURPLUS LANDS; PROVIDING FINDINGS;  
ADOPTING A SURPLUS LANDS POLICY; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the Jefferson County Board of County Commissioners is the fee title holder to certain parcels of real property located in Jefferson County, Florida; and

**WHEREAS**, the Board of County Commissioners is in need of a process to periodically evaluate such real property to determine whether same should be declared as surplus such that real property owned by the County can be sold for a reasonable price, returned to productive private use, and added to the tax rolls; and

**WHEREAS**, adopting a policy which governs the County's disposition of parcels of real property determined to be surplus is in the best interest of the citizens of the County.

**NOW THEREFORE, it is ADOPTED AND RESOLVED by the Board of County Commissioners of Jefferson County, Florida, as follows:**

SECTION 1: The Board of County Commissioners hereby adopts the following policy regarding the disposition of surplus lands and real property:

The Board of County Commissioners is the fee title holder to certain parcels of real property located within the County. This policy shall govern the County's disposition of parcels of real property determined to be surplus.

(1) It is the policy of the Board of County Commissioners to sell or lease real property belonging to the County only if the real property has been identified as surplus as provided herein and the Board determines that such sale or conveyance is in the best interest of the County. Any such sale or lease shall be to the highest and best bidder for the particular use the County deems to be the highest and best or as to a lease of real property, for such length of term and upon such conditions as the Board may in its discretion determine to be appropriate.

(2) The County Coordinator, or designee, may periodically review County owned real property that is not currently being used by the County and which may be considered surplus property. A property shall not be considered surplus unless there is no known potential future County use. If such potential surplus property is identified, the following information on the property, to the extent known or readily ascertainable, shall be compiled and distributed to all County departments along with a request for comments.

- a. When the property was acquired by the County and the cost of the acquisition;
- b. The original reason for acquisition by the County;
- c. The site location and description including any improvements and zoning classification;
- d. The size of the property; and

- e. The current estimate of market value.

Based on the above review and comment, a list of parcels that may potentially be considered surplus may be compiled by the Coordinator and provided to the Board. The determination as to whether a particular parcel of real property is surplus shall be at the sole discretion of the Board of County Commissioners.

(3) A sale of real property determined to be surplus shall be made only after notice thereof is published once week for at least 2 consecutive weeks in a newspaper of general circulation in Jefferson County, calling for bids for the purchase of the real property so advertised to be sold. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the Board rejects all bids because they are too low, or otherwise determines that the real property is not surplus. The Board may require a deposit to be made or a surety bond to be given, in such form or in such amount as the Board determines, with each bid submitted.

(4) Notwithstanding the above, when the Board finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the Board finds that the value of a parcel of real property is \$15,000 or less, and when, due to the size, shape, location, and value of the parcel, it is determined by the Board that the parcel is of use only to one or more adjacent property owners, the Board may effect a sale of the parcel to an adjacent owner as provided herein. As to any such parcel the County shall send notice by certified mail of the availability of such parcel to the owners of adjacent property. After waiting at least 10 working days after receipt of the notice, the Board may sell the parcel without receiving bids or publishing notice. However, if, within 10 working days after receiving such mailed notice, two or more owners of adjacent property notify the Board in writing of their desire to purchase the parcel, the County Commission shall solicit and accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

(5) In the alternative to subsections (3) and (4) herein above, the Board may at any time (regardless of whether a parcel has been declared surplus) authorize a particular parcel of real property to be listed with a licensed real estate agency or to be posted with a real estate for sale sign in absence of such a listing.

(6) If the Board receives an offer on property not previously evaluated by the County Coordinator under subsection (2) herein above, the Board shall follow the same procedures as outlined herein, as applicable.

(7) Together with other procedures set forth more particular, together with applicable Florida Statutes, in this Policy.

**SECTION 2:** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** by the Board of County Commissioners of Jefferson County, Florida, on this \_\_\_\_\_ day of October, 2019.

BY:

\_\_\_\_\_  
Chairman of the Board of Commissioners  
for Jefferson County, Florida

ATTEST:

\_\_\_\_\_  
Clerk of the Board of County Commissioners  
for Jefferson County, Florida

**BOARD OF COUNTY COMMISSIONERS  
JEFFERSON COUNTY**

**DISPOSITION OF SURPLUS LANDS  
(REAL PROPERTY) POLICY**

**JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Disposition of Surplus Real Property**

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The disposition of County owned property is governed by Chapter 125, Florida Statutes. The County Clerk of Court will be the custodian of the inventory of County owned properties.

