



# Broward County

## Legislation Details (With Text)

**File #:** 20-1948      **Version:** 1

**Status:** Agenda Ready

**In control:** County Administration - Real Property Section

**On agenda:** 12/1/2020      **Final action:** 12/1/2020

**Title:** MOTION TO AUTHORIZE Real Property Section to manage the sale of certain County-owned parcels of land, not suitable for development or building, identified by folio numbers 4942-32-01-3530, 5042-05-04-1240, and 5042-05-08-0710 in accordance with Section 125.35(2), Florida Statutes, which allows for the conveyance of the parcels at private sale without receiving bids or publishing notice if the parcels are not conveyed to adjacent property owners pursuant to Section 125.35(2), Florida Statutes. The subject parcels were previously declared surplus to the County's need by the Board of County Commissioners pursuant to Section 125.35 of the Florida Statutes. (Commission District 9)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Parcel 1 Property Fact Sheet\_494232013530, 2. Exhibit 2 - Parcel 2 Property Fact Sheet\_504205041240, 3. Exhibit 3 - Parcel 3 Property Fact Sheet\_504205080710

Date	Ver.	Action By	Action	Result
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### **Broward County Commission Regular Meeting**

**Director's Name:** Bertha Henry

**Department:** County Administration

**Division:** Real Property

### Information

#### Requested Action

MOTION TO AUTHORIZE Real Property Section to manage the sale of certain County-owned parcels of land, not suitable for development or building, identified by folio numbers 4942-32-01-3530, 5042-05-04-1240, and 5042-05-08-0710 in accordance with Section 125.35(2), Florida Statutes, which allows for the conveyance of the parcels at private sale without receiving bids or publishing notice if the parcels are not conveyed to adjacent property owners pursuant to Section 125.35(2), Florida Statutes. The subject parcels were previously declared surplus to the County's need by the Board of County Commissioners pursuant to Section 125.35 of the Florida Statutes. **(Commission District 9)**

#### Why Action is Necessary

Board of County Commissioners' approval is required to dispose of surplus property pursuant to Section 125.35 of the Florida Statutes and Broward County Administrative Code, Section 6.23.

#### What Action Accomplishes

Allows for the disposal of unused surplus real property and eliminates potential liability and maintenance costs.

#### Is this Action Goal Related

No

### **Previous Action Taken**

On August 14, 2018, Agenda Item No.17, the Board of County Commissioners declared Parcel 1 identified by Folio Number 4942-32-01-3530 surplus to the County's needs based upon its unsuitability for development due to its size.

On February 25, 2020, Agenda Item No.40, the Board of County Commissioners declared Parcel 2 identified by Folio Number 5042-05-04-1240 surplus to the County's needs based on its unsuitability for development due to its shape.

On February 25, 2020, Agenda Item No.40, the Board of County Commissioners declared Parcel 3 identified by Folio Number 5042-05-08-0710 surplus to the County needs based in its irregular shape.

### **Summary Explanation/Background**

COUNTY ADMINISTRATION/REAL PROPERTY SECTION RECOMMENDS APPROVAL OF THE ABOVE MOTION.

This item relates to activities in the Broward Municipal Services District (BMSD) The Broward Municipal Services District, formerly known as Unincorporated Broward County, consists of 11.4 square miles and has a population of approximately 15,006.\* The Broward County Board of County Commissioners is the governing body of the District, and provided municipal services for the area, including business and housing development, library and park facilities, roadway maintenance, street enhancements, and zoning and code enforcement.

\*Source: Population data from the University of Florida's 2017 Bureau of Economic and Business Research. Land area was updated by the Planning and Development Management Division GIS Section using the latest annexation information (August 2018). The 2016 Population by Neighborhood is from the U.S. Census Bureau, 2012-2016, American Community Survey.

On August 14, 2018, Agenda item No.17, the Board of County Commissioners declared Parcel 1 identified by Folio Number 4942-32-01-3530, approximately 2,699 square feet, and located at the northwest corner of NW 27th Avenue and NW 15th Street in the Broward Municipal Services District (BMSD) surplus to the County's needs based on its unsuitability for development or building due to its size. The minimum lot size is 3,300 square feet for RD-10 (Duplex Dwelling Maximum Ten Units per Acre) zoning district in BMSD. The Broward County Property Appraiser assesses the parcel's value at \$23,620. County will retain an easement to allow for future County use including but not limited to traffic signs and sidewalks. Upon the sale of Parcel 1, a separate easement in favor of the County will be simultaneously recorded with the deed of conveyance.

On February 25, 2020, Agenda Item No.40, the Board of County Commissioners declared Parcel 2 identified by Folio Number 5042-05-04-1240, approximately 6,933 square feet, and located at the corner of Washington Drive and NW 8th Court in the BMSD surplus to the County's needs based on its unsuitability for development due to its shape. The parcel is zoned RM-6 (One Family Detached six maximum units per acre), requiring 5,000 square feet per dwelling unit under the Broward County zoning code. The parcel's triangular shape makes it not suitable for development or building. The Broward County Property Appraiser assesses the parcel's value at \$55,460. Broward County will retain a road easement at the northwest end of the property at the request of Highway Construction and Engineering Division.

On February 25, 2020, Agenda Item No.40, the Board of County Commissioners declared Parcel 3 identified by Folio Number 5042-05-08-0710, approximately 3,845 square feet, and located at the corner of NW 8th Street and NW 25th Avenue in the BMSD surplus to the County's needs based in its irregular shape. The parcel is zoned RM-16 (Multiple family - Maximum 16 units per acre), requiring 3,300 square feet for single family and 2,722 for all other housing under the Broward County zoning code. The parcel's irregular shape and set-back requirements make it not suitable for development or building. The Broward County Property Appraiser assesses the parcel's value at \$30,760.

All three parcels were acquired via tax deed pursuant to Section 197.502(8), Florida Statutes since there were no bidders at public sales. All applicable Broward County agencies were solicited for potential County use of this property or rights therein; no current or future use was identified for these parcels.

All three parcels have been offered to the adjacent owners as per Section 125.35(2), Florida Statutes. No bids have been received on any of these of these parcels. Staff is requesting the modification of the sale process from public sale pursuant to Section 125.35(1), Florida Statutes to private sale pursuant to Section 125.35(2), Florida Statutes which states that "[w]hen the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property...and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the Board may effect a private sale of the parcel." Pursuant to Section 125.35(2), Florida Statutes, the Board of County Commissioners may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice. In the event no adjacent owner submits a bid to purchase the property, staff recommends a private sale. To that effect, the County's Real Property Section will post the subject three parcels of land on its website, and will send the link to the website to all those who have expressed interest in acquiring the subject County parcels, currently registered in the Surplus Distribution List. The Board of County Commissioners will retain the authority to reject all bids in the event they are too low. The Board of County Commissioners must approve any sale of the parcels pursuant to bids received by adjacent property owners or offers to purchase the parcels received in response to each property's advertisement on the Real Property Section's website.

All documents have been reviewed and approved as to form by the Office of the County Attorney.

### **Source of Additional Information**

Lary Mahoney, Director, Real Property Development, (954) 357- 7357

Steve Hammond, AIA, Acting Director, Public Works Department, (954) 357-6410

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

Proceeds from the sale of this property will be deposited into 35040-35040-61208000-490010-BRW01-101221-ADMIN.