

SUBPART B. REAL PROPERTY DISPOSITIONS

Sec. 122.421. General; exemptions.

Except as provided in this Section, the sale, lease or other transfer (referred to in this Subpart B as "sale") of all real property and interests in real property (referred to in this Subpart B as "property") by the City shall be made in accordance with the procedures established by this Subpart B. With the exception of the continuing applicability of Section 122.422(d), these procedures shall not apply to:

- (a) Property being sold as a part of a community redevelopment project under F.S. Ch. 163, Pt. III.
- (b) Property being sold to a federal, state or local governmental agency or instrumentality.
- (c) Cut or uncut timber being disposed of pursuant to Part 8.
- (d) Property being disposed of pursuant to Chapter 550 of this Code.
- (e) Property being sold pursuant to Subpart D of Part 4, Chapter 122.
- (f) Property being donated pursuant to Subpart E of Part 4, Chapter 122.
- (g) Property being sold at the Cecil Commerce Center only when such sales are approved by an enacted ordinance.
(Ord. 69-1027-669, § 1; Ord. 70-650-526; Ord. 71-397-181; Ord. 76-718-337, § 2; Ord. 83-591-400, § 1; Ord. 83-810-425, § 2; Ord. 89-803-379, § 1; Ord. 97-14-E, § 1; Ord. 2005-1070-E, § 1; Ord. 2006-971-A, § 2)

Note: Former § 132.201.

Sec. 122.422. Sale of property through Real Estate Division; investigation of need; Council action.

- (a) The sale of all property by the City shall be coordinated by the Real Estate Division, as provided in this Subpart B.
- (b) At the request of a prospective purchaser of a parcel of City property or upon determination by the Real Estate Officer of an apparent lack of need by the City to retain a parcel of City property, the Real Estate Division shall investigate whether or not there is a need by the City or any independent agency or, if deemed appropriate by the Division, any other governmental agency or any unit of government; provided, that no written inquiry shall be necessary when the Division has been informed previously or otherwise is aware of a need or no need to retain the requested property for governmental use. If, as a result of its investigation, the Division determines that:
 - (1) There is a need for the subject property by a governmental agency or unit, the Division shall note that fact in its records, advise a party requesting the sale that there is a need for the property and shall not request legislation authorizing the sale of the property.
 - (2) There is no need for the subject property by a governmental agency or unit thereof, the Division shall request legislation on the subject property for submission to the Council to accomplish the following simultaneously or in practical sequence:
 - (i) To declare the property to be surplus to the needs of the City.
 - (ii) To authorize the sale of the property. Requests for proposals (RFPs) for the sale and development of public property shall not be issued without the prior written notice to all Council Members.
 - (iii) To rezone property currently zoned and classified for governmental use to a zoning classification other than governmental use as recommended to the Real Estate Officer by the Planning and Development Department. The rezoning of the property shall be done according to the provisions of Section 122.427.

(c) After the Council has enacted the legislation provided for in subsection (b)(2), the Real Estate Division shall proceed in accordance with the following conditions in the order listed for sale of all property assessed on the tax rolls at more than \$25,000, or when the Real Estate Officer requires an appraisal. Paragraph (4) shall not apply to the sale of property appraised at or below \$25,000 unless the Real Estate Officer shall require sale of such property by bid.

(1) The Division shall require a requesting party to pay to the Tax Collector for deposit to an account within the General Trust and Agency Funds a deposit in an amount equal to the cost of appraisal of the requested property to assure payment of such appraisal at no cost to the City, either by cash, certified check or cashier's check payable to the City. The payment to the City shall be returned to the requesting party who made the payment only if a bid for the property is awarded by the Awards Committee to another bidder in accordance with Section 122.423 or Section 122.424 and in all other cases, the payment shall be retained by the City to pay the cost of the appraisal.

(2) The Division shall require the requesting party to present to the Division the receipt for such payment or copy thereof.

(3) The Division shall order an appraisal from an appraiser on the list maintained pursuant to Section 126.308 with a professional designation issued by the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers and doing business in the City.