These guidelines are provided to assist management and Board of County Commissioners when making decisions on the disposition of surplus lands.

Florida Statutes provide a number of alternative methods for the disposition of county surplus property. These include:

1. Bid sale or lease (Section 125.35(1), Florida Statutes
2. Private sale (Section 125.35(2), Florida Statutes);
3. Competitive negotiation (Section 125.35(3), Florida Statutes);
4. Conveyance to governmental entity or non-profit organization (Section 125.38, Florida Statutes);
5. Like kind exchange (Section 125.37, Florida Statutes); and

### **Determining Method of Surplus Lands Disposition**

The county coordinator may provide prioritize list of disposition options with a preferred recommendation; however, the board has sole discretion to determine the method to be used in disposing of surplus property. This is considered a discretionary act of the board and is not subject to appeal.

The county may engage the services of a Florida licensed real estate broker or auctioneer to assist in the disposing of surplus property.

### **Determination as to estimated value of land.**

The county coordinator will present to the board the estimated value of all property declared to be surplus pursuant to this article. This determination may be based upon the assessed value as set by the county property appraiser, or an appraisal prepared by an independent state certified real estate appraiser acceptable to the county coordinator. Determinations as to the estimated value of surplus land must consider and evaluate the following:

1. Configuration of the property;
2. Location;
3. Uplands/wetlands;
4. Environmental concerns;
5. Ability to develop the parcel in accordance with applicable regulations;
6. Current zoning on the parcel;
7. Highest and best use of the parcel; and
8. Encumbrances on title.

## 1) Bid Sale.

- a) Generally. The bid sale or lease process is controlled by the provisions of Section 125.35(1), Florida Statutes.
- b) *Request.* Any person may request a bid sale or lease of property by filing a written request with the county coordinator with board approval. The request must specifically identify the property and include a statement as to a bonafide intention to purchase, or to lease, the property.
- c) *Surplus determination.* If a person seeks to purchase or lease a parcel not currently in the surplus property inventory, then a recommendation as to the appropriateness of declaring the parcel surplus may be sent to the board in accordance with subsection (a), above. If the board declares the parcel surplus, then the request can proceed through the disposition process. A request to purchase or lease property already declared surplus by the board does not require additional board action until a purchase agreement or lease agreement is executed by the potential buyer and presented for board consideration.
- d) *Minimum bid determination.* The county coordinator will determine the estimated value of the surplus property as outlined in this policy and present this figure to the board for consideration in setting a minimum bid. The establishment of a minimum bid is a discretionary act of the board and is not subject to appeal.
- e) *Notice.* A notice calling for bids must be published in a newspaper of general circulation once a week for at least two weeks prior to board approval of any real estate purchase agreement resulting from the bid sale process. The notice must indicate identification and location of the subject property, where a bid package may be obtained, and the bid submittal deadline.
- f) *Bid acceptance.* All bids must comply with the county-approved bid specifications contained in bid package. Only bids meeting these specifications will be considered. Bids must be accompanied by the requisite deposit in the form of cashier's check, certified funds or a money order. Cash or personal checks will not be accepted.
- g) *Purchase agreement.* The board may enter into a real estate purchase agreement or for the sale or lease of the parcel with the highest acceptable bidder. However, the board has the right to reject any and all bids, at any time in the bid sale process, for any reason. Similarly, the board may cancel the sale.
- h) *Alternative disposition.* If the initial bid sale is not successful, the county coordinator may suggest to the board an alternative disposition method or suggest retaining the property in the surplus property inventory.

## 2) Private Sale.

- a) *Generally.* The private sale process is controlled by the provisions of Section 125.35(2), Florida Statutes. A private sale is appropriate only after the board determines that:
  - 1. The parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property; and the parcel is of use only to one or more adjacent property owners due to the size, shape, location and value of the parcel; or
  - 2. The value estimate of the parcel is \$15,000 or less, as determined by a fee appraiser designated by the board or by the county property appraiser, the parcel is of use only to one or more adjacent property owners due to the size, shape, location, and value of the parcel.
- b) *Request.* A person may request a private sale of property by submitting a written request to the county coordinator. The request must specifically identify the property and include a statement as to a bonafide intention to purchase the property. A private sale may also be recommended to the board by the county coordinator based upon the above (a) and, a review of the surplus property inventory.
- c) *Surplus determination.* If a person seeks to purchase a parcel not currently in the surplus property inventory, then a recommendation as to the appropriateness of declaring the parcel surplus may be sent to the board in accordance with subsection (a), above. If the board declares the parcel surplus, then the request can proceed through the disposition process. A request to purchase property already declared surplus by the board does not require additional board action until a purchase agreement is executed by the potential buyer and presented for board consideration.
- d) *Notice.* A written notice of the intent to sell the property under the private sale alternative must be sent to all adjacent property owners by certified mail. The notice must inform the property owners about the property for sale, how to submit an offer to purchase the parcel, the required time frame for submittal of an offer and what process will result if more than one property owner desires to purchase the parcel.
- e) *Multiple offers to purchase.* If two or more adjacent property owners notify the county of a desire to purchase the surplus parcel, then the county will solicit sealed bids from those property owners.
- f) *Purchase agreement.* The board may enter into a purchase agreement for the sale of the parcel with the highest acceptable bidder. However, the board has the right to reject any and all bids, at any time in the private sale process, for any reason, as well as cancelling the sale outright.

