



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC - 24
Cancels: 07/09/2013
Approved: 09/17/2024
Originator: Public Works Department
Review: 09/17/2027

TITLE: ACQUISITION, SALE, LEASE, EXCHANGE, DEDICATION AND DONATION OF REAL PROPERTY

I. Objective

To specify Board directive for Acquisition, Sale, Lease, Exchange, Dedication and Donation of Real Property for public purpose.

II. Directives

A. General

1. The County Manager, or designee, is authorized to accept delivery of, approve, and cause the recording of any deed, dedication, acquisition, exchange, grant of easement, or other instrument conveying to the County an interest in real property related to any of the following:
 - a. Approved Capital Improvements Plan (CIP) Projects.
 - b. Projects that are currently within the approved budget.
 - c. Any project or acquisition specifically approved by the Board.
 - d. Routine activities which are undertaken by staff (e.g., ditch cleaning, culvert repairs, underground utility repair, etc.) that from time to time require unexpected temporary acquisition may be pursued by Staff. In the event such an acquisition and incurred expenditures of County funds are within the purchase authority limits for the County Manager level and below, then the transaction need not be reported to the Board, as described herein.
 - e. Compliance with a condition or conditions volunteered by or imposed by an applicant in accordance with County ordinances or regulations, including, but not limited to, site plans or subdivision plans, or other regulatory approval granted by formal action of the Board.

2. Routine Actions - All interests in real property conveyed to the County that do not fall into the categories listed in Section II.A.1. above shall be placed on the Board agenda for review and approval. Land conveyances of \$200,000 or more shall be placed on the Board agenda as New Business or Unfinished Business. Land conveyances of less than \$200,000 shall be placed on the Consent Agenda.
3. Emergency Actions
 - a. In the event of a declared emergency or other urgent need (e.g. storm preparation and clean-up, on-going construction activities, etc.) that requires acquisition of property rights, the County Manager may authorize staff to proceed to acquire those rights necessary to protect the public health, safety and welfare.
 - b. Transactions under \$200,000 shall be reported by agenda report to the Board within thirty (30) days or as soon thereafter as may be practical. Those actions \$200,000 or above will be reported to the Board at a regularly scheduled Board meeting for after-the-fact ratification.
4. Appraisers and Appraisals
 - a. At least one appraisal shall be prepared by an appraiser under direct contract with the Board. However, in the case of advanced acquisition as defined in AO-37, the parcel owner may instead provide an appraisal for County use provided the appraisal is prepared by an MAI-designated appraiser if the appraiser executes a statement that no conflicts of interest exist and a disclosure statement on past associations with the property owner(s).
 - b. Pursuant to Section 125.35, Florida Statutes, if the Brevard County Property Appraiser identifies the assessed value of a property to be less than \$15,000.00, then the Property Appraiser's value can be provided in lieu of an appraisal to the Board.
 - c. Consistent with State policy, the Environmentally Endangered Lands program shall select appraisers from a list of Qualified Appraisers provided by the Division of Lands.
5. Closings and Title Defects
 - a. On behalf of the County, the County Attorney, or designee, shall be responsible for reviewing and approving all closing documents related to contracts approved by the Board. The Chair or the Vice-Chair, as appropriate, will execute the deed, or other document to be recorded in the public record, and the County Manager, or designee, is hereby authorized to execute

all remaining closing documents. The Land Acquisition representative shall attend the closing with the County Attorney's Office, except for a mail-away closing.

- b. The County Attorney shall be responsible for objecting to all defects that are material to or affect the title of the property being acquired. The user department/office director may waive the defects and proceed to closing without additional Board approval if such defects do not affect the intended use(s) of the land and the value is not diminished by more than 10% or \$10,000 (whichever is less).

- B. **Acquisition and/or Exchange** - County staff is authorized to pursue preliminary investigations and negotiations for the acquisition and/or exchange of any property deemed necessary for public projects. Acquisition of property deemed necessary for public projects shall be pursued expeditiously to minimize the potential for increased costs in times of rising real estate markets. In the event that time is of the essence, the County Manager may authorize staff to proceed with negotiations. The final contract or acceptance of an acquisition or exchange shall require Board approval, unless covered under Section II.A.1. above.
- C. **Dedication** - If a proposed private activity is dictated by the Brevard County Code (e.g., site plan, subdivision plans, etc.) requiring easements, fee simple, or right-of-way dedications in favor of the County, staff may negotiate with the property owner and complete an investigation of the property to be dedicated. If no objections are found and the dedication(s) comply with requirements of the Brevard County Code, then the County Manager, or designee, shall be authorized to approve and accept such dedication(s) on behalf of the County. If the County Manager, or designee, has concerns with or objections to said dedication(s), then the item shall be brought before the Board at a regularly scheduled meeting as New Business or Unfinished Business for review and approval or denial by the Board.
- D. **Donation** -
 1. Staff is authorized to receive, negotiate, conclude an investigation, and present the acquisition to the Board for any private real property donation to the County. The final acceptance of a donation shall require Board approval, unless covered under Sections II.A.1. and II.C. above.
 2. In the event of a proposed real property donation not covered under Section II.A.1. and II.C. above to the County, staff may negotiate, conclude an investigation, and present the acquisition to the Board at a regularly scheduled meeting for approval and acceptance.

- E. **Parcel Information** - The Property history, including taxable value, owner's name and date of acquisition, and date of real estate listing (if applicable) for properties to be acquired shall be included within the agenda report information provided to the Board.
- F. **Condemnation Action** - The Board must provide authorization to file an Eminent Domain lawsuit, and approve a "Resolution of Necessity" for condemnation action.
- G. **Maintenance Map Recording** – The Land Acquisition Office shall oversee the administrative processing and proper recording of the maintenance map document in association with the County Survey Office.
- H. **Surplus and Lease of County Property** - As applicable, Staff shall follow the procedures outlined by Florida law and Chapter 2, Article VIII, Brevard County Code, as may be amended.

III. Reservation of Authority

The authority to issue and/or revise this policy is reserved to the Board of County Commissioners.

Jason Steele, Chair
Brevard County
Board of County Commissioners

As approved by the Board on: _____