



## MEMORANDUM

Date: January 7, 2016  
To: Joseph F. Lo Bello, Town Manager  
From: Matthew Pazanski, Finance Director  
Re: 841 Ocean Drive - Old Town Hall Property – Public Hearing

---

### **BACKGROUND**

On November 25, 2015 the Town staff received a letter (attached) from Attorney David Tassel, on behalf of his client, 818 Ocean LLC, expressing interest in acquiring the Town-owned property located at 841 Ocean Drive, which is the old Town Hall property.

At the December 9, 2015 Town Council meeting, the Town Council approved holding a public hearing to make a determination if the parcel is excess property and whether to pursue the sale or disposition pursuant to Resolution 98-8.

The Town followed a similar process in the sale of the old water plant property on U.S. Highway One and A1A. In June 2000, the Town was contacted by an interested party and the item was brought to the Town Council for consideration.

### **DISCUSSION**

The Town's Resolution No. 98-8 (attached) outlines the procedure for the sale or disposition of excess real property owned by the Town. Among its provisions are the following:

- The Town Council must determine, at a scheduled public hearing, that a parcel is "excess property", and vote to pursue its sale or disposition. (Excess property - not needed for public purposes in the foreseeable future.)
- Upon affirmative vote of the Town Council, notice of the availability for sale will be sent to abutting property owners by certified mail, and advertised in a local newspaper.
- Approval of any offers received pursuant to the resolution may or may not be selected at the discretion of the Town Council, even if the offer to purchase is equal to or exceeds the appraised value.

Additional detailed provisions of the proposed sale notice, bid process and submittal, potential contract discussions, deposits, appraisal reports, bid acceptance and closing costs are contained within the resolution.

### **RECOMMENDATION**

Consider a motion to declare the Old Town Hall Property as excess property and authorize its sale or disposition pursuant to the procedures set forth in Town Resolution 98-8.



JOHN L. AVERY, JR. CHARTERED  
JOSEPH C. KEMPE, Esq. 1,2,3  
MARNIE R. PONCY, Esq.<sup>5</sup>  
MELISSA D. LAZARCHICK, P.A.  
ANDREW D. RAFKIN, P.A.  
DAVID C. TASSELL, P.A.  
CHARLES R. L. WHITE, CHARTERED<sup>4</sup>  
KEVIN C. GLEASON, Esq. - OF COUNSEL

<sup>1</sup>LL.M. IN TAX LAW  
<sup>2</sup>BOARD CERTIFIED IN TAX LAW  
<sup>3</sup>BOARD CERTIFIED IN WILLS, TRUSTS AND ESTATES  
<sup>4</sup>ALSO ADMITTED IN N.C. AND N.Y.  
<sup>5</sup>REGISTERED NURSE

TAX AND FIDUCIARY ACCOUNTANTS  
CHRIS BOURDEAU CPA, BENJAMIN DEVLEN CPA,  
KYLE DONHAM CPA, AARON M. FLOOD,  
MAUREEN LLOYD-RIGAUDON  
PATRICK E. MANGAN CPA

LEGAL ASSISTANTS  
DONNA BAUMMIER, ANDREA L. BLAIR  
DAWN CHADWICK, TRACY COSTANZO  
KATHERINE FISCHER, LOUISE M. FISHER,  
KRISTEN JANICKI, ALLISON JUDKINS,  
ALISON OVERTON, TERRI RODGERS,  
KIMBERLY V. TASSELL

## JOSEPH C. KEMPE

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW  
MAIN OFFICE

941 NORTH HIGHWAY A1A  
JUPITER, FLORIDA 33477

TELEPHONE (561) 747-7300  
FAX (561) 747-7722

November 23, 2015

STUART OFFICES  
1101 EAST OCEAN BOULEVARD  
STUART, FLORIDA 34994  
TELEPHONE (772) 223-0700  
FAX (772) 223-0707

ADMINISTRATIVE BRANCH  
SATURN STREET  
JUPITER, FLORIDA 33477  
FAX (561) 747-7722

VERO BEACH  
772-562-4022

NATIONAL WATS LINE  
1-800-747-3113

WEBSITE  
WWW.JCKEMPE.COM

ADMINISTRATION  
ESTHER GARNER, TAMI G. KEMPE,  
GAY LATHE, LISA SARNI

Matthew Pazanski  
Town Finance Director  
Town of Juno Beach  
340 Ocean Drive  
Juno Beach, FL 33408

Re: 461 Venus Drive

Dear Matt:

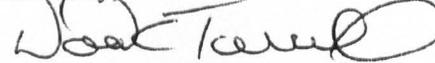
Nice to see you the other night, it has been awhile. All is well with Rotary, but I'm sure Gail keeps you apprised.

As you know my client, 818 Ocean LLC, recently purchased the above referenced property. The property is adjacent to property owned by the Town of Juno Beach which my client is interested in acquiring.

It is my understanding that pursuant to Resolution No. 98-8, the Town Council must first make a determination at a scheduled Town Council meeting that the parcel in question is "excess property" and votes to pursue the sale or disposition of the property.

I have been advised that you are the person to whom this request must be submitted to get the matter on the agenda for the December 9<sup>th</sup> meeting for a determination that the property is excess property under Resolution No. 98-8. Please let me know if there is anything further you need from my client regarding this matter.

Sincerely,



David C. Tassell

cc: Jutta Laukien  
Len Rubin, Esq.

**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