(4) The Division shall transmit the appraisal report and a copy of the legislation authorizing the sale to the Department of Administration and Finance, Chief of Procurement and Supply with a request that the Chief of Procurement and Supply proceed with solicitation of bids for sale of the property in accordance with Section 122.424.

(5) The Division shall submit any surplus building at least 50 years old, proposed for sale or other disposition, for review by the Jacksonville Historic Preservation Commission. Any such surplus building determined by the Jacksonville Historic Preservation Commission to have historical or architectural significance shall be sold or otherwise conveyed by the City with protective covenants, which covenants shall be reviewed by the Commission and Office of General Counsel, to ensure its preservation and proper rehabilitation.

(d) Requests for proposals (RFPs) for the sale and development of public property shall not be issued without prior written notice to all Council Members.

(Ord. 69-749-68, § 2; Ord. 70-650-526; Ord. 71-397-181; Ord. 78-109-303, § 1; Ord. 83-591-400, § 1; Ord. 85-1327-691, § 1; Ord. 90-706-486, § 4; Ord. 93-115-110, § 1; Ord. 2000-829-E, § 1; Ord. 2005-1070-E, § 1)

Note: Former § 132.202.

Sec. 122.423. Appraisal at or below \$25,000.

(a) If the written appraisal or the assessed value as shown on the tax rolls of the property to be sold is \$25,000 or less, the Real Estate Officer, or his designee, may negotiate with any and all prospective purchasers for the sale of the property without bid upon such terms as the Real Estate Officer may deem advisable provided, however, that when there is more than one prospective purchaser the property shall be disposed of in accordance with the provisions of Section 122.424. All sales shall be paid for by cash, certified check or cashier's check. In lieu of a negotiated sale without bid, the Real Estate Officer may direct that the sale of property valued at \$25,000 or less be sold by bid in accordance with Section 122.424 or Section 122.425.

(b) Upon compliance by the prospective purchaser with subsection (a) of this Section, the Mayor and the Corporation Secretary, in the name of and under the seal of the City,

shall be authorized to execute and deliver to the prospective purchaser offering the most favorable terms to the City an appropriate instrument of transfer of title to the property. (Ord. 69-749-468, § 3; Ord. 70-650-526; Ord. 71-397-181; Ord. 78-109-303, § 2; Ord. 83-591-400, § 1; Ord. 93-115-110, § 2; Ord. 96-458-297, § 3; Ord. 2000-829-E, § 1)

Note: Former § 132.203.

Sec. 122.424. Appraisal/assessed value over \$25,000.

(a) If the written appraisal values or the assessed value as shown on the tax rolls of the property to be sold is more than \$25,000, the Real Estate Officer, or his designee, may cause the Department of Administration and Finance, Chief of Procurement and Supply, to solicit sealed competitive bids for the public sale of the property to the highest bidder with payment to be made by cash, certified check or cashier's check. Bids shall be returned to the Chief of Procurement and Supply at his main office or any place designated for bid opening, on or before a date at a time certain between the hours of 8:30 a.m. and 5:00 p.m., the date and time to be designated in public advertisement for bids published at least once in a newspaper of daily and general circulation in the City not less than ten days prior to the expiration of the time for submission of bids. In the alternative, the Real Estate Officer may dispose of the property by public auction, pursuant to Section 122.425.

(b) No bid shall be accepted which is in an amount less than the sum of the appraised value of the property according to the appraisal required by this Subpart B, the cost of the appraisal, all applicable closing costs and the cost of advertisement of public sale.

(c) The Chief of Procurement and Supply, in coordination with the Real Estate Division, may provide for and require such additional bid requirements and specifications as he may deem appropriate.

(d) The City shall in all cases reserve the right to reject all bids submitted.

(e) The public advertisement for bids shall disclose the amount of the minimum acceptable bid and such additional bid requirements and specifications as may be prescribed by the Chief of Procurement and Supply.

