

DEPARTMENT: Executive Services

DATE ADOPTED: September 27, 1989

DATE OF LAST REVISION: September 1, 2010

136.01 Purpose, Authority and Scope.

The purpose of this administrative regulation is to establish a real estate policy to govern the delegation of authority for any and all conveyances of any interest in real property involving the City of Tallahassee ("City"), including, but not limited to, acquisitions, sales and dispositions, leases to others of real property owned by the City and leases to the City of real property owned by others, and all property management activities. The intent and scope of the policies and procedures contained herein shall govern all City real estate functions. The City's Property Management Division shall implement the policy and procedures contained herein, except where specifically exempted by the City Manager.

136.02 General Statement of Intent.

The intent of this policy is to insure proper accountability for any real estate transaction involving the City and to insure proper management of any real property owned or leased by the City. Further, this policy shall be followed, along with all applicable laws and professional ethics, in order to insure fair and equitable treatment to the City, the general public, and all affected property owners.

136.03 Summary of Approval Authority.

1. Department Heads are authorized to approve the following real estate transactions subject to the approval limits set forth herein:
 - a. All acquisitions of Real Estate where the purchase price does not exceed \$25,000.00, except as otherwise provided herein.
 - b. Licenses and leases of privately held property for use by the City, or of City owned property leased to others, where the annual expenditure/revenue does not exceed \$25,000.00.
2. The City Manager is authorized to approve the following real estate transactions subject to the approval limits set forth herein:
 - a. All non-capital project acquisitions of real estate where the purchase price does not exceed \$100,000.00; except as otherwise provided herein.
 - b. All capital project acquisitions on projects approved and contained in the City's Capital Budget where adequate funding is available to cover the purchase up to \$500,000.00; except as otherwise provided herein.
 - c. All temporary or special event usage leases of City owned property.
 - d. Sale of property where the fair market value does not exceed \$100,000.00.
 - e. All licenses and leases of privately held property for use by the City, or City owned property leased to others where the annual expenditure/revenue is greater than \$25,000.00 but does not exceed \$50,000.00; except as otherwise provided herein.

3. The City Commission shall review and approve all other real estate transactions, except as provided in Section 136.07.

136.04 Definitions.

1. **Appraisal.** An analysis, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate.
2. **Capital Improvement Projects.** All projects which have been approved by the City Commission in a Capital Improvement Project Budget and have been included on the list of approved projects in the 2020 Transportation plan, Comprehensive Plan, or other such City Commission declaration of interest.
3. **Competitive Bidding.** Receipt of written quotes from bidders with the object of obtaining the highest price for property, which is in the best interest of the City; also, the receipt of bids by auction.
4. **Condemnation.** The act or process of enforcing the right of eminent domain (see Eminent Domain).
5. **Dedication.** The setting aside of land for a public use by its owner, together with acceptance by or on behalf of the public, by the making, signing, acknowledging and recording of a map or plat of land in accordance with general law upon which areas appear as devoted to public use for such purposes as streets and utility and drainage easements.
6. **Designee.** A duly authorized representative of a person holding a superior position.
7. **Easement.** A right to use the land of another for a specific purpose.
8. **Eminent Domain.** The right of government to take private property for public use upon the payment of just compensation.
9. **Environmental Audit.** An assessment of property to determine any potential of environmental contamination.
10. **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.
11. **Fee Title or Fee Simple Title.** Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat.
12. **Lease.** A written document in which the rights to use and occupy land or structures are transferred by the owner to another for a specified period of time in return for a specified rent.
13. **License.** A revocable non-assignable right to go on the property of another for a limited purpose which does not operate to confer or vest in the licensee any title, interest or estate. Examples are: month-to-month parking, non-city owned utilities within rights of way and short-term use agreements.
14. **Marketable Title.** A legally defensible title which is free from material defects and acceptable to a reasonable purchaser, informed as to the facts and their legal meaning.

