

NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

ORDINANCE NO.: 2009 - 06

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VII (PROPERTY MANAGEMENT) OF THE HERNANDO COUNTY CODE OF ORDINANCES BY AMENDING SECTION 2-140, SUBSECTION (2) RELATING TO CONVEYANCE OF LEASEHOLD INTERESTS IN REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, it is necessary to revise, from time to time, the County's leasing practices and procedures concerning county-owned real property (within and outside of the Hernando County Airport) to reflect updated practices and procedures.

SECTION I. Amending Chapter 2 (Administration), Article VII (Property Management), Sec. 2-140 (Implementation of statutory authority to sell and convey or lease real property owned by the county), Subsection (2) (Conveyance of leasehold interests in real property). Chapter 2 (Administration), Article VII (Property Management), Sec. 2-140 (Implementation of statutory authority to sell and convey or lease real property owned by the county), Subsection (2) (Conveyance of leasehold interests in real property) is amended to read as follows, with underlined matter added and struck-through matter deleted:

Sec. 2-140. Implementation of statutory authority to sell and convey or lease real property owned by the county.

(1) Sale of property. . . . [Subsection (1) remains unchanged]

\* \* \*

(2) Conveyance of leasehold interests in real property.

a. ~~Surplus airport~~ Real property located within Hernando County Airport. The ~~county administrator~~ Airport Manager or his designee shall publish the following notice ~~four times~~ no less than once 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, Airport Industrial Park South, Corporate AirPark, AirPark Northeast, RailPark, and other locations ~~on the property of all within the~~

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1           Hernando County Airport for industrial, commercial, manufacturing,  
2           aeronautical, aviation-related, agricultural and/or institutional  
3           development. Terms of any lease will depend on the location and quantity  
4           of real property and other factors, and are subject to review and approval  
5           by the Board.

6  
7           Use of leased property is subject to covenants, conditions and restrictions  
8           applicable to the particular property; laws, rules, regulations and orders of  
9           any state or Federal agency with jurisdiction over the property, including  
10          but not limited to the Federal Aviation Administration, the State of Florida  
11          Department of Transportation, and applicable Florida Statutes and County  
12          ordinances ~~of the Board; as well as~~ and standard or negotiated lease terms  
13          approved by the county.

14  
15          Parties interested in entering into negotiations for lease of particular  
16          parcels should contact the Hernando County Airport Manager/Industrial  
17          Park Administrator, ~~16110 Aviation Loop~~ 15800 Flight Path Drive,  
18          Brooksville FL 34609, (352) 754-4061, FAX 799-1711. [This paragraph  
19          shall include current address and communication information as amended  
20          from time to time.]

21  
22          ~~Parties offering lease terms which are most favorable overall, in the~~  
23          ~~reasonable judgment of County officers or employees with delegated~~  
24          ~~leasing responsibility, with respect to Hernando County's interests in any~~  
25          ~~particular parcel or parcels may be tendered lease documents for~~  
26          ~~execution: Should any party and the Airport Manager agree to the terms~~  
27          ~~of any proposed lease, on such lease agreement form approved by the~~  
28          ~~County Attorney's Office, the proposed lease will be scheduled for~~  
29          ~~recommended approval before the Board. Interested parties~~ All persons  
30          are hereby placed on notice that the transmittal of such a proposed lease  
31          documents to the Board for recommended approval shall constitute be  
32          construed as a "bid" for lease of the specified property parcel(s) at the  
33          terms provided in the documents ~~lease~~. ~~Interested parties~~ Any other  
34          person wishing to bid on the particular parcel(s) subject to tentative upon  
35          which a recommended lease ~~documents~~ has been submitted to the Board  
36          must propose in writing, and deliver to the Airport Manager, leasing terms  
37          which are ~~deemed by the Board in its sole discretion to be more~~  
38          advantageous to the County before the date and time set by Board agenda  
39          for action on the ~~documents~~ recommended lease under consideration; if no  
40          such proposal is made, the tentative lease documents shall be subject to  
41          approval and execution by the Board other proposed leases are timely  
42          received by the County on the same parcel(s) of land, then the  
43          recommended lease shall be deemed the only "bid" and no further

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1 complaint shall be heard. If the Board timely receives multiple bids for  
2 lease for the same parcel(s) of land, then the Board, in its sole legislative  
3 discretion, will determine which bid for lease, if any, is the most  
4 advantageous to the County.

5  
6 The Board ~~hereby~~ further reserves the right to reject any ~~such and all~~ bid(s)  
7 for lease upon determination that such bid(s) is ~~(are)~~ not in the best  
8 interests of the County as determined solely in the exercise of the  
9 legislative discretion vested in the Board under the Constitution and laws  
10 of the State of Florida.

11  
12 Interested persons who wish to register their names and addresses to be  
13 advised of Board agendas which include leases of ~~surplus~~ airport property  
14 should contact the ~~administrative assistant to the County Administrator~~  
15 Airport Manager.”

16 \*<sup>1</sup>

17 Procedures for lease of ~~surplus airport~~ real property within Hernando County  
18 Airport shall be as described in the foregoing notice and in accordance with  
19 chapter 3 of this code.

- 20  
21 b. Leasehold interests in any other real property owned by the county (i.e. not within  
22 the Hernando County Airport) may ~~only~~ be conveyed pursuant to the procedures  
23 set forth herein for the sale of county owned property in accordance with  
24 subsection (1) above, treated as a “bid” to lease the proposed parcel and acted  
25 upon by the Board in conformance with subsection (2)a. above, or as otherwise  
26 allowed under section 125.35, Florida Statutes, as amended from time to time.

27  
28 (Ord. No. 2001-12, § 5, 8-7-01; Ord. No. 2003-01, § 5, 1-7-03; Ord. No. 2009-\_\_)

29  
30 **SECTION II.** Severability. It is declared to be the intent of the Board of County  
31 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
32 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
33 the validity of the remaining portions of this ordinance.

34  
35 **SECTION III.** Repeal of Conflicting Ordinances. The provisions of any other Hernando county  
36 ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to  
37 the extent of such inconsistency or conflict.

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<sup>1</sup>/ **NOTE to Municode:** *As amended, the indented “Notice” provision has paragraph breaks and spacing which have been added (current code consists of single paragraph).*

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1 SECTION IV. Inclusion in the Code. It is the intention of the Board of County Commissioners  
2 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance  
3 shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To  
4 this end, any section or subsection of this Ordinance may be renumbered or relettered to  
5 accomplish such intention, and the word "ordinance" may be changed to "section," "article," or  
6 other appropriate designation.  
7

8 SECTION V. Effective date. This ordinance shall take effect immediately and shall be filed  
9 with the Department of State.  
10

11 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
12 HERNANDO COUNTY in Regular Session this 28<sup>th</sup> day of July, 2009.  
13

14 BOARD OF COUNTY COMMISSIONERS  
15 HERNANDO COUNTY, FLORIDA

16 Attest: *Jenine E. Minner, Deputy*  
17  
18 KAREN NICOLAI  
19 CLERK

By: *David D. Russell, Jr.*  
20  
21 DAVID D. RUSSELL, JR.  
22 CHAIRMAN  
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24  
25  
26  
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28 Approved as to Form and  
29 Legal Sufficiency

30 By: *[Signature]* 7/6/09  
31  
32 Geoffrey T. Kirk  
33 Assistant County Attorney  
34  
35