

ORDINANCE NO. 2003-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF HERNANDO, STATE OF FLORIDA, TO BE KNOWN AS THE HERNANDO COUNTY PROPERTY MANAGEMENT ORDINANCE; PROVIDING FOR DESIGNATION OF A PROPERTY MANAGEMENT COORDINATOR; PROVIDING FOR THE FORMULATION AND APPROVAL OF POLICIES RELATING TO PROPERTY MANAGEMENT; PROVIDING FOR LEGISLATIVE TREATMENT OF VACATIONS OF PROPERTY DEDICATED TO THE COUNTY FOR PUBLIC USE; PROVIDING FOR IMPLEMENTATION OF AUTHORITY TO SELL AND CONVEY OR LEASE REAL PROPERTY OWNED BY THE COUNTY PURSUANT TO ALTERNATE PROCEDURES SET FORTH IN STATE STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, THAT:

Section 1. Title:

This ordinance shall be known as the Hernando County Property Management Ordinance.

Section 2. Property Management.

The County Administrator may designate a Property Management Coordinator as a function of County Administration. The Property Management Coordinator shall ensure that the processes and procedures set forth in this ordinance and any policies adopted hereunder by the Board of County Commissioners are followed by all departments under the Board's jurisdiction and authority with respect to acquisition or disposal of interests in real property.

Section 3. Policies.

The Board of County Commissioners shall adopt policies implementing this ordinance and related statutory authority, to be formulated by the County Administrator or his designees, with such amendments, revisions and additions as the Board deems proper at initial adoption or later consideration. Such policies shall provide for systematic processes and procedures pursuant to which interests in real property are acquired or disposed of by the County. The processes and procedures described therein shall specify County departments and officers whose input will be sought prior to disposal of any surplus or unneeded real property and shall further provide for implementing the process authorized under s. 125.35, Florida Statutes, as amended from time to time. Policies may also address processes and procedures for acquiring interests in real property and may set forth the review and approval process and procedure for such acquisitions. As authorized by the Board in approved budgets, the County Administrator may assign additional staff positions to the property management function as deemed appropriate to carry out the direction set forth in this ordinance and policies adopted hereunder.

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Section 4. Vacations.

Vacation of County interests in platted rights-of-way, easements or other platted areas dedicated to the public shall be pursuant to statutory requirements, as implemented by policies adopted hereunder. It shall be presumed that a petition to vacate the County's interest in real property dedicated to public use pursuant to plat thereof is a legislative function of the Board of County Commissioners.

Section 5. Implementation of statutory authority to sell and convey or lease real property owned by the County.

The Board of County Commissioners hereby adopts the following disposition standards and procedures to be used by the County in selling and conveying or leasing any real property owned by the County, pursuant to the authority vested in the Board by section 125.35(3), Florida Statutes (2001), as may be amended from time to time.

A. Sale of Property.

Upon determination that a parcel of real property owned by the County is not needed for a County purpose pursuant to policies adopted pursuant to this ordinance, the County shall advertise the property for sale to the highest bidder or negotiate a private sale as authorized by ~~pursuant to~~ the provisions of section 125.35(1) or (2), Florida Statutes, as amended from time to time, except in the following cases where the alternate procedure provided below shall apply:

(1) When the Board of County Commissioners finds and determines that the best interests of the County as a participant in the real estate market seeking maximum return will be served by listing the property for sale with a Florida licensed real estate broker, the Board may approve a listing contract upon such terms as the Board seems proper, providing for the broker to act as the County's agent for purposes of advertising the property for sale and determining qualifications and bona fides of potential buyers, and further providing that any tendered contract for sale is subject to the procedures set forth in this section with respect to advertisement, and subject to and contingent upon Board approval.

(2) When the County receives an inquiry or request from a person or a person's agent seeking to acquire the property, the Property Management Coordinator or his designee may negotiate a contract for sale of real estate with the interested person or his agent after following applicable policies and procedures for evaluating County need and determining an appropriate sale price with due regard to the best interests of the County. Such contract shall be on a form approved by the County Attorney with due regard to the matters of concern for the individual transaction contemplated. The contract shall be tendered to the interested person or his agent for execution and shall be expressly subject to and contingent upon Board approval. Notwithstanding

the foregoing, property meeting the terms of section 125.35(2), Florida Statutes, as amended from time to time, may be conveyed pursuant to the terms thereof.