15. **Option Agreement.** A contract conveying a right, to be exercised by the holder of the option, to buy real estate at a specific price during a stipulated period of time.
16. **Permit.** A written revocable non-assignable authorization to use the property of another to do some act not allowable without such authority.
17. **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 City of Tallahassee and not the welfare of an individual or specific class of persons.
18. **Purchase and Sale Agreement.** A binding contract for the purchase and sale of real property subject to the conditions contained in the agreement.
19. **Quitclaim Deed.** An instrument of conveyance intended to pass such title, interest or claim as the grantor may have in the property and which contains neither warranties nor covenants of title.
20. **Real Estate.** Physical land and appurtenances attached to the land, e.g. structures. An identified parcel or tract of land, including improvements, if any.
21. **Real Property.** All interests, benefits, and rights inherent in the ownership of physical real estate; the bundle of rights with which the ownership of real estate is endowed.
22. **Surplus Property.** City owned real estate that is not currently being used by any City department and for which there is no potential identified future City use.
23. **Real Estate Committee.** A committee to review acquisitions and other real estate matters of the City comprised of the Public Works Director, City Treasurer-Clerk and the Assistant City Manager for Transportation & Development or as appointed by the City Manager.
24. **Right of Way Map.** Any map or survey prepared by or on behalf of the City that identifies the real property necessary to implement a Capital Improvement Project.
25. **Value Determination.** Estimate of value as determined by City's real estate staff, based on surrounding land values, assessed values and comparable properties, when the estimated property value does not exceed \$25,000.00.
26. **Warranty Deed.** A deed that conveys to the grantee title to the property free and clear of all encumbrances, except those specifically set forth in the document.

136.05 Responsible Departments.

1. Unless specifically directed otherwise by the City Manager, the Property Management Division shall implement and comply with this policy and shall be charged with the following responsibilities:
 - a. Developing uniform and clear procedures for all real property transactions.
 - b. Assuring uniform and clear documentation of all real property transactions.
 - c. Assuring all real property transactions are negotiated equitably and in good faith and in accordance with all applicable state and federal laws.
 - d. Assuring cost effective management of all real property not currently in use by a City department.

e. Assuring that all departments involved in the acquisition or disposition of real property are provided current Real Estate Policy.

f. Assuring that, in those instances when negotiations for the acquisition of real property under the threat of condemnation are unsuccessful, all information necessary for the filing of an eminent domain lawsuit is provided to the City Attorney.

g. Maintain documentation of all acquisitions or dispositions with a standardized checklist that includes, but is not limited to, appraisals, contracts, environmental audits, Real Estate Committee, City Manager or City Commission approvals and check requests.

h. Maintaining an accurate inventory of all City owned real property.

2. The City Attorney or his/her designee is responsible for acquiring real property through the use of the City's eminent domain power in those instances when negotiations for the acquisition of real property under the threat of condemnation are unsuccessful.
3. Purchases by the City's Electric Department, which are subject to Section 403.501 (Power Plant Site Location), Florida Statutes, are exempt from this Policy.

136.06 Appraisals and Estimates of Value.

1. For all real property transactions, the City shall 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 \$25,000.00, an in house value determination or an independent appraisal be prepared.
 - b. For acquisitions, sales, or dispositions in which the estimated value of the real property does not exceed \$300,000.00, an independent state-certified appraiser shall 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 \$300,000.00, two independent state-certified appraisers shall be retained to each prepare an 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 City's appraisal may serve as the second appraisal.
 - d. Appraisal information shall be disclosed to all parties in the approval process, unless confidentiality is provided for by operation of law.

136.07 Acquisitions by the City of Tallahassee of Real Property for Capital Improvement Projects.

If a City department desires to implement an approved capital improvements project that requires the acquisition of real property, the department shall establish the necessary work order to budget funds needed to identify location(s) or locational criteria to be used to identify the real property, and provide for the cost to purchase the real property. This information must be submitted to the Property Management Division, which will evaluate real property alternatives, research the ownership of each parcel and estimate property values as provided in Section 136.06 above. The Property Management Division, together with the responsible department head or designated contact, shall attempt to negotiate with the property owner to finalize a purchase price and secure a purchase and sale agreement.

