

## **RESOLUTION 20- 21**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ADOPTING POLICY AND PROCEDURES FOR DETERMINING COUNTY OWNED REAL PROPERTY TO BE SURPLUS, ESTABLISHING SUITABILITY OF SURPLUS PROPERTY FOR AFFORDABLE HOUSING AND RETURNING SURPLUS PROPERTY TO THE TAX ROLE; PROVIDING FOR CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Sections 125.35 and 125.379, Florida Statutes, expressly authorizes Alachua County, by and through its Board of County Commissioners (the "Board") to sell and convey any real property belonging to the County; and

**WHEREAS**, the Board desires to adopt policies and procedures for the determination of County owned real property as surplus, the determination of certain surplus properties as suitable for affordable housing and the method of returning surplus property to the tax role and a beneficial use, as set forth in **Exhibit "A,"** attached hereto and by reference made a part hereof; and

**WHEREAS**, at its May 7, 2019 Special Meeting the Board approved the method of transferring property to area nonprofit housing organizations for the construction of permanent affordable housing, and such method is now described and incorporated into **Exhibit "A";** and

**WHEREAS**, the Board does not intend for this policy to preempt, limit or restrict the County's ability to convey property pursuant to any other method authorized by Florida Statute.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;**

1. The Board finds, determines, and declares that the recitals in the preamble are true and correct, and hereby incorporates them by reference.
2. The Board approves and adopts the policy and procedures for the conveyance of County owned real property that is not needed for County purposes, as set forth

in Exhibit "A."

3. The Chairman of the Board and Clerk of the Board of County Commissioners are hereby authorized to execute all documents necessary to adopt the policy and procedures provided for in this Resolution.

4. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 10<sup>th</sup> day of March,  
A.D., 2020.

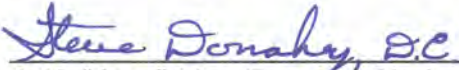
(SEAL)

**BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA**

By: 

Robert Hutchinson, Chair

**ATTEST:**

  
J. K. "Jess" Irby, Esquire, Clerk

**APPROVED AS TO FORM**

  
Alachua County Attorney's Office

## **EXHIBIT "A"**

Policy No.:

Effective:

Revision No.:

Review Date:

### **CONVEYANCE OF SURPLUS REAL PROPERTY**

#### **Purpose:**

To establish the policy and process for Alachua County to divest itself of real property that is not needed for County purposes, to prepare an inventory list of all real property that is appropriate for use as affordable housing, as required by Florida Statute Section 125.379, and to establish the process for donation of properties that are appropriate for use as affordable housing to nonprofit housing organizations for the construction of permanent affordable housing. The Board of County Commissioners (BoCC) does not intend for this policy to preempt, limit or restrict the County's ability to convey property pursuant to any other method authorized by Florida Statute.

#### **Policy:**

To return real property that is owned by the County, but is not needed for County purposes, to a beneficial use and to the tax role, and promote affordable housing by conveying appropriate surplus property to nonprofit housing organizations for construction of permanent affordable housing.

#### **Procedures:**

##### **1. Surplus Property Determination**

- a. The Real Property Office of Alachua County Public Works (RPO) shall compile a list of all real property acquired by the County, either by donation, escheatment or otherwise.
- b. When a property on the list is not being used by the County, the RPO shall assemble an information package for the property, including location, estimated value, size, zoning and known title defects.
- c. The RPO shall forward the property list and information packages to all County departments to determine whether there is any potential current or future use for the property.
- d. If any County department expresses an interest in the property, the property shall be retained for use by that department. If no County department expresses an interest in the

property, the property shall be placed on a proposed surplus property list and shall be evaluated by the RPO to determine whether it is appropriate for use as affordable housing, as set forth in Section 2, below. Properties listed on the proposed surplus property list that are determined to be appropriate for affordable house shall be disposed of in accordance with Section 2, all other properties shall be disposed of in accordance with Section 1.e and 1.f.

e. The RPO shall submit the proposed surplus property list to the BoCC, with background information on each property, and make a recommendation to the BoCC regarding the designation of the properties as surplus.

f. The BoCC shall consider the recommendation and background information and adopt a resolution determining which of the properties, if any, are surplus and setting a minimum reserve bid for those properties it determines to be appropriate.

## **2. Affordable Housing Determination**

a. The RPO shall evaluate the potential of the proposed surplus properties as affordable housing. The evaluation shall include address, legal description and location, apparent title issues, access, residential zoning, lot size, shape and configuration, existing improvements and occupancy, known environmental issues, estimated value and access to public transportation (Gainesville RTS).

b. The RPO shall prepare a list of potential affordable housing properties, submit the list to the BoCC, with the background information described above, and make a recommendation to the BoCC regarding the designation of the properties as affordable housing.

c. The BoCC shall consider the recommendation and background information and adopt a resolution determining which of the properties, if any, are appropriate for use as affordable housing.

d. The RPO shall prepare a list of nonprofit housing organizations in Alachua County (NHOs) willing to acquire the properties and capable of constructing permanent affordable housing. Any NHO authorized to do business in Alachua County may contact the RPO for consideration.

e. The RPO shall provide the BoCC approved list of affordable housing properties to the NHOs. Each interested NHO shall communicate its request for the affordable housing property in writing to the RPO. The RPO shall then provide a real estate sales contract to the NHO that submitted the first request. If the NHO does not sign and return the sales contract within one week, the offer shall be deemed withdrawn and the RPO shall offer a sales contract to the next NHO, on the basis of "first come, first served."

f. The NHO acquiring the affordable housing property shall be responsible for all closing costs, the property shall be conveyed "as is" and the deed shall include a reverter provision requiring the NHO to construct permanent affordable housing on the property within a specified period.

g. If no NHO expresses an interest in a property on the affordable housing list within sixty days after the list is submitted to the NHOs, the RPO may take an item to the BoCC seeking a resolution removing the property from the affordable housing property list, setting a minimum reserve bid for the property and allowing the RPO to dispose of the property in the same manner as other surplus property owned by the County.

### **3. Escheated Properties**

a. When a property escheats to the County for nonpayment of ad valorem taxes, the RPO shall determine the location of the property. If the property is located within the boundaries of an incorporated municipality of the County, the property may be conveyed to the governing board of the municipality, pursuant to Florida Statute Section 197.592.

b. If the property is not located within the boundaries of an incorporated municipality of the County, the RPO shall assemble all necessary information and submit the property for a surplus determination and affordable housing determination, as outlined in Sections 1 and 2 above.

### **4. Remaining Surplus Properties**

a. For all other properties the BoCC determines to be surplus, the RPO shall work with the Alachua County Purchasing Division to sell the surplus property in accordance with requirements set forth in the Alachua County Public Works Operating Procedure #ERE-10, as revised.