Upon tender of a signed contract from a buyer pursuant to (1) or (2) above, the Property Management Coordinator shall advertise the legal description of the property and the essential price terms and significant conditions of the proposed contract in the newspaper for which the Board has contracted to publish legal notices. The advertisement shall state the date, time and place that the Board of County Commissioners will meet in regular session to consider the proposed contract for execution, and shall provide the name, office address and telephone number of the custodian of the document for purposes of inspection and copying pursuant to the Public Records Law. The advertisement shall further provide that the Board will consider any other written offers to purchase the described property and has the power to determine which of two or more competing written offers provide the most favorable combination of price and terms as to serve the best interests of the County, in the sole discretion of the Board. The advertisement shall state the deadline for submission of any such offers, which shall be no earlier than five business days from the date of publication of the advertisement and no later than 24 hours before the scheduled opening of the Board meeting on the date advertised for consideration, and specify the name, office address and office location of the person to whom such offers should be delivered. The advertisement shall also state the address to which interested persons, whether making an offer or not, may submit comments or objections in writing for circulation to members of the Board prior to the regular meeting at which action is scheduled.

The Board ~~shall~~ may consider any and all offers to purchase the property at the advertised date, time and place of the regular meeting for which the matter is scheduled on the Board's agenda. The Board reserves the right and power to postpone consideration of any and all offers to another date, time and place announced at the advertised meeting, and no further advertisement or publication shall be required. The Board or its administrative officers further reserve the right to determine whether the matter will be heard as scheduled, as with any other matter on the Board's agenda, subject only to public announcement at the scheduled date and time as to disposition of the matter.

B. Conveyance of Leasehold Interests in Real Property

(1) Surplus Airport Property.

The County Administrator or his designee shall publish the following notice four times a year in the newspaper for which the Board has contracted to publish legal notices.

PLEASE TAKE NOTICE that the Hernando County Board of County Commissioners ("Board") hereby offers for lease on a continual basis various parcels of real property owned by the County in the Airport Industrial Park, Corporate AirPark, and other locations on the property of the Hernando County Airport for industrial, commercial and/or institutional development. Terms of any lease will depend on the location and quantity of real property and other factors, and are subject to review and approval by the Board. Use of leased property is subject to covenants,

conditions and restrictions applicable to the particular property; laws, rules, regulations and orders of any state or Federal agency with jurisdiction over the property, including but not limited to the Federal Aviation Administration, the State of Florida Department of Transportation, and applicable Florida Statutes and ordinances of the Board; as well as standard or negotiated lease terms.

Parties interested in entering into negotiations for lease of particular parcels should contact the Hernando County Airport Manager/Industrial Park Administrator, 16110 Aviation Loop Drive, Brooksville FL 34609, (352) 754-4061, FAX 799-1711. [This paragraph shall include current address and communication information as amended from time to time.]

Parties offering lease terms which are most favorable overall, in the reasonable judgment of County officers or employees with delegated leasing responsibility, with respect to Hernando County's interests in any particular parcel or parcels may be tendered lease documents for execution. Interested parties are hereby placed on notice that transmittal of such lease documents to the Board for approval shall constitute a bid for lease of the specified property at the terms provided in the documents. Interested parties wishing to bid on particular parcels subject to tentative lease documents submitted to the Board must propose in writing terms which are deemed by the Board in its sole discretion to be more advantageous to the County before the date and time set by Board agenda for action on the documents; if no such proposal is made, the tentative lease documents shall be subject to approval and execution by the Board and no further complaint shall be heard. The Board hereby reserves the right to reject any such bid for lease upon determination that such bid is not in the best interests of the County as determined solely in the exercise of discretion vested in the Board under the Constitution and laws of the State of Florida. Interested persons who wish to register their names and addresses to be advised of Board agendas which include leases of surplus airport property should contact the administrative assistant to the County Administrator.

Procedures for lease of surplus airport property shall be as described in the foregoing Notice.

(2) Leasehold interests in any other real property owned by the County may only be conveyed pursuant to the procedures set forth herein for sale of County owned property.

Section 6. Severability

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Inclusion in the Code

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

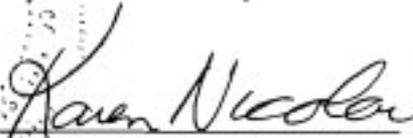
Section 8. Effective Date

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 7th day of January, 2003, A.D.

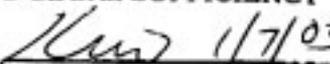
**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.**

Attest:


KAREN NICOLAI
Clerk

By:


MARY E. WHITEHOUSE
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY  1/7/03
County Attorney's Office