(f) Immediately after the expiration of the time for the submission of bids, or at a later time designated by the Chief of Procurement and Supply in the public advertisement for bids, the sealed bids shall be opened at a public meeting, tabulated and submitted to the Awards Committee. As soon as practical, the Awards Committee shall award the sale of the property to the highest bidder for cash or on other terms acceptable to the Real Estate Officer meeting the bid requirements and specifications.

(g) As soon as practicable after the award of the sale, and upon receipt of the purchase price in cash or by cashier's check, or upon receipt of the mortgage or other instrument evidencing the terms of sale if other than for cash, the Mayor and the Corporation Secretary, in the name of and under the seal of the City, shall execute and deliver to the bidder receiving the award an appropriate instrument of transfer of title to the property.

(Ord. 69-749-468, § 4; Ord. 70-650-526; Ord. 71-397-181; Ord. 78-109-303, § 3; Ord. 83-591-400, § 1; Ord. 85-1327-691, § 1; Ord. 93-115-110, § 3; Ord. 96-458-297, § 3; Ord. 2000-829-E, § 1)

Note: Former § 132.204.

Sec. 122.425. Procedure if no purchaser at minimum sale price.

(a) If no offer is received offering to purchase the requested property for at least the minimum sale price required by Section 122.423, the Real Estate Division may sell the property at the highest price actually offered after any unsuccessful negotiation, bid or rebid, but should first consider:

(1) Requesting that the Department of Administration and Finance, Chief of Procurement and Supply, bid the requested property if the appraised value of the property is \$25,000 or less; or

(2) Requesting that the Chief of Procurement and Supply rebid the requested property; or

(3) Selling by direct sale any requested property for the appraised value plus costs within six months after any unsuccessful bid or rebid, as the case may be.

(b) In the alternative, if the Chief of the Real Estate Division determines that the property may be more advantageously disposed of by public auction, he/she may sell the property at public auction to the highest and best bidder for cash, after publication of a notice of the auction in a newspaper of general circulation in the City, published at least ten days before the date of the auction, setting forth the date, time and place of the auction and a legal description and street address (if available) of the surplus real property.

(c) No sale of surplus real property shall be made to a person who is an officer or employee subject to F.S. Ch. 162, Pt. III, or in which the officer or employee has a private financial interest, direct or indirect, within the meaning of F.S. Ch. 162, Pt. III.

(d) As soon as is practicable after the auction, and upon receipt of the purchase price in cash or by cashier's check, the Mayor and the Corporation Secretary, in the name of and under the seal of the City, shall execute and deliver to the successful bidder an appropriate instrument of transfer of title to the property.

(Ord. 69-749-468, § 5; Ord. 70-650-526; Ord. 71-397-181; Ord. 78-109-303, § 4; Ord. 79-411-354, § 1; Ord. 83-591-400, § 1; Ord. 85-1327-691, § 1; Ord. 93-115-110, § 4; Ord. 96-458-297, § 3; Ord. 2000-829-E, § 1)

Note: Former § 132.205.

Sec. 122.426. General Trust and Agency Funds account established.

The Director of Administration and Finance is authorized to establish an account within the General Trust and Agency Funds for the following purposes:

(a) Appraisal fee payments required by Section 122.422 and bid security deposits, if applicable.

(b) Appraisal fee payment refunds, if applicable.

(Ord. 78-109-303, § 5; Ord. 83-591-400, § 1)

Note: Former § 132.205.5.

Sec. 122.427. Rezoning of surplus property in PDF Districts incident to sale.

