

RESOLUTION NO. 98-8

**A RESOLUTION OF THE TOWN OF JUNO BEACH, FLORIDA
AMENDING PROCEDURES FOR THE SALE OR DISPOSITION OF
EXCESS REAL PROPERTY OWNED BY THE TOWN; PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the Town of Juno Beach ("Town") owns certain property within its municipal boundaries that is not currently used or needed by the Town in the foreseeable future for public purposes and that may be considered excess property; and,

WHEREAS, the Town of Juno Beach may at times find that it is in the best interest of the public to sell or dispose of such excess property in accordance with established procedures in order to ensure the proper disposition of such property.

WHEREAS, the Town adopted Resolution No. 96-7 which established procedures for the proper sale or disposition of excess Town property; and,

WHEREAS, the Town seeks to amend such procedures and create new procedures by this Resolution No. 98-8.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF JUNO BEACH, FLORIDA:**

SECTION 1. That in order to proceed with the potential sale or disposition of excess property owned by the Town of Juno Beach, the Town Council, at a scheduled Town Council public hearing, must make a determination that a parcel of Town-owned property is excess property, and vote to pursue the sale or disposition of the excess property. "Excess property" shall be considered property not needed for public purposes in the foreseeable future.

SECTION 2. Upon affirmative vote of the Town Council, notice of the availability for sale must, at a minimum, be sent to abutting property owners by certified mail and advertised at least once in a local newspaper. The notice shall include at least the legal description of the property, any special terms or conditions proposed for any sale, disclosure that any bids that are submitted are merely offers and that the Town may choose not to accept any offer, and a deadline for submittal of bids. The Town may advertise the sale in any other reasonable fashion which in its discretion it deems advisable.

SECTION 3. Offers shall be by sealed bid directed to the Town's Finance Director. Offers shall include the offeror's proposed use of the property, the offeror's development or business experience and any expertise in developing or operating the proposed use, a proposed timeframe for

development and may include other relevant information including but not limited to references.

SECTION 4. All offers received prior to the bid submittal deadline may be considered by the Town. The Town Council may select an offer based upon the amount bid, the proposed use of the property, the offeror's development or business experience and background, the proposed timeframe for development and other relevant information submitted by the offerer as part of the bid process. The Town Council, at its discretion, may request additional information be submitted from any offeror as part of the selection process. Based upon all relevant factors, the Town Council at a regularly scheduled meeting may select an offer to enter into contract discussions.

SECTION 5. The potential purchaser selected by the Town shall be notified and required to deposit with the Town Finance Director ten percent (10%) of the offered purchase price, in cash or by cashier's check.

SECTION 6. An appraisal report shall be prepared by an appraiser mutually acceptable to the Town and the proposed purchaser, to be paid for by the proposed purchaser. If a mutually acceptable appraiser cannot be located, each shall employ an appraiser at their own expense and the higher appraisal shall be deemed the fair market value.

SECTION 7. Unless approved by a super majority vote of the Town Council, the Town may not accept the bid of the selected proposed purchaser if it does not equal or exceed the fair market value as determined by the appraisal. If the bid is less than the appraised value and the Town Council does not approve the sale by super majority vote, the Town shall notify the proposed purchaser and give such party five(5) days to raise its bid to the appraised value. If the proposed purchaser declines to raise its bid to the appraised value, the Town Council shall notify all previous bidders by mail that they may resubmit a bid considering the established appraised value within ten (10) days of such notice. The Town may then select another potential purchaser pursuant to Section 4.

SECTION 8. If the proposed purchaser's offer meets or exceeds the appraised fair market value or if a lesser sales price is approved by a super majority vote, the Town Council by resolution passed by majority vote may accept such offer and enter into a contract for sale of the property. In the event the Town does not come to terms with the proposed purchaser, the Town may consider other previous offers pursuant to Section 4.

SECTION 9. Notwithstanding any rules of general practice apportioning costs of the sale of property, purchasers of Town owned property shall pay all closing costs including, but not limited to, costs of the survey, abstracting, title insurance, attorney's fees, all documentary stamps and the cost of publication of any notices. In the Town Council's discretion, such closing costs may be apportioned in any other manner.

SECTION 10. In the event of a default on the part of any purchaser of Town owned property in making full payment or otherwise failing in the performance of their obligations under the contract to purchase, the amount of the deposit shall be forfeited unless the contract shall provide otherwise.

SECTION 11. The proceeds from any sale of Town owned property shall be deposited with the Finance Director and credited to any fund designated by the Town Council.

SECTION 12. This Resolution shall govern the sale or disposition of any Town excess property and shall replace Resolution No. 96-7 in its entirety.

SECTION 13. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 22nd day of April, 1998.

Frank W. Harris
Frank W. Harris, Mayor

Deborah S. Manzo
Deborah S. Manzo, Town Clerk

Gregory S. Kino
for Gregory S. Kino, Town Attorney