

ORDINANCE 2016-06

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA PROVIDING FOR THE DISPOSAL OF EXCESS REAL PROPERTY OWNED BY THE CITY; PROVIDING FOR AUTHORITY; CREATING SECS. 2-10 OF THE CODE OF ORDINANCES OF THE CITY OF MARY ESTHER, FLORIDA "EXCESS REAL PROPERTY"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mary Esther, Florida from time to time comes into possession of real property which it may not have an immediate use or need; and

WHEREAS, the City of Mary Esther, Florida finds it necessary and in the interest of the public to define a procedure for deeming certain real property as excess real property and for disposing of such real property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MARY ESTHER, FLORIDA:

SECTION 1. AUTHORITY. This ordinance is adopted pursuant to Article VIII, Section 2(b), of the Florida Constitution, and Chapter 166, Florida Statutes.

SECTION 2. CREATING SECTION 2-10 "Excess Real Property"

That Sec. 2-10 of the Code of Ordinances of the City of Mary Esther, Florida be created to read as follows:

SEC. 2-10 City Excess Real Property: The City Manager may, from time to time recommend to the City Council the disposal of City real property which is unneeded for immediate or foreseeable future development/use requirements of the City. The City Manager shall submit a report and recommendation to the City Council for review and determination whether the parcel is unneeded for the immediate and future development/use requirements of the City and should be declared excess. No property shall be considered as unneeded for the immediate and future development/use requirements of the City if the City has any existing or projected development/use for the property. The term development/use as used herein excludes utilization for public utilities purposes which may be reserved by the City upon disposal of the property.

2-10.1 Disposition Procedures: Upon the City Council determining the parcel to be excess real property, the City Manager shall proceed with the procedures set forth below to dispose of such excess real property.

The City Manager shall secure one independent appraisal of the property by an appraiser qualified to conduct appraisals for the State of Florida by general law.

Any City real property declared to be surplus by the City Council may be disposed of in a manner declared by the City Council, including but not limited to sealed bid, auction or negotiated sale.

The City Manager shall cause written notice of intent to dispose of property to be sent to abutting property owners, if any, and advertised twice in the legal advertisement section in a newspaper having general circulation within the City; advising the date and time by which proposals or offers must be received.

Once a contract for sale has been negotiated to the satisfaction of the City Manager and proposed purchaser, the City Manager shall cause said contract to be submitted to the City Council for its review and approval.

2-10.2 Contract for Sale; Council Review and Approval: The City Council shall review any proposed contract for sale and make a determination as to whether said contract is approved or disapproved.

The City Council shall approve by Ordinance the conveyance of any land of the City. At any time before the City Council approves any contract for sale, the City reserves the right to reject all offers, proposals or negotiated contracts for sale for excess real property.

Once the City Council approves a contract for sale of excess real property, the subject property may then be sold according to the terms of said contract. Award shall be made based upon consideration of best price and utilization of the property and development for uses benefiting the City and its citizens, in the exclusive discretion of the City Council.

2-10.3 Authority of City Employees: No action or statement by any City employee shall be construed to be official action on behalf of the City in confirming any contract for sale, as the contract may only be confirmed by the City Council.

Persons interested in purchasing property, which in order to facilitate the proposed development requires rezoning, are advised that it is the City Council that is empowered with the ultimate authority to rezone property. No employee of the City can guarantee the rezoning of the property in question.

Persons interested in purchasing property, which in order to facilitate the proposed development requires a variance, are advised that it is the Local Planning Agency that is empowered with the authority to grant variances. No employee of the City can guarantee the success of an application for a variance.


2-10.4 Conditions Imposed: The City Council may require the proposed purchaser submit detailed site plans of proposed development in order to ensure that the property is developed in a manner that is consistent with the surrounding neighborhood, to which plans the purchaser shall be bound.

The City Council recognizes that each parcel of property is unique unto itself. In order to ensure each proposed purchase for development significantly contributes to the surrounding neighborhood and general needs of the City, the City Council reserves the right to place restrictions and covenants in the deed of conveyance which will guarantee accommodation of the City's public utilities provisions and the public's interest in proper and timely development of the property consistent with City Development Standards. All restrictions and conditions imposed shall be covenants running with the land, violation of which shall result in reversion of title to the City.

SECTION 3: Severability. Should any provision of this ordinance be found to be unenforceable, the remainder of the Amendment and all sections thereof shall be deemed enforceable.

SECTION 4: Effective Date. This ordinance becomes effective upon adoption by the Council and signature of the Mayor.

SO DONE THIS 19th DAY OF SEPTEMBER 2016.

By: 

Chris Stein, Mayor
City of Mary Esther, Florida

ATTEST:



Dana L.S. Williams
City Clerk

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Published: 9/9/16
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