1. Any real property to be acquired pursuant to this section that has been identified on a right of way map or survey as being necessary to implement a Capital Improvement Project may be acquired under the threat of condemnation pursuant to the guidelines provided in Section 73.015, Florida Statutes, titled Pre-Suit Negotiations, and pursuant to the following authority:
 - a. The Property Management Division shall have the responsibility to secure purchase and sale agreements for any pre-suit voluntary acquisitions of property required for City projects, subject to the approval thresholds in this policy.
 - b. Department heads have the authority to approve any purchase necessary to complete the pre-suit acquisition of any parcel of real property necessary to implement a Capital Improvement Project for which the settlement amount to a property owner is no greater than \$25,000.00, exclusive of attorney's fees and costs, if any, regardless of the City's most recent approved appraisal.
 - c. The City Manager shall have the authority to approve any purchases necessary to complete the pre-suit acquisition of any parcel of real property necessary to implement a Capital Improvement Project for which the settlement amount to a property owner is greater than \$25,000.00, but less than \$250,000.00, exclusive of attorney's fees and costs, if any, regardless of the City's most recent approved appraisal. The City Manager shall also have full authority to approve all pre-suit settlements between \$250,000.00 and \$500,000.00, exclusive of attorney's fees and costs if the settlement amount does not exceed 25% above the most recent approved appraisal. If a pre-suit settlement between \$250,000.00 to \$500,000.00 is 25% above the City's most recent approved appraisal, or the total settlement amount is over \$500,000.00, the proposed settlement will be presented to the Real Estate Committee.
 - d. The Real Estate Committee shall review and evaluate the terms and conditions of the proposed settlement and present to the City Commission for approval as an agenda item on single parcel acquisitions greater than \$500,000.00, exclusive of attorney's fees and costs, if any, and single parcel acquisitions over \$250,000.00, exclusive of attorney fees and costs, that exceed the City's most recent approved appraisal by 25% or more.
2. Property under the threat of condemnation not acquired through pre-suit acquisition will be transferred to the City Attorney's Office to be acquired through the exercise of the City's power of eminent domain pursuant to Chapter 73 and 74, Florida Statutes according to the following procedure:
 - a. The City Attorney or his/her designee shall prepare a condemnation resolution for approval by the City Commission stating the public purpose of the project and the necessity of obtaining the parcels identified for acquisition, and upon City Commission approval, file a petition with the appropriate Court to obtain title to the property.
 - b. The City Attorney shall have the authority to approve all condemnation settlements, whether land or business claims, for which the settlement amount to a property owner is no greater than \$250,000.00, exclusive of attorneys' fees and costs, and non-monetary benefits, if any, regardless of the City's most recent approved appraisal. The City Attorney shall also have full authority to approve all condemnation settlements between \$250,000.00 and \$500,000.00, exclusive of attorneys' fees and costs, if the settlement amount does not exceed 25% above the most recent approved appraisal. If a condemnation settlement between \$250,000.00 and \$500,000.00 is 25% above the City's most recent approved appraisal, or the total settlement amount is over \$500,000.00, the proposed settlement will be presented to the Real Estate Committee and City Commission for approval.
 - c. The City Attorney shall have full authority to commit to legal settlements of all items and amounts which are subject to a court ordered mediation or trial proceeding, upon the recommendation of approval from the Project Manager or Department Head. Authority to

commit to legal settlements, which result from non-court ordered mediations, shall be in accordance with the thresholds established in this section, and as set forth in Section 136.07 (3). For settlements exceeding \$500,000.00, excluding fees and costs, with an increase 25% above the most recent approved appraisal, which are achieved in a court ordered mediation, the City Attorney shall submit a report documenting the settlement to the City Manager for review within forty-five days after entry of the settlement by the appropriate court.

d. The City Attorney shall have the authority to approve deposits required by Order of Taking, which are entered by the Circuit Courts when the City acquires property through condemnation.

