

APR 01 1982

RESOLUTION NO. #82-M-12

A RESOLUTION ADOPTING NEW RULES ESTABLISHING PROCEDURES CONSISTENT WITH SECTION 125.35, FLA. STAT., AS AMENDED BY CHAPTER 81-87, LAWS OF FLA. (1981), FOR THE SALE AND CONVEYANCE OF SURPLUS COUNTY PROPERTY; REPEALING SURPLUS PROPERTY REGULATIONS ADOPTED BY RESOLUTION DATED SEPTEMBER 15, 1980; PROVIDING AN EFFECTIVE DATE.

PREMISES

1. The Board of County Commissioners of Orange County is authorized to sell and convey any property, real or personal, belonging to the County, whenever it determines that it is in the County's best interest, pursuant to Section 125.35, Fla. Stat.
2. The Board has previously established surplus property disposal rules by Resolution dated September 15, 1980.
3. Since that time, Section 125.35, Fla. Stat., has been amended by Chapter 81-87, Laws of Fla. (1981).
4. The Board desires to adopt new rules of procedure pursuant to its home rule powers set forth in Chapter 71-14, Laws of Fla. (1971), for the sale and conveyance of surplus property that are consistent and supplemented to the procedures outlined in Section 125.35, Fla. Stat., as amended.
5. The Board expressly intends that all procedures set forth herein shall be fully consistent with, and serve merely to supplement, not circumvent, applicable state law.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Surplus Property Disposal Procedures; Adoption.

The Board of County Commissioners of Orange County hereby adopts new rules establishing procedures for the sale and conveyance of surplus County property, attached hereto as Exhibit "A". The attached rules shall be known and may be cited as the "Orange County Surplus Property Disposal Procedures."

Section 2. Repealer. The Board hereby repeals its Surplus Property Disposal Procedures previously adopted by Resolution dated September 15, 1980, and attached hereto as Exhibit "B".

Section 3. Effective Date. This Resolution and the procedures established herein shall take effect upon adoption.

ADOPTED THIS 1st DAY OF April, 1982.

  
\_\_\_\_\_  
Chairman, Board of County Commissioners

ATTEST:

  
\_\_\_\_\_  
Deputy Clerk, Board of County  
Commissioners

ORANGE COUNTY SURPLUS PROPERTY DISPOSAL PROCEDURES

Section 1.

Surplus real prpoerty shall be disposed of in accordance with the provisions of Chapter 125.35 of the Florida Statutes. Disposal is usually predicated by one of the following events; however, it shall be policy for the County to take the initiative in identifying those properties that are excess to its needs:

A) Upon request of an interested party, Right of Way will request the county agency responsible for controlling the property for their determination as to whether or not it can be declared surplus. The interested party will either be advised that the property is not available or, if declared to be disposable, then, public sale procedures shall be commenced.

B) Upon notification that surplus property will be disposed of, the Right of Way Section will confirm the County's interest by examining the original instrument of conveyance for title sufficiency, reverter clause, etc., verify the legal description and make a written inquiry of other local government agencies for potential use. For purposes of this procedure, local government agencies are defined as: the County Departments of Health, Sheriff, Sewer and Water, Highway, Parks, Pollution Control, and Community Services. Other agencies will be contacted as directed by the Board of County Commissioners. If these agencies decline the offer, then the property shall be processed for sale to the highest and best bidder.

Section 2.

A) If it appears that the property is disposable and that a sale is in order, the Right of Way Section shall recommend and request the Board of County Commissioners to declare the property as surplus and authorize sale.

B) The Property Accounting Section of the County Comptroller's Office will be contacted in order to provide an inventory of all

personal property and equipment remaining on the property and will, if necessary, effect disposition thereof in accordance with established procedures.

C) The Right of Way Superintendent will obtain an appraisal on all parcels of land offered for sale regardless of value. If the appraised value of a parcel of real property is determined to be \$1500.00 or less, then the Superintendent may recommend to the Board that the property be disposed on in accordance with Section 4 hereof.

D) The Purchasing Department will be requested to solicit sealed competitive bids for the public sale of the property to the highest bidder with such date and time of the sale to be designated in a public advertisement for bids published once a week for at least two (2) weeks in a newspaper of general circulation in the County.

E) The Right of Way Section shall cause a sign or signs to be posted simultaneously with the publishing of the newspaper advertisement on or near the property to be sold. In addition to the newspaper advertisement required by Section 125.35, the Clerk to the County Commissioners shall provide written notice and a copy of the bid package to all abutting property owners.

F) Except as provided in Section 4 hereof, bids shall be received on all surplus property regardless of value. Bids shall be received regardless of value; however, award will not normally be made for less than the approval appraisal, plus costs. Each bidder shall be required to deposit by a cashier's check, money order or other non-cancellable instrument payable to the Board of County Commissioners, a sum equal to ten (10%) percent of the bid submitted, with said sum to be applied to the purchase price in the event the bid proposal is accepted by the County. All other deposits made where the bid proposal is not accepted shall be

refunded to the bidder. At the end of the bidding period, bids will be opened by the Board of County Commissioners or its designated agent at a public meeting and the sale shall be awarded by the Board to the highest bidder who complied with the terms and conditions set forth in the newspaper advertisement. The Board of County Commissioners can, if no offer is received, for at least the minimum sale price, approve a sale of the property at the highest price actually offered. The County shall in all cases reserve the right to reject any and all bids submitted.

Section 3.

Once the highest bidder has been determined, and upon receipt of the purchase price in cash or by cashier's check, the County Attorney's Office will have prepared and reviewed the transfer document to make sure it complies with the provisions of Chapter 125.411, Florida Statutes.

Section 4.

When the Board of County Commissioners finds that the value of a parcel or real property is \$1500.00 or less, as determined by an appraiser designated by the Board, and that due to the size, shape, location, and value of the parcel it is determined by the Board of County Commissioners that the parcel is only of use to one or more adjacent property owners, the Board may effect a private sale of the parcel. The Board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if two or more owners of adjacent property notify the Board within ten (10) working days after receiving such mailed notice of their desire to purchase the parcel, then the Board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

Section 5.

To the extent permitted by law, the sale of complete public utility systems is exempt from the procedures contained herein.

Section 6.

Nothing in these procedures is intended to conflict with Section 125.35, Florida Statutes. Therefore, if any provision of these rules conflicts with general law, such general law shall prevail and govern to the extent of the conflict.