



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraul, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: February 19, 2020
SUBJECT: Disposition of Real Property Ordinance

BACKGROUND

On December 10, 2019, the Indian River County Board of County Commissioners (the “Board”) directed the County Attorney to draft an ordinance that would allow for the use of commercial realtors for the disposition of real property, per section 125.35, Florida Statutes. On February 4, 2020, the Board authorized the County Attorney’s Office to finalize an ordinance that included four alternative procedures for the disposition of real property. The four options include a minimum base bid, a negotiated sale, coordination with the Florida Department of Transportation and a request for proposal process. Pursuant to the Board’s direction the County Attorney’s Office has finalized the draft ordinance with the four options recommended by the Board.

The different alternatives offer different advantages. The minimum base bid utilizes the traditional competitive bid process, but sets a minimum price. Thus, the process creates a level playing field with all bidders, like a traditional competitive bid, but establishes a minimum amount that the County would accept in order to sell the property, limiting the number of responses that would not be considered.

Using a real estate agent also has its advantages. A real estate agent can bring education and experience in obtaining fair value for property, as well as a list of potentially interested buyers. Real estate agents will also be motivated to complete the sale of the property. A real estate agent may also be able to bring back multiple offers to the County for consideration. Also by using a real estate agent the County is able to save staff time in completing a sale. The County will, in consultation with the broker or auction house, determine an asking price for real property based upon appraisals, comparable sales, market information and any other relevant factors.

There are advantages with coordinating with the Florida Department of Transportation when the County is looking to convey real property which is associated with a Florida Department of Transportation real estate transaction when the properties involved are part of the same Florida Department of Transportation project.

Finally, the request for proposal process may be advantageous when the Board is seeking disposal of real property in cases when price is not the only consideration of the Board. In those circumstance, the Board may also be interested in the future development of the real property.

After the Board meeting, staff expressed the desire to allow the different options to be used for the lease of property as well as the sale of property. Thus, the proposed ordinance was modified to also allow these procedures for the lease of County owned property.

FUNDING

The cost of publication of the required public notice for the public hearing was \$140.22. The cost was funded from the County Attorney's Office budget within the General Fund (account number 00110214-034910).

RECOMMENDATION

The County Attorney's Office recommends that the Chair open the public hearing for input from the public and after the public hearing the Board consider the input from the public and vote to adopt the draft ordinance with any changes deemed necessary.

ATTACHMENT

Proposed Ordinance