3. Summary of approval authority - Capital Improvement Projects. The following table summarizes the approval process of real estate acquisitions for capital improvement projects, regardless whether or not acquired under the threat of condemnation:

**Purchase Amount - Approval Authority
(Exclusive of fees & costs)**

CAPITAL PROJECT SETTLEMENT	POST SUIT SETTLEMENT
\$0 - \$25,000.00:	
Real Estate Administrator	Recommendation Assistant City Attorney
Project Manager	Recommendation Project Manager
Department Head	Final Approval City Attorney
\$25,001.00 - \$250,000.00:	
Real Estate Administrator	Recommendation Assistant City Attorney
Assistant City Attorney	Recommendation Real Estate Administrator
Project Manager and/or	Recommendation Project Manager and/or
Department Head	Recommendation Department Head
City Manager	Final Approval City Attorney
\$250,001.00 - \$500,000.00 less than 25% above appraisal	
Real Estate Administrator	Recommendation Assistant City Attorney
Assistant City Attorney	Recommendation Real Estate Administrator
Project Manager and/or	Recommendation Project Manager and/or
Department Head	Recommendation Department Head
City Manager	Final Approval City Attorney
\$250,001.00 - \$500,000.00 more than 25% above appraisal	
Real Estate Administrator	Recommendation Assistant City Attorney
Assistant City Attorney	Recommendation Real Estate Administrator
Project Manager and/or	Recommendation Project Manager and/or
Department Head	Recommendation Department Head
City Manager	Recommendation City Attorney

Real Estate Committee	Recommendation Real Estate Committee
City Commission	Final Approval City Commission
\$500,001.00 and up	
Real Estate Administrator	Recommendation Assistant City Attorney
Assistant City Attorney	Recommendation Real Estate Administrator
Department Head	Recommendation Department Head
City Manager	Recommendation City Attorney
Real Estate Committee	Recommendation Real Estate Committee
City Commission	Final Approval City Commission

136.08 Acquisitions by the City of Tallahassee of Real Property Not In a Capital Improvement Project.

If a City department desires to acquire property not previously identified in the Capital Improvement budget process, the department shall establish the necessary work order to budget funds needed to identify location(s) or locational criteria to be used to identify the real property, and provide for the cost to purchase the real property. This information must be submitted to the Property Management Division, which will evaluate real property alternatives, order title work to research the ownership of each parcel and estimate property values, as appropriate. The Property Management Division, together with the responsible department head or designated contact, shall attempt to negotiate with the property owner to finalize a purchase price and secure a purchase and sale agreement. The Property Management Division shall have the responsibility to secure purchase and sale agreements for any pre-suit voluntary acquisitions of property required for City projects, subject to the approval thresholds in this policy.

1. Department heads have the authority to approve the acquisition of any real property necessary for a Non-Capital Improvement Project which is needed for City purposes for which the purchase price is not greater than \$25,000.00, exclusive of attorney's fees and costs, if any, regardless of the City's most recent approved appraisal.
2. The City Manager shall have the authority to approve any purchases necessary to complete the acquisition of any real property necessary for a Non-Capital Improvement Project which is needed for City purposes and for which the acquisition is greater than \$25,000.00 but less than \$100,000.00, exclusive of attorney's fees and costs, if any, regardless of the City's most recent approved appraisal.
3. The Real Estate Committee shall review and evaluate the terms and conditions of all offers that exceed \$100,000.00 and present to the City Commission for consideration for approval as an agenda item.
4. Summary of approval authority - Non-Capital Improvement Projects. The following table summarizes the approval process for non-capital project real estate acquisitions.

