

## **ORDINANCE 2071**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING THE CITY OF FORT WALTON BEACH CODE OF ORDINANCES SECTION 2.00.05 CITY EXCESS REAL PROPERTY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Fort Walton Beach owns numerous properties throughout the City, and over the past five (5) years, the consolidation of City facilities (FWB Recreation Center & Field Office Complex) has rendered some of the City-owned properties vacant and available for City Council to declare as surplus property; and

**WHEREAS**, Chapter 2.00.05 of the City's Code of Ordinances sets forth the process for the disposition of City-owned surplus properties; and

**WHEREAS**, on April 27, 2021, City Council discussed standardizing the process for disposition of surplus properties and requested the City Manager to develop a revised ordinance updating the process.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

#### **SECTION 1. AUTHORITY AND INTENT**

The authority for enactment of this ordinance is contained in Chapter 166.021 of the Florida Statutes and Section 2 of the City Charter.

#### **SECTION 2. AMENDMENT OF CODE OF ORDINANCES SECTION 2.00.05 CITY EXCESS REAL PROPERTY**

##### **SECTION 2.00.05 – CITY EXCESS REAL PROPERTY**

The City Manager and/or the City's Real Estate Consultant may, from time to time recommend to the City Council the disposal of City real property which is unneeded for immediate or foreseeable future development/use requirements of the City. The City Manager shall submit a report and recommendation to the City Council for review and determination whether the parcel is unneeded for the immediate and future development/use requirements of the City and should be declared excess. No property shall be considered as unneeded for the immediate and future development/use requirements of the City if the City has any existing or projected development/use for the property. The term development/use as used herein excludes utilization for public utilities purposes which may be reserved to the City upon disposal of the property.

**2.00.051 Disposition Procedures:** Upon the City Council determining the parcel to be excess real property, the City Manager and/or the City's Real Estate Consultant shall proceed with the procedures set forth below to dispose of such excess real property.

The City Manager and/or the City's Real Estate Consultant shall secure one independent appraisal of the property by appraisers qualified to conduct appraisals for the State of Florida by general law.

Any City real property declared to be surplus by the City Council may be disposed of in a manner declared by the City Council, including but not limited to sealed bid, auction and negotiated sale.

Each property declared surplus will be placed on the open market for a minimum of thirty (30) days after the receipt of the independent appraisal. The City's Real Estate Consultant shall be responsible for the advertising and marketing of each surplus property.

~~The City Manager City's Real Estate Consultant shall cause written notice of intent to dispose of property to be sent to abutting property owners, if any, and advertised twice in the legal advertisement section in a newspaper having general circulation within the City; advising the date by which proposals or offers must be received.~~

The City's Real Estate Consultant shall accept and evaluate all proposals to purchase the property and shall bring forth a recommendation to City Council as to which proposal to accept, if any. City Council shall have the final decision authority on which proposal to accept, if any.

~~Once a contract for sale has been negotiated to the satisfaction of the City Manager and proposed purchaser, the City Manager shall cause said contract to be submitted to the City Council for its review and approval.~~

**2.00.052 Contract for Sale; Council Review and Approval:** The City Council shall review the recommendation of the City's Real Estate Consultant ~~any proposed contract for sale~~ and make a determination as to whether said recommendation ~~contract~~ is approved or disapproved.

The City Council shall approve by Ordinance the conveyance of any land of the City. At any time before the City Council approves any contract for sale, the City reserves the right to reject all offers, proposals or negotiated contracts for sale for excess real property.

The Buyer shall be responsible for all costs associated with preparing the property for development including, but not limited to, rezoning, future land use amendment, subdividing, etc.

Once the City Council approves a contract for sale of excess real property, the subject property may then be sold according to the terms of said contract. Award shall be made based upon consideration of best price and utilization of the property and development for uses benefiting the City and its citizens, in the exclusive discretion of the City Council.

**2.00.053 Authority of City Employees:** No action or statement by any City employee or by the City's Real Estate Consultant shall be construed to be official action on behalf of the City in confirming any contract for sale, as the contract may only be confirmed by the City Council.

Persons interested in purchasing property, which in order to facilitate the proposed development requires rezoning, are advised that it is the City Council that is empowered with the ultimate authority to rezone property. No employee of the City can guarantee the rezoning of the property in question.

Persons interested in purchasing property, which in order to facilitate the

proposed development requires a variance, are advised that it is the Board of Adjustment that is empowered with the authority to grant variances. No employee of the City can guarantee the success of an application for a variance.

**2.00.054 Conditions Imposed:** The City Council may require the proposed purchaser submit detailed site plans of proposed development in order to ensure that the property is developed in a manner that is consistent with the surrounding neighborhood, to which plans the purchaser shall be bound.

The City Council recognizes that each parcel of property is unique unto itself. In order to ensure each proposed purchase for development significantly contributes to the surrounding neighborhood and general needs of the City, the City Council reserves the right to place restrictions and covenants in the deed of conveyance which will guarantee accommodation of the City's public utilities provisions and the public's interest in proper and timely development of the property consistent with City Development Standards. All restrictions and conditions imposed shall be covenants running with the land, violation of which shall result in reversion of title to the City.

### **SECTION 3. SEVERABILITY.**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

### **SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: June 8, 2021

\_\_\_\_\_  
Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency

\_\_\_\_\_  
Kim M. Barnes, City Clerk

\_\_\_\_\_  
Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.