



City of North Port

ORDINANCE NO. 2021-26

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING CITY COMMISSION POLICY NO. 2021-08 RELATED TO THE INVENTORY, DISPOSAL, AND ACQUISITION OF REAL PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and the City's dependent special districts own real property in the City of North Port, Florida; and

WHEREAS, Florida Statutes Section 166.045(1)(c) provides that a municipality may establish procedures for the purchase of real property by ordinance; and

WHEREAS, the City Commission desires to establish a policy related to the inventory and disposal of City-owned real property, as well as the acquisition of real property; and

WHEREAS, the City Commission of the City of North Port, Florida finds that this ordinance serves the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

1.01 The above recitals are ratified and approved as true and correct, and are incorporated into this ordinance as findings of fact.

SECTION 2 – ADOPTION

2.01 The City Commission adopts "Policy No. 2021-08 Inventory, Disposal, and Acquisition of Real Property," attached and incorporated in this ordinance, as an administrative policy of the City Commission of the City of North Port, Florida.

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – EFFECTIVE DATE

5.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on _____, 202__.

ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session on _____, 202__.

CITY OF NORTH PORT, FLORIDA

GISELE "JILL" E. LUKE
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY



City of North Port

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

Policy No: 2021-08

Ordinance No: 2021-26

Approval Date: _____, 2021

1 **I. STATEMENT OF POLICY**

- 2
- 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, at its discretion and upon
- 10 approval by resolution, classify and convey by sale, exchange or donation any City-owned real
- 11 property it deems surplus to the City’s needs. This policy further sets forth the process by which
- 12 the City may acquire, accept, or exchange real property.
- 13
- 14 C. This policy applies to the City and to its dependent special districts.
- 15
- 16 D. This policy is adopted by ordinance pursuant to Florida Statutes Section 166.045(c), which
- 17 provides that a municipality may establish procedures for the purchase of real property by
- 18 ordinance.¹
- 19

20 **II. POLICY AND PROCEDURE**

- 21
- 22 A. Annual Listing of Real Property. On an annual basis, or as otherwise required, the City Manager
- 23 or designee will establish a list of all City and special district-owned real property. The City
- 24 Manager or designee shall have the right to reserve any of the property not already reserved for
- 25 a specific use/department for a future need. The City Manager or designee may reserve any real
- 26 property deemed appropriate for possible use as exchange property or as part of any City or
- 27 special district acquisition project.
- 28
- 29 B. Approval. All acquisition or disposition of real property, regardless of the purchase price, requires
- 30 the City Commission’s approval via resolution.
- 31
- 32 C. Disposition of Real Property.
- 33
- 34 1. Disposition of Surplus Property.
- 35
- 36 a) Any property not reserved could be classified as surplus to the City’s needs and will be
- 37 presented to the Commission for its review and possible approval by resolution of a
- 38 surplus real property list.
- 39

¹ See Att’y Gen Op. 90-53 (Fla. 1990).



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

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40 b) For properties owned by a special district and deemed surplus to its needs, the properties
41 will first be offered to the City. For properties owned by the City and deemed surplus to
42 its needs, the properties will first be offered to the special districts.

43
44 c) Surplus property requested by the City under this disposal option will be disposed of by
45 direct negotiation. The sale, exchange, or donation shall require the approval by
46 resolution of the appropriate governing bodies. The City Manager or designee, in
47 conjunction with any real estate acquisition consultant, will be responsible for
48 coordinating negotiations and the presentation of any resolutions to the Commission.
49

50 2. Surplus Property to Be Made Available to Public.

51
52 a) Any property remaining after the disposition process outlined in Section C (1) above, will
53 be made available to the public in accordance with this policy and applicable Florida
54 Statutes. Waterfront or canal-front lands will not be considered for disposal.
55

56 b) The City Manager or designee will notify the adjacent landowners by certified mail of the
57 City’s interest in selling these properties, as well as the process and timeline for the
58 landowners to notify the City of their interest in purchasing the property and to submit a
59 written offer. The purchaser will be responsible for all costs associated with the sale. The
60 City will not warrant that a building permit can or will be issued; due diligence of the
61 future use of a surplus property is the responsibility of a potential buyer.
62

63 c) Any property not purchased by adjacent landowners will be returned to the City to be
64 included in the City’s surplus property inventory.
65

66 3. Proceeds from Sales. Proceeds from the sale of surplus properties will be allocated by the
67 Finance Department per the direction of the Commission. In the absence of direction, the
68 sale proceeds will be allocated to the General Fund of the City or the applicable special district
69 or enterprise fund, based on the governmental entity selling the property.
70

71 D. Exchange of Real Property.

72
73 1. Initiation of Exchange. The exchange of City and special district-owned real property may be
74 initiated by a capital improvement land acquisition project or for economic development
75 projects where the City is looking to acquire land for a specific purpose or in partnership with
76 a current or future developer.
77

78 2. Waterfront or Canal Properties. Waterfront or canal-front lands will be reserved for use in the
79 City’s exchange program for its acquisition projects. The exchange shall only be considered if



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80 the property being acquired by the City is waterfront, canal-front, or part of the
81 Myakkahatchee Creek Corridor project.

82
83 3. Land Exchange Program.

84
85 a) The goal of a land exchange program is to benefit the City and the landowner. For
86 properties to be acquired for capital improvement or land acquisition projects, it more
87 likely may be advantageous for the City to swap property instead of purchasing the
88 property.

89
90 b) The City will offer surplus property and apply the following criteria when considering
91 exchanging properties with a willing landowner:

92
93 1) The City will be looking to exchange property that contains similar attributes. For
94 example, properties that are buildable, water or canal-fronting, contain good
95 infrastructure, and have proximity to the interstate.

96
97 2) The City will not exchange property that is more than the market value, appraised, or
98 comparable sales of the property it is trying to acquire. In the event that the City-
99 owned property is valued more than the property to be acquired, the landowner must
100 pay the City the difference in value.

101
102 E. Acquisition of Real Property.

103
104 1. If the purchase price is \$100,000 or less, the City is exempt from obtaining an independent
105 appraisal.

106
107 2. If the purchase price is between \$100,000 and \$500,000, the City must obtain one
108 independent appraisal.

109
110 3. If the purchase price is in excess of \$500,000, the City must obtain two independent
111 appraisals.

112
113 4. In the event there is an existing City-obtained appraisal on the property less than one (1) year
114 old, that appraisal may be used in lieu of ordering a new appraisal.

115