**Purchase Amount - Approval Authority
(Exclusive of fees & costs)**

\$0- \$25,000.00

Real Estate Administrator

Recommendation

Project Manager	Recommendation
Department Head	Final approval
\$25,000.00 - \$100,000.00	
Real Estate Administrator	Recommendation
Department Head	Recommendation
City Manager	Final Approval
\$100,001.00 and up	
Real Estate Administrator	Recommendation
Department Head	Recommendation
Real Estate Committee	Recommendation
City Manager	Recommendation
City Commission	Final Approval

136.09 Real Property Owned by Others: Receipt by City of Offers to Sell or Donate Real Property.

1. Any owner desiring to sell or donate real property to the City should deliver a written offer to the Property Management Division. In the event another City department is directly connected with an offer to sell or donate real property the Property Management Division shall be so notified by said City department.
2. Upon receipt of such offers, the Property Management Division shall circulate the offer to the appropriate departments for their review and comment as to any interest in the property for planned or future City projects.
3. If a City need for the real property is identified, the City Property Management Division shall prepare a written report to the City Manager with the following information included:
 - i. the estimated costs to the City if the offer is accepted;
 - ii. comments received from applicable City department identifying the existing and future need of the real property; and
 - iii. recommendations on whether to pursue the offer and on the potential funding source(s).
4. If the City Manager concurs with the Property Management Division's recommendation to pursue the offer, the Property Management Division shall proceed with the acquisition in accordance with the procedure in Section 136.08. All other requirements imposed by the Real Estate Policy, including but not limited to, obtaining a value determination or appraisal, completing title work, etc. shall apply to purchases under this section.

136.10 Real Property Owned by Others: Licenses and Leases to the City.

1. A City department with a need to enter into a license, lease or lease purchase agreement for real property owned by others shall notify the Property Management Division and provide

pertinent information about the real property, including, but not limited to locational criteria, dimensions required, and evidence that approved funding is available for the lease.

2. The Property Management Division may also identify alternative properties suitable to the need of the City department and after consultation with the department negotiate the terms and conditions of the license or lease to best meet the needs and budgetary constraints of the City.
3. Department Heads shall have the authority to approve and execute any and all documents necessary to complete a license or lease to the City of any real property owned by others and needed for City purposes for which the annual fee or rental amount does not exceed \$25,000.00 with the recommendation of the Real Estate Administrator. The Property Management Division will negotiate, or assist in negotiating, all leases within this approval authority.
4. The City Manager shall have the authority to approve and execute any and all documents necessary to complete a license or lease to the City of any real property owned by others and needed for City purposes for which the annual fee or rental amount does not exceed \$50,000.00 with the recommendation of the Real Estate Administrator. The Property Management Division will negotiate, or assist in negotiating, all leases within this approval authority.
5. The Real Estate Committee shall review and evaluate the terms and conditions of any license or lease agreement for which the amount exceeds the City Manager's authority and present to City Commission for consideration as an agenda item summarizing the agreement, which must be approved by the City Commission.
6. The City Attorney's office shall review and approve all license or lease agreements for form and content entered into by the City for use of property owned by others.
7. The City Attorney's office shall be responsible for obtaining the approval of Risk Management to assure adequacy of insurance coverage and other provisions needed to protect the City's exposure to risks.

136.11 Real Property Owned by the City of Tallahassee: Licenses and Leases to Others.

1. An individual or entity interested in leasing real property owned by the City shall express such interest in the form of a written request to the City. The written request shall be delivered to the Property Management Division or the appropriate Department and, upon receipt, the Property Management Division shall determine whether the real property is being managed and maintained by a City department(s), and if so, the lease request will be forwarded to that department(s) for its review and recommendation. Requests to lease real property from the City received directly by a City department shall be forwarded to the Property Management Division to be processed pursuant to Real Estate Policy, Section 136.11, with the exception of Aviation leases, Community Center leases, dark fiber leases and joint use pole agreements which may be initiated and negotiated by the Department.
2. The Property Management Division shall review all proposed leases of City property. Those leases initiated and or negotiated by the Department will be forwarded to the Real Estate Administrator for review prior to making a final recommendation to the approving authority as outlined herein.
3. Department Heads shall have the authority to approve and to execute any and all documents necessary to complete a license or lease of any real property owned by the City and for which the annual rental amount does not exceed \$25,000.00 with the recommendation of the Real Estate Administrator.