The Real Estate Division shall not be required to request legislation for rezoning of property which has been declared surplus by the Council prior to July 18, 1978, and the Division may proceed in accordance with other applicable provisions regarding solicitation of bids and sale of this surplus property as provided in Sections 122.422(b), 122.423, 122.424 and 122.425. Whenever the Real Estate Officer, or his designee, requests the rezoning of property currently zoned and classified for governmental use to another zoning classification as provided for in Section 122.422(b)(2)(iii), the rezoning of this property shall be accomplished according to the following procedure:

(a) A proposal to rezone surplus lands owned by the City and currently zoned and classified for governmental use to another zoning classification incident to the conversion of such lands to private ownership shall be initiated upon a request for such rezoning filed with the Council by the Real Estate Officer. The Real Estate Officer shall not be required to pay any fee for the filing of a request for the rezoning of any surplus

property currently zoned and classified for governmental use to any other zoning classification incident to the conversion of such property to private ownership.

(b) The provisions of Part 1, Division C, Chapter 656 shall be applicable with respect to proposals for the rezoning of surplus lands to be converted to private ownership, the same as if the proposal were initiated by an owner. The Planning and Development Department shall forward to the appropriate committee of the Council its recommendations as made to the Real Estate Officer pursuant to Section 122.422(b)(2)(iii) prior to the public hearing on the proposed rezoning.

(c) After the adoption of an ordinance rezoning City-owned surplus land, the Council Secretary shall promptly provide a certified copy to the Property Appraiser.

(Ord. 78-109-303, §§ 6, 8; Ord. 83-591-400, § 1)

Note: Former § 132.206.

Sec. 122.428. Sales of lands sold, struck off or escheated to City for nonpayment of real property taxes or sold or conveyed to the City pursuant to any foreclosure proceedings.

Lands offered for sale for nonpayment of taxes which have not been purchased by public bid of any private party and which have been sold, struck off or escheated to the City under any current or future provision of F.S. Ch. 197, and lands sold or conveyed to the City pursuant to any foreclosure proceedings may be disposed of as follows:

(a) At the request of a prospective purchaser of any such parcel of land or upon determination by the Real Estate Officer of an apparent lack of need by the City to retain said land, the Real Estate Division shall investigate whether or not there is a need by the City or any independent agency or, if deemed appropriate by the Division, any other governmental agency or any unit of government; provided, that no written inquiry shall be necessary when the Division has been informed previously or otherwise is aware of a need or no need to retain said land for governmental use. If, as a result of its investigation, the Division determines that:

(1) There is a need for the land by a governmental agency or unit, the Division shall note that fact in its records and advise a party requesting the sale that there is a need for the land.

(2) There is no need for the land by a governmental agency or unit thereof, the Division shall dispose of the land in accordance with subsections (b) and (c).

(b) Unless the land is retained for governmental use pursuant to subsection (1), a parcel of land which is assessed on the tax rolls at \$25,000 or less is declared to be surplus to the City and it shall be disposed of by the Real Estate Officer in the same manner as prescribed in Section 122.423, wherein the assessed value as shown on the tax rolls shall be substituted for the appraised value, and no appraisal shall be necessary, provided the Council Member of the Council district in which the parcel of land is located agrees to the disposition. If said Council Member does not agree to the disposition, the Real Estate Officer shall submit the parcel of land to the General Counsel with the request that legislation be drawn and submitted to the Council declaring the land to be surplus and directing disposition according to the provisions of Section 122.423 (the assessed value as shown on the tax rolls being deemed the appraised value.)

(c) The Real Estate Officer shall submit a parcel of land which is assessed on the tax rolls at more than \$25,000 and not needed for governmental use to the General Counsel with the request that legislation be drawn and submitted to the Council declaring the land

to be surplus and directing disposition according to the provisions of Section 122.424 (the assessed value as shown on the tax rolls being deemed the appraised value).
(Ord. 2000-829-E, § 2)

Sec. 122.429. Uses of proceeds from surplus land sales.

All proceeds from the sale of General Fund surplus City property pursuant to this Part (except Subpart C), less all costs associated with such sale, shall be deposited in the Jacksonville Recreational Land Acquisition Capital Projects Fund, as created in Section 111.130, and shall be expended specifically for the purpose of maintaining or acquiring land for recreation, park and conservation uses as set forth in such Section.
(Ord. 88-289-142, § 2; Ord. 2006-422-E, § 124)