### **3) Competitive Negotiation.**

- a) *Authority and scope.* This section is enacted under the authority of Section 125.35(3), Florida Statutes, to prescribe additional disposition standards and procedures to be used by the county in selling, conveying, or leasing real property owned by the county for a term in excess of one year. Leasing (or otherwise providing for the use of real property) for a term of one year or less is not governed by this section. Regardless of the length of

the term, concession agreements, license agreements, operating agreements, recreational facility use agreements or other agreements requiring the use of real property owned by the county but whose primary purpose is to provide services to the county or to the public are not governed by this article.

- b) *Standards.* The board may negotiate, approve and execute lease, sale, conveyance or other development agreements for real property owned by the county to be used by a private party in a manner directly benefiting the county or otherwise for a governmental or public purpose. In no event shall the uses permitted by any such lease, sale, conveyance or other development agreement violate the county's future land use, development code regulations or comprehensive plan.
- c) *Procedures.*
  - i) The following procedures shall apply to selected transactions relating to negotiated lease, sale, conveyance or other development agreements benefiting the county or otherwise for governmental or public purposes:
    - (1) The selection of private parties for lease, sale, conveyance or other development agreements shall result from an open competitive process. Examples of competitive solicitations that comply with the terms of this section include, but are not limited to, invitations to negotiate, requests for proposals and requests for letters of interest.
    - (2) Notice of each solicitation shall be published in a newspaper of general circulation in the county not less than ten calendar days prior to the date on which responses to the solicitation are due. The notice shall indicate how copies of the solicitation can be obtained or electronically accessed by interested parties and state the date and time responses will be opened.
    - (3) The county will have the right to require additional information and interview any, all or none of the respondents. The interview format and content will be at the county's discretion. The county will have the right to conduct site visits of the respondents' facilities and/or of any current project(s) managed by the respondents.
    - (4) Solicitation submittals will be reviewed and evaluated by the county to determine how the written responses and additional information address the county's needs and requirements, as stated in the solicitation. Evaluation criteria shall include, but not be limited to the following:
      - (a) The proposed use of the property, including such details as are required by the county coordinator and/or board;
      - (b) Respondent's ability to perform its obligations under the proposed lease, sale, conveyance or other development agreement;
      - (c) The financial obligations, if any, to be borne by the county;
      - (d) Respondent's past record of performance;
      - (e) Experience of the respondent and the respondent's team, if applicable; and
      - (f) Recent, current and projected workloads of the respondent and the respondent's team.
      - (g) Additional evaluation criteria may be included in each solicitation.



- (h) The county coordinator will present the proposed lease, sale, conveyance or other development agreement to the board for consideration. The board may approve or reject the proposed lease, sale, conveyance or other development agreement in its sole and absolute discretion.
- ii) Any public-private partnership agreement entered into prior to the effective date of this section, that resulted from a competitive process, may be subsequently amended to include a negotiated lease, sale, conveyance or other development agreement, without further solicitation, if the public purpose underlying such public-private partnership agreement is not affected thereby.
- d) *Request.* A competitive negotiation may also be requested by the county coordinator based upon a review of the declared surplus property inventory. Any person may request a competitive negotiation of property by submitting a written request to the county coordinator.
- e) *Surplus determination.* If a person seeks to purchase or lease a parcel not currently in the surplus property inventory, then a recommendation as to the appropriateness of declaring the parcel surplus may be sent to the board in accordance with subsection (a), above. If the board declares the parcel surplus, then the request can proceed through the disposition process. A request to purchase or lease property already declared surplus by the board does not require additional board action until a purchase agreement is executed by the potential buyer and presented for board consideration.
- f) *Notice.*
  - i) Types of notice. Once the parcel has been properly designated surplus, notice of the availability and potential sale, conveying or lease of the parcel will be provided through and at least two of the following means:
    - (1) County Website;
    - (2) Sign on the parcel;
    - (3) Posted notice in the Courthouse;
    - (4) Mailed notice to adjacent property owners;
    - (5) Notice to names on the surplus lands mailing list;
    - (6) Newspaper advertisement at least two weeks in advanced.
    - (7) Electronic media notice or advertisement.
  - ii) Notice period/deadline for submittal of responses to a solicitation. The deadline for submittal of responses will be a minimum of 30 days from the date the notice of availability for sale, conveyance or lease is first published. For purposes of calculating the deadline date, the first day of publication will not be counted; a deadline date falling on a weekend or holiday will be moved forward to the next regular business day.
- g) *Negotiation.* The county coordinator will attempt to negotiate a purchase agreement or lease agreement with the selected respondent. All aspects of the real estate negotiation process are open for discussion, including an increase in the bid or sale price, or rent, of the property. The negotiation period will be established in the solicitation documents. If the county is unable to successfully negotiate a purchase agreement or lease agreement with the selected respondent within the negotiation period, then the county may cease