4. The City Manager shall have the authority to approve and to execute any and all documents necessary to complete a license or lease of any real property owned by the City and for which the annual rental amount does not exceed \$50,000.00 with the recommendation of the Real Estate Administrator.
5. The Real Estate Committee shall review and evaluate the terms and conditions of any license or lease agreement for which the amount exceeds the City Manager's authority. The Property Management Division shall present the agenda item summarizing the agreement to the City Commission for consideration and approval.
6. The only exception to the aforementioned approval procedures are leases for Certified Airlines that will provide scheduled passenger and/or cargo service at the Airport as either a Signatory, Non-Signatory or Affiliated Airline. These leases shall be approved and executed by the Director of Aviation upon approval as to form and content by the City Attorney or his/her designee and reviewed by the Real Estate Administrator. All other licenses for non-certified Airlines shall be subject to the provisions of this policy.
7. All license and lease documents shall be approved as to form and content by the City Attorney or his/her designee.
8. The City Attorney's Office shall be responsible for obtaining approval of the license or lease from the Department of Risk Management for adequacy of insurance coverage and other provisions needed to protect the City's exposure to risk.
9. All lease files managed by the Property Management Division will be maintained and entered into the Electronic Data Management System (EDMS). Departments managing leases shall notify the Property Management Division and submit the original document to the Treasurer-Clerk for entry into EDMS.

136.12 Real Property Owned by Others: Acquisition of Real Property for Future City Use/Land Bank Program.

The City has established a land-banking program to be used to acquire project specific land for future use by the City for recreational facilities, low-income housing, fire stations, or other projected future City facilities. This program is to acquire property that may become available and is determined to be necessary for future City needs and which has no capital funding. Each City Department that has property needs that are not funded shall provide these criteria to the Property Management Division. Consideration shall also be given to acquire property through the development agreement process or any other means available to the City such as donations, etc. This program shall be administered by the Property Management Division, pursuant to the following procedure:

- a. Any City department that identifies a need for property outside of the capital budget process shall document the proposed use and potential funding source and submit to the City Manager for approval to pursue acquisition. The Property Management Division will be responsible for negotiating a purchase agreement subject to City Commission approval.
- b. All properties being considered for purchase under the program shall be presented to the City Commission in a written report, which includes the following information for each property: (i) the location, (ii) description, (iii) intended use, (iv) estimate of value, and (v) proposed purchase price. In an effort to minimize future acquisition costs, the Real Estate Administrator and the Director of the City's department having project responsibility (the use department) shall be given the authority to negotiate an Option Agreement for real estate for said department. The option payment shall not exceed the lesser of 2% of the purchase price of the land or \$5,000.00. The City Commission must approve the exercise of the option and the land purchase. If the City Commission objects to the purchase no further action may occur.

c. All land banking purchases shall be subject to review by the Real Estate Committee. Upon review of the terms and conditions of any purchase under this section, the Real Estate Committee will present its recommendation to the City Commission as an agenda item.

d. All proposed land-banking purchases shall be scheduled as a discussion item for City Commission action.

e. If any land-banking purchase is scheduled for review and approval by the City Commission that involves the usage of the property by an entity other than the City past the purchase date by the City, then the agenda materials shall clearly identify such usage and the proposed terms and conditions of that usage.

f. All other requirements imposed by the Real Estate Policy, including but not limited to, obtaining a value determination or appraisal, completing title work, etc. shall apply to purchases under the land-banking program.

