



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1727, **Version:** 1

Subject:

Permission to Develop and Advertise for Sale via Sealed Bidding Four Adjoining Properties Located at the Northeast Corner of Clearmont Street Northeast and Franklin Drive Northeast in the City of Palm Bay, Brevard County, Florida.

Fiscal Impact:

TBD - Minimum Bid Price \$748,000.00

Dept/Office:

Central Services / Asset Management

Requested Action:

It is requested that the Board of County Commissioners:

- Surplus four (4) parcels of County owned land located at the Northeast Corner of Clearmont Street Northeast and Franklin Drive Northeast in the City of Palm Bay, Brevard County, Florida; and
- Authorize Central Services to develop and advertise for sale via sealed bidding the sale of the four (4) adjoining properties located at the Northeast Corner of Clearmont Street Northeast and Franklin Drive Northeast in the City of Palm Bay, Brevard County, Florida.

Summary Explanation and Background:

The County has been contacted about selling four (4) adjoining properties Located at the Northeast Corner of Clearmont Street Northeast and Franklin Drive Northeast in the City of Palm Bay, Brevard County, Florida. These properties are located within District 3.

Florida Department of Transportation (FDOT) obtained the parcels in 2004 as an acquisition necessary for Right of Way purposes under threat of condemnation, pursuant to Sec. 337-27 F.S. FDOT conveyed the parcels by Quit Claim Deed to Brevard County in February 2013. The Quit Claim Deed went to the Board for acceptance on the February 5, 2013 Board meeting. These parcels were conveyed as part of a Joint Participation Agreement with FDOT to maintain the parcels in connection with their Palm Bay Road project. The Board Approval Memo and Joint Participation Agreement are both attached to this agenda item.

Florida Statute 125.35 states:

The Board of County Commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the County, whenever the board determines that it is to the best interest of the County to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

Brevard County Code of Ordinance Chapter 2 Article VIII Section 2-244; Sale or Lease of Real Property or Modular Structure by a Bidding Process states:

(a) **Upon a supermajority vote**, whenever the board of county commissioners determines that it is in the best interest of the county to sell or lease real property or modular structures, the board may direct the utilization of the procedures for requiring bids on the property found in F.S. § 125.35, or may utilize the alternative minimum base bid procedures provided for in this article. Notice of the intent to consider the use of such alternative minimum base bid procedures for the disposition of county real or personal property shall be published on the county internet website at least one week prior to the date of the meeting at which the county commission considers the use of the procedure. Such notice shall identify, with as much specificity as is reasonable, the real or personal property which is proposed for lease or sale.

(b) A minimum base bid for the lease or sale of real property or modular structures may be determined by:

(1) A written offer procured by a real estate broker selection pursuant [section 2-248](https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=PTIICORR_CH2AD_ARTVIIIISUREPRMOSTTR_S2-248REESBRSEPR) <https://library.municode.com/fl/brevard_county/codes/code_of_ordinances?nodeId=PTIICORR_CH2AD_ARTVIIIISUREPRMOSTTR_S2-248REESBRSEPR>.

(2) An unsolicited written offer made by a prospective lessee or purchaser.

(c) After determining the minimum base bid, the board of county commissioners may elect to advertise for bids on the property which is the subject matter of the written offer. The election to advertise for bids must be brought up as a regular agenda item at a duly noticed regular public meeting of the county commission at which members of the public are afforded the opportunity to comment on the proposed sale or lease. A copy of this article shall be made available for review by any member of the public at the location where members of the public sign up to speak on the item. The advertisement shall specify the minimum base bid and the specific terms and conditions, if any, to be bid upon. All bids shall be sealed and must contain one percent or \$150.00 whichever amount is greater, as an earnest money deposit.

(d) Upon receipt of the sealed bids, the property shall be sold or leased to the bidder submitting the highest, qualified, responsive and best bid. The offer of the prospective purchaser used to establish the minimum base bid, shall be deemed to constitute the bid of the lessee/purchaser unless a second sealed bid is submitted by the prospective lessee/purchaser. The county commission reserves the right to reject any bid, including the minimum base bid, that is not reasonably close to the fair market value of the property at the time bids are opened.

(e) If no other bids are received or if no bid exceeds the minimum base bid, the offer used as the minimum base bid shall be accepted by the county only if such minimum base bid is reasonably close to the fair market value of the property. If other bids are received, and at least one such bid is reasonably close to the fair market value of the property, the sale or lease shall be made to the highest and best bidder.

In May 2020 County Staff had an appraisal report completed on each of the four (4) parcels. The appraisals were completed as the County had received an inquiry as to the possibility of selling the parcels. The appraisal reports, which are attached to this agenda item, showed that:

- Lot 7 is 0.60 acres and holds an individual value of \$157,000.00

- Lot 8 is 0.60 acres and holds an individual value of \$157,000.00
- Lot 9 is 0.60 acres and holds an individual value of \$157,000.00
- Tract D is 0.34 acres and holds an individual value of \$90,000.00

Per the attached appraisal, when these parcels are combined into a single parcel of 2.15 acres the appraised value becomes of \$748,000.00.

On July 21, 2015 the Board of County Commissioners directed staff to begin selling surplus property by either private sale or by bidding process, pursuant to Florida Statutes 125.35, and the Code of Ordinances. These parcels were never declared surplus property and have not been previously advertised for sale. To determine whether or not to surplus these parcels, Purchasing Services contacted the various County departments and inquired as whether or not the County departments could utilize any or all of these parcels for any County business. Purchasing Services has not been contacted by any County departments stating that they have a need for these parcels.

In accordance with the above language, Central Services is requesting that these four (4) parcels be surplused in accordance with County policy and also requests permission to develop an Invitation to Bid with a minimum acceptable price of \$748,000. If approved by the Board, the bid package will be developed and advertised in accordance with statute and County Policy. Upon opening of the bids, a recommendation will be brought back to the Board for consideration.

If the Board then approves a final sale of these parcels, the funds received would be placed back into the County's General Fund.

Clerk to the Board Instructions:

None