negotiations with the selected respondent and proceed to negotiations with another respondent, if any.

- h) *Purchase agreement or lease agreement.* Once a purchase agreement or lease agreement has been successfully negotiated, the agreement will be sent to the board for consideration and approval. The date the item will appear on the board agenda will be available on the county website. The board has the right to reject any and all purchase agreements or leases, at any time in the competitive negotiation process, for any reason.

**4) Conveyance to governmental entity or non-profit organization (Section 125.38, Florida Statutes)**

- a) *Generally.* The conveyance to governmental entity or non-profit organization is controlled by the provisions of Section 125.38, Florida Statutes.
- b) *Request.* The United States, or any department or agency thereof, the state or any subdivision or agency thereof, or any municipality of this state, or corporation or other organization not for profit Any person may request conveyance or lease of property by filing a written request with the county coordinator. The request must specifically identify the property and include a statement as to a bonafide intention to purchase, convey or to lease, the property for the purposes of promoting community interest and welfare.
- c) *Surplus determination.* If a person seeks to purchase or lease a parcel not currently in the surplus property inventory, then a recommendation as to the appropriateness of declaring the parcel surplus may be sent to the board in accordance with subsection (a), above. If the board declares the parcel surplus, then the request can proceed through the disposition process. A request to purchase or lease property already declared surplus by the board does not require additional board action until a purchase agreement or lease agreement is executed by the potential buyer and presented for board consideration.
- d) *Notice.* The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefore shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in such resolution. No advertisement shall be required.
- e) *Minimum offer determination.* The county coordinator will determine the estimated value of the surplus property as outlined in this policy and present this figure to the board for consideration in setting a minimum offer. The establishment of a minimum bid is a discretionary act of the board and is not subject to appeal.
- f) *Multiple offers to purchase, convey or lease.* If two or more governmental entity and/or non-profit organizations notify the county of a desire to purchase or lease the surplus parcel, then the county will evaluate each entity's organize purposes of promoting community interest and welfare and choose which will be most beneficial to the citizens. This decision is a discretionary act of the Board. It is not subject to appeal.
- g) *Purchase agreement.* The agreement should include a clause that if the entity fails to utilize the property for the approved purpose of promoting community interest and welfare for more than two consecutive calendar years, it be gifted back to the County.

## 5) Like kind exchange

- a) *Generally.* Like kind exchange is controlled by the provisions of Section 125.37, Florida Statutes.
- b) *Request.* The County Coordinator or individual board member may ask the board to consider an exchange of property not needed for county purposes be exchanged for other real property, which the county may desire to acquire for county purposes via written notice.
- c) *Surplus determination.* If a person seeks to purchase a parcel not currently in the surplus property inventory, then a recommendation as to the appropriateness of declaring the parcel surplus may be sent to the board in accordance with subsection (a), above. If the board declares the parcel surplus, then the request can proceed through the disposition process. A request to purchase property already declared surplus by the board does not require additional board action until a purchase agreement is executed by the potential buyer and presented for board consideration.
- d) *Notice.* A written notice setting forth the terms and conditions of any such exchange of property, shall be first published, once a week for at least 2 weeks in a newspaper of general circulation published in the county, before the adoption by the board of a resolution authorizing the exchange or properties.
- e) *Agreement of Exchange.* The board must adopt a resolution authorizing the exchange of properties and complete the exchange in accordance of customary real estate practices.

*Note: See Jefferson County Capital Asset Policy when dealing with Tangible Personal Property.*