136.13 Real Property Owned by the City: Sale or Disposition of Surplus Property.

1. The Property Management Division, shall annually review all City owned real estate that is not currently being used by any City Department and which may be considered surplus property. A property shall not be considered surplus unless there is no potential future City use. If such potential surplus property is identified, the following information on the property shall be compiled and distributed to all City departments along with a request for comments.
 - a. When the property was acquired by the City and the cost of the acquisition;
 - b. The original reason for acquisition by the City;
 - c. The site location and description including any improvements and zoning classification;
 - d. The size of the property; and
 - e. The current estimate of market value
2. The responses received from the City departments shall be summarized in a written report to the City Manager with a recommendation on whether or not to dispose of the property. If the City Manager recommends the property to be declared surplus and the market value is in excess of \$100,000.00, the property shall be submitted to the City Commission for approval of disposition of the Property. The City Manager can approve any sales with a market value under \$100,000.00.
3. All surplus property shall be marketed for sale or disposal by competitive bid solicitation, unless otherwise authorized by the City Manager or under certain circumstances as defined herein.
 - a. All nearby property owners, those located within 500 feet of the subject property, will be notified in writing of the City's intent to sell the property.
 - b. All comments received from nearby property owners shall be summarized.
 - c. Staff will provide a summary of the bids, comments and recommendation to the City Manager or City Commission, depending on the amount of the purchase price.

d. If the fair market value of the property is over \$100,000.00 the sale shall be reviewed by the Real Estate Committee prior to submitting purchase to City Commission for approval.

e. If no bids are found to be acceptable or in the best interest of the City, staff may then either:

1. Reject all bids, or;
2. Negotiate with responding parties to obtain a favorable sale, or;
3. In the event the staff could not negotiate a satisfactory and favorable sale with a responding party, staff may negotiate with any party for a favorable sale. Said negotiations must be completed and written as a contract within 30 days of the closing date of the initial bid or,
4. Re-bid the property for sale.

f. Surplus property may be offered for sale without using competitive bid solicitation under one or more of the following circumstances:

5. The market value of the property is less than \$25,000.00.
6. The property is being sold to a specific party for economic development purposes.
7. The property is being sold to another governmental unit.
8. The property is being sold to a specific party that intends to use the property to foster a City-sponsored or supported program/endeavor.
9. There is only one adjacent property landowner and an offer is received from that adjacent landowner, and the property is determined to be of no significant value to any other party.
10. Any other unique circumstances where the use of the competitive bid process is determined not to be appropriate and in the best interest of the City as approved by the City Manager.

g. Any property considered for sale without going through a competitive bid process with a market value over \$25,000.00, will be submitted to the City Commission for approval. The City Manager may approve any sales under this section with a value less than \$25,000.00. All property owners within 500 feet will be notified at least three weeks prior to the proposed sale being considered by the City Manager or City Commission and any comments received will be included in the agenda package. Staff will also provide notice of the proposed sale through a legal advertisement in the local newspaper and on the Talgov website at least three weeks prior to the proposed sale being considered for approval.

h. Staff will provide documentation of the disposition method used and justification therefore.

i. If in the event the City receives an offer on property not declared surplus; the staff will follow the same procedures as outlined herein, if applicable.

j. Any proceeds received by the City for the sale or disposition of any real property shall be allocated to the General Government Capital Improvement Fund or to a specific project fund as authorized by the City Manager or City Commission within; their respective authority.

136.14 Real Property Owned by the City of Tallahassee: Temporary/Special Event Use.

1. If an entity or individual is interested in using any real property owned by the City on a temporary or special event basis such individual or entity shall express such interest in the form of a written request to the City. For purposes of this section, temporary use shall be defined as use of City owned real property for a period of seven days or less during any calendar year.

2. The written request shall be delivered to the Property Management Division and, upon receipt the Property Management Division shall evaluate the request and solicit input from all affected City departments. Upon receipt of department responses the Property Management Division shall make a recommendation to the City Manager to approve or deny the request.
3. If the request for temporary or special event use of City owned real property is approved, the individual or entity shall execute a hold harmless agreement which shall hold the City harmless from any and all liability arising from the use of the real property and provide insurance as required by the Risk Management Division. In addition, the individual or entity must certify in writing that the real property will be maintained during and, within a reasonable period of time, upon conclusion of the authorized use or event.

