

ORDINANCE 2012-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE WALTON COUNTY CODE TO ADD A NEW DIVISION ENTITLED "REAL PROPERTY TRANSACTIONS;" REQUIRING BOARD APPROVAL OF NEED FOR ALL REAL PROPERTY TRANSACTIONS, PRICE AND COSTS OF SUCH TRANSACTIONS, AND CLOSING OF SUCH TRANSACTIONS; DELEGATING CERTAIN RESPONSIBILITIES OF TRANSACTIONS TO THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Walton County:

Section 1. Authority

The Board of County Commissioners of Walton County, Florida, pursuant to the authority of sections 125.01 and 125.018, Florida Statutes (2011), hereby enact the following provisions regarding Real Property Transactions.

Section 2. Amendment to Walton County Code

Chapter 2 of the Walton County Code is hereby amended to add provisions entitled Real Property Transactions as follows:

Real Property Transactions

2.80 Intent.

This ordinance is enacted pursuant to the provision of home rule authority provided by chapter 125, Fla. Stat. (2011). This ordinance is intended to develop uniform procedures for County real property transactions, assure appropriate documentation of County real property transactions, assure County real property transactions are negotiated equitably and in good faith and in accordance with all applicable state and federal laws, establish methods of disposing with real property owned by the County, govern the delegation of authority for any and all conveyances of any interest in real property, including, but not limited to, acquisitions, sales and dispositions, leases to others of real property owned by the County and leases to the County of real property owned by others, and all property management activities. This ordinance will govern all County real property dispositions unless otherwise exempted.

2.81 Definitions.

Appraisal. An analysis, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property.

Acquisition. When the County receives a conveyance of real property or any interest in the property through dedication, easement, fee simple title, lease, license, permit or quit claim deed.

Competitive Bidding. Receipt of written quotes from bidders with the object of obtaining the highest price and best use for the property; also, the receipt of bids by auction.

Disposition. When the County grants a conveyance of real property or any interest in the property through dedication, easement, fee simple title, lease, license, permit or quit claim deed.

Environmental Audit. An assessment of property to determine any potential of environmental contamination.

Fair Market Value. The most probable price, as of a specified date, in cash or in terms equivalent to cash, or in other precisely defined terms for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably and for self-interest, and assuming that neither is under undue duress.

Public Purpose. A purpose which has as its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of the residents of the County and not the welfare of an individual or specific class of persons.

Real Property. Physical land and appurtenances attached to the land; an identified parcel or tract of land, including improvements, if any; or all interests, benefits, and rights inherent in the ownership or use of physical real property.

Value Determination. Estimate of value as determined by the County Administrator based on surrounding land values, assessed values and comparable properties.

2.82 Board Requirements

1. The Board of County Commissioners will consider all requests for real property acquisitions and approve such requests when found to be in the best interest of the County and provide for a public purpose as defined in section 2.81 above. Upon such determination the County Administrator or the County Administrator's designee will:
 - a. Acquire appropriate appraisals/value determination.
 - b. Acquire appropriate environmental assessments.
 - c. Determine other associated costs associated with the property acquisition.
 - d. Identify the selling party.

2. The above information will be provided to the Board as an agenda item at a noticed meeting for consideration. If the Board determines it is in the best interest of the County to move forward, they will provide to the County Administrator the authority to begin negotiations for the property and provide any desired details of such negotiations including price and any special conditions. Upon such determination the County Administrator or the County Administrator's designee will:
 - a. Convey the offer terms to the selling party.
 - b. Negotiate any terms which may differ from the Boards approved price and conditions.

3. The above information will be provided to the Board as an agenda item at a noticed meeting for consideration. The Board may accept, reject or amend the negotiated terms. If rejected or amended, steps 2a&b will be repeated. If accepted the County Administrator, along with the County Attorney will:
 - a. Prepare a contract providing for the negotiated terms and conditions.
 - b. Provide documentation that the selling party agrees to the contract conditions.

4. The contract will be presented to the Board as an agenda item at a noticed meeting for consideration. The Board may approve, reject or amend the contract. If rejected or amended, steps 3a&b will be repeated. If accepted as presented, the County Administrator, along with the County Attorney will:
 - a. Determine appropriate closing procedures.
 - b. Prepare appropriate closing documents.
 - c. Provide documentation that the selling party agrees to the closing procedures and documents.

5. The closing documents will be provided to the Board at a noticed meeting for consideration. The board may accept, reject or amend the closing documents. If rejected or amended, steps 4a&b will be repeated. If accepted the Chairman is authorized to sign closing documents.

6. At any time during this process, the Board may determine to not proceed to the next step by a majority vote to discontinue the process.

