



# City of North Port

## City Commission Policy – *Inventory, Disposal, and Acquisition of Real Property*

Policy No. 2023-01

Ordinance No. 2023-03

Approval Date: January 24, 2023

1 **I. STATEMENT OF POLICY**

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- 3 A. The City of North Port, Florida and its dependent special districts own real property necessary to
- 4 provide effective government to the citizens and residents of the City of North Port. A majority
- 5 of the City’s real property currently serves a public purpose or is being held in reserve for future
- 6 anticipated needs. Properties not classified as serving current and future needs of the City could
- 7 be considered surplus and available for disposal.
- 8
- 9 B. This policy sets forth the process by which the City Commission may classify, sell, exchange,
- 10 donate, or otherwise convey any City-owned real property, as well as the process by which the
- 11 City Commission may purchase, acquire, accept, or exchange real property.
- 12
- 13 C. This policy applies to the City and to its dependent special districts.
- 14
- 15 D. This policy is adopted by ordinance pursuant to Florida Statutes Section 166.045(c), which
- 16 provides that a municipality may establish procedures by ordinance for the purchase of real
- 17 property.<sup>1</sup>
- 18

19 **II. POLICY AND PROCEDURE**

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- 21 A. Annual Listing of Real Property. On an annual basis, or as otherwise required, the City Manager
- 22 or designee will establish a list of all City and special district-owned real property.
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- 24 1. City departments and districts will review a list of all City-owned real property to determine
- 25 if properties are still needed for a specific use.
- 26
- 27 2. The City Manager or designee may reserve any real property deemed appropriate for possible
- 28 use as exchange property or as part of any City or special district acquisition project.
- 29 Properties designated for exchange will be reviewed for suitability for capital and economic
- 30 benefit.
- 31
- 32 3. Properties that are not designated for a specific use will be listed as surplus.
- 33
- 34 4. Surplus properties offered to, but not purchased by, adjacent property owners will be
- 35 included on an annual list for the City Commission to determine disposition status.
- 36
- 37 B. Approval. All acquisition or disposition of real property, regardless of the purchase price, requires
- 38 the City Commission’s approval via resolution.

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<sup>1</sup> See Att’y Gen Op. 90-53 (Fla. 1990).



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- C. Disposition of Real Property.
- 1. Disposition of Surplus Property.
    - a. The City Manager or designee will maintain a surplus property list, presented to the City Commission for review and approval by resolution.
    - b. Property not reserved pursuant to Section II.A is eligible to be designated as surplus to the City’s needs.
    - c. Property owned by a special district and deemed surplus to the district’s needs will first be offered to the City. Properties owned by the City and deemed surplus to the City’s needs will first be offered to the special districts.
    - d. The sale, exchange, or donation of surplus property requires the approval by resolution of the appropriate governing body. The City Manager or designee will be responsible for coordinating negotiations and the presentation of any resolutions to the City Commission.
  - 2. Surplus Property to Be Made Available to Public.
    - a. Any property remaining after the disposition process outlined in Section II.C.1 will be made available to the public for purchase in accordance with this policy and applicable Florida Statutes. Waterfront or canal-front lands will not be considered for disposal.
    - b. The City Manager or designee will notify the adjacent landowners by certified mail of the City’s interest in selling these properties, as well as the process and timeline for the landowners to notify the City of their interest in purchasing the property and to submit a written offer. The purchaser will be responsible for all costs associated with the sale. The City will not warrant that a building permit can or will be issued. Due diligence of the future use of a surplus property is the responsibility of a potential buyer.
  - 3. Proceeds from Sales. Proceeds from the sale of surplus properties will be allocated pursuant to City Commission direction. In the absence of direction, the sale proceeds will be allocated to the City’s General Fund or to the applicable special district or enterprise fund, based on the governmental entity selling the property.
  - 4. Disposition of Commercial Property.



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- 78 a. Within a reasonable time after receipt, and prior to negotiating, the City Manager must
- 79 present to the City Commission any offer or request to purchase City-owned commercial
- 80 property. Any purchase offers on City-owned commercial property will require a letter of
- 81 interest.
- 82
- 83 b. Prior to selling a commercial property, the City will contract for at least one appraisal with
- 84 a possible land planning analysis of future development potential.
- 85
- 86 c. The City Commission may accept an offer of purchase or may declare a commercial
- 87 property for sale and seek offers or bids from interested parties.
- 88

89 D. Exchange of Real Property.

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- 91 1. Initiation of Exchange. The exchange of City and special district-owned real property may be
- 92 initiated by a capital improvement land acquisition project or for economic development
- 93 projects where the City is looking to acquire land for a specific purpose or in partnership with
- 94 a current or future developer.
- 95
- 96 2. Waterfront or Canal Properties. Waterfront or canal-front lands will be reserved for use in the
- 97 City’s exchange program for its acquisition projects. The exchange shall only be considered if
- 98 the property being acquired by the City is waterfront, canal-front, or part of the
- 99 Myakkahatchee Creek Corridor project.
- 100
- 101 3. Land Exchange Program.
- 102
- 103 a. The goal of a land exchange program is to benefit the City and the landowner. For
- 104 properties to be acquired for capital improvement or land acquisition projects,
- 105 exchanging property may be more advantageous for the City than purchasing the
- 106 property.
- 107
- 108 b. The City will offer surplus property and apply the following criteria when considering
- 109 exchanging properties with a willing landowner:
- 110
- 111 1) The City will be looking to exchange property that contains similar attributes. For
- 112 example, properties that are buildable, water or canal-fronting, contain good
- 113 infrastructure, and have proximity to the interstate.
- 114
- 115 2) The City will not exchange property that is more than the market value, appraised, or
- 116 comparable sales of the property it is trying to acquire. In the event that the City-



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117 owned property is valued more than the property to be acquired, the landowner must  
118 pay the City the difference in value.

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120 E. Acquisition of Real Property.

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122 1. If the purchase price is \$100,000 or less, the City is exempt from obtaining an independent  
123 written appraisal.

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125 2. If the purchase price is between \$100,000 and \$500,000, the City must obtain one  
126 independent written appraisal.

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128 3. If the purchase price is in excess of \$500,000, the City must obtain two independent written  
129 appraisals.

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131 4. In the event there is an existing City-obtained written appraisal on the property less than one  
132 (1) year old, that appraisal may be used in lieu of ordering a new appraisal.

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134 5. All offers and counteroffers must be in writing.

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136 6. Property purchased pursuant to this section may qualify for the public records exemption  
137 referenced in Florida Statutes Sections 119.07(1) and 166.045.

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139 F. Requirements for Studies and Surveys on Real Property.

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141 1. Prior to the City purchasing or exchanging property for development, a cultural resource  
142 assessment and an environmental wetland and wildlife survey must be conducted, unless  
143 otherwise determined by the City Commission.

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145 2. Property that the City purchases or exchanges for other purposes (including preservation) will  
146 not require an assessment, a study, or a survey, unless otherwise determined by the City  
147 Commission.

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149 3. Property donated to the City will not require an assessment, a study, or a survey, unless  
150 otherwise determined by the City Commission.

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