136.15 Management of Real Property Owned by the City.

1. All City departments charged with the responsibility of operating a program or activity involving real property owned by the City shall have primary responsibility to maintain and manage that real estate.
2. The Property Management Division shall be responsible for the management of all real property owned by the City which is not assigned to other City departments. This management responsibility shall include, but not be limited to, annual inventory, arrangement for insurance, security, maintenance, interim use, demolition of unsafe structures and the administration of contracts with outside property management entities.

136.16 Requirements for Staff of the Property Management Division.

1. The Real Estate Administrator and Supervisor Right of Way shall be licensed as a Real Estate Broker with the State of Florida.
2. Real Estate Agents employed by the City shall be licensed and registered as a real estate salesperson with the State of Florida and be commissioned as a notary publics. The City shall use its real estate staff to acquire, lease, sell or dispose of property as needed. The licensed real estate agents shall have primary responsibility for real estate negotiations.
3. The City Manager may authorize the use of third party real estate agents to represent the City's interests on a case-by-case basis, upon written notice to the City Commission of the agent(s) to be employed, the qualifications of the agent(s) and the nature of their assignment.

136.17 Title Requirements.

An independent title search shall be conducted on all parcels acquired through condemnation/eminent domain. A title insurance commitment, followed by a policy after closing, shall be obtained on all other property acquisitions, as determined necessary by the Property Management Division.

136.18 Survey Requirements.

All surveys necessary for property acquisitions must meet the Florida minimum technical standards in Chapter GIG17-6 Florida Administrative code pursuant to Section 472.027, Florida Statutes.

136.19 Environmental Audits.

The City shall perform a Phase I environmental audit on all property purchases involving a purchase price of \$100,000.00 or greater, and/or on any property involving active or past uses that may have resulted in hazardous waste contamination. The environmental audit shall be prepared prior to closing and shall be reviewed and approved by the Environmental Policy & Energy Resources Director or his/her designee and the City Attorney or his/her designee.

In the event staff determines it is not necessary to perform an environmental audit on a acquisition due to certain factors such as a limited strip taking, residential purchase, known past use, or other issues which would indicate the risk of contamination is virtually impossible; then this determination must be reviewed and approved by the Environmental Policy & Energy Resources Director or his/her designee and the City Attorney or his/her designee. This review and approval shall be documented and retained in the project file.

136.20 Reviewing and Maintaining Closing Documents.

1. The City Attorney or his/her designee shall review all closing documents and title work prior to closing on all real property acquisitions, dispositions, licenses and leases by the City, and document this review in writing. The City Attorney may authorize licensed agents of the Property Management Division to close City purchases, provided a review of the closing documents and title work has been conducted by the City Attorney or his/her designee prior to closing on any real property acquisitions.
2. The Property Management Division or the City Attorney is responsible for delivering copies of all closing documents, including evidence of title, to the Treasurer-Clerk for recordation. Upon recordation the Property Management Division shall forward, copies of all closing documents to Accounting Services and the City Engineer to ensure proper land inventory and fixed assets inventory and to maintain up to date City maps. The Property Management Division is responsible for providing the necessary documents and information to the City department to be using the real property. This section shall also apply to licenses and leases either for City property to another entity or a lease of property for City use.

136.21 Use Of Federal Funds by City to Acquire or Lease Real Property.

The City shall comply with the requirements of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601 et seq.) if using federal funds to acquire or lease real property.

136.22 Revisions to Real Estate Policy.

The Property Management Division shall recommend amendments, modifications or alterations to this policy to the City Commission as required to maintain its applicability to local, state and federal regulations, laws, ordinances, etc. The City Attorney's office shall review proposed revisions, as needed, to ensure compliance with applicable laws. Any revisions to the Real Estate Policy shall become effective upon approval of the City Commission.

136.23 Effective Date of Real Estate Policy

This Real Estate Policy shall become effective upon approval of the City Commission. The effective date of this policy shall be September 27, 1989.

Revised:

September 1, 2010

February 22, 2006

January 11, 2006

December 6, 2005

August 28, 1996

June 13, 1990