2.83 Delegated Responsibilities

- a. The County Administrator will implement and comply with this policy and has the following responsibilities to:

1. Assure that all departments involved in the acquisition or disposition of real property are provided a copy of the County's current ordinance and procedures for real property dispositions.

2. Hire any expert, not including attorneys and title companies, necessary to assist with the details of the transaction in accordance with the county's purchasing approval policy.

3. Maintain documentation of all transactions with a standardized checklist that includes, but is not limited to, appraisals, contracts, environmental audits, County Administrator, County Attorney, or the Board approvals and check requests.

b. The County Attorney has the responsibilities to:

1. Advise the Board, County Administrator and staff regarding real property transactions.

2. Order and review title opinions and related work.

3. Determine and advise about the adequacy of insurance coverage requirements when necessary.

4. Draft legal documents for any transaction.

5. Conduct the closings.

6. Hire attorneys or other legal experts to assist in the real property transaction.

2.84 Dispositions of Real Property Owned by the County.

The Board will determine which County owned properties will be designated as surplus pursuant to the provisions of section 125.379, Fla. Stat., as amended.

2.85 Appraisals and Estimates of Value.

For all real property transactions, the County Administrator will prepare or obtain a value determination or an appraisal which estimates the appropriate type of value of the real property interest involved in the transaction in accordance with the following procedures:

a. For acquisitions, sales, or dispositions in which the estimated value of the real property does not exceed \$25,000, an in-house value determination or an

independent appraisal will be prepared after consultation with the county property appraiser, the effected county division or department, and the county finance staff.

b. For acquisitions, sales, or dispositions in which the estimated value of the real property is between \$25,001 and \$300,000, an independent state-certified appraiser will be retained to prepare an appraisal with an estimate of the value of the real property.

c. For acquisitions, sales, or dispositions in which the estimated value of the real property exceeds \$300,000, two independent state-certified appraisers will be retained to each prepare an independent appraisal with an estimate of the value of the real property. A recent appraisal report prepared for the property owner and for the same intended use as the County's appraisal may serve as the second appraisal if all evaluation criteria and assumptions are the same.

d. Appraisal information may be made available to the parties to the transaction pursuant to Florida law.

2.86 Environmental Audits.

The County Administrator has the discretion to determine whether an environmental audit or any other testing should be conducted on any property proposed to be acquired for the County's use.

2.87 Closing Documents.

The County Attorney is responsible for delivering copies of all closing documents, including evidence of title, and executed licenses and leases to the Clerk of Court for recording, and disseminating the appropriate originals and copies as necessary. Otherwise all real property transaction documentation will be retained pursuant to Florida law.

2.88 Exemption.

The Board of Commissioners may exempt a real property transaction from the provisions of this ordinance if it determines that a real property transaction involves property needed for county, state, or federal right of way, is less than one acre in total transaction size, and has an estimated value of less than \$25,000 for the total transaction.

Section 3. Conflicting Provisions

If any provision of the Walton County Code or an ordinance or procedure or part of an ordinance or procedure conflicts with the provisions of this ordinance, this ordinance will prevail.

Section 4. Severability

Should any section or provision of this ordinance, or any portion of it, be declared by a court of competent jurisdiction to be invalid, such decision will not affect the remainder, as a whole or any part, other than that part declared to be invalid.

Section 5. Codification

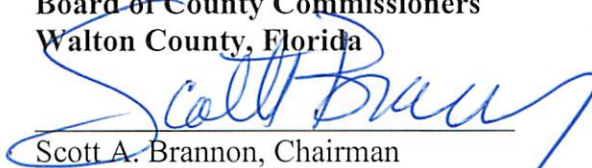
This ordinance will be codified and made a part of the Walton County Code and amend the provisions of chapter 2 of the Code accordingly.

Section 6. Effective Date

A certified copy of this ordinance will be filed with the Department of State by the clerk of the Board within 10 days after enactment and will take effect upon filing with the Department of State in accordance with section 125.66(2), Florida Statutes (2011).

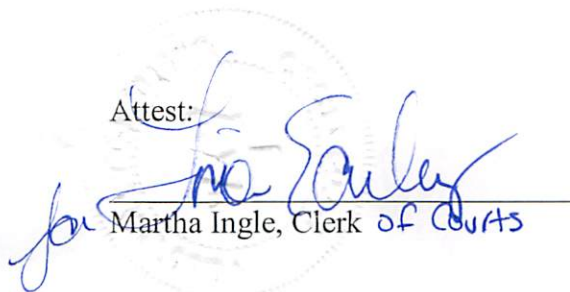
Duly adopted on June 26, 2012.

**Board of County Commissioners
Walton County, Florida**


Scott A. Brannon, Chairman



Attest:


Martha Ingle, Clerk of Courts

Approved for form and legal sufficiency:


Toni L. Craig, County Attorney

New Language is underlined.
Deleted language is ~~stricken~~.