3.15. PROPERTY RECORDS AND INVENTORY

3.15.1. Property Records and Inventory

Records and an inventory of all non-consumable property of the Agency costing seven hundred fifty dollars ($750) or more shall be maintained in accordance with Chapter 274, Florida Statutes. However, property whose value is less than $5,000 is not subject to the requirements of detail inventory tracking and disposal.

3.15.2. Disposal of Property

Any property of the Agency, whose value is $5,000 or more, which is disposed of, or to be disposed of, shall comply with Section 274.05-274.07, Florida Statutes.

3.16. AUTOMATION PERMITTED

3.16.1. Use of Technology

Procurement activities and inventory management for the Agency may be automated whenever it is in the Agency's best interest to do so.

3.16.2. Electronic Invitation to Bid or Request for Proposal

The Executive Director may electronically distribute invitations to bid, RFPs, or other procurement solicitations.

3.16.3. Electronic Submissions

3.16.3.1. Electronic submissions. The Executive Director may receive procurement submissions electronically if the Invitation to Bid, RFP or other procurement solicitation includes permission for such electronic submission.

3.16.3.2. Digital signatures. To assure the validity of procurement submissions received electronically, the Executive Director may require vendors to adopt approval and signature standards established by the State of Florida, the National Institute of Government Purchasing, or other recognized national organization.

3.16.3.3. Public records. All procurement submissions received electronically shall be a public record to the extent provided in Chapter 119, Florida Statutes, and shall be made available to the public as provided by law.

TERM OF SOLE SOURCE APPROVAL

If the sole source or sole brand request is approved by the Executive Director or the CRA Board of Commissioners, as appropriate, the approval will remain in effect throughout the current fiscal year and the immediate following fiscal year.

(Revised May 13, 2009)

3.17. ACQUISITION AND DISPOSAL OF REAL PROPERTY BY THE AGENCY

3.17.1. Introduction

The Adopted Community Redevelopment Plan authorizes the acquisition and disposition of property within the Community Redevelopment Area pursuant to Chapter 163, Part III, Florida Statutes ("CRA Act"). Pursuant to this authority the Community Redevelopment Agency (CRA) has acquired certain parcels of real property throughout the CRA Area. To effectively carry-out redevelopment

projects designed to address the goals and objectives of the CRA, the Agency may consider the assemblage of property to make projects feasible and the disposal of property it owns to facilitate project development. Section 163.380, F.S. addresses the sale and disposal of property in a community redevelopment area.

3.17.2. **Objective**

The CRA is charged with the responsibility of engaging in undertakings, activities, or projects in the community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, or for rehabilitation or conservation. The effective use of land planning principals and strategic property assembly based on achieving specific redevelopment priorities are critical tools in implementing those basic responsibilities of the CRA. To be effective, the CRA must have in place a policy and associated procedures for the purchase and sale of real property that meets the requirements of State law(s) and the policies of the Agency's governing body.

3.17.3. **Strategy**

The CRA Plan contains goals and objectives regarding the need for affordable housing; open space; commercial revitalization; projects designed for the reduction or prevention of crime; and, projects designed for the prevention of the development or spread of slums and blight within the CRA Area. To implement the CRA Plan, real property may be acquired to implement projects in the CRA Plan. From time to time, strategic priorities may shift or project strategies fulfilled. In these situations, real property owned may require disposition. The Agency's Policy and Procedures for the Acquisition and Disposal of Real Property provides the framework to delegate the authority to negotiate, purchase, and account for real property owned consistent with a Board of Commissioners approved Property Acquisition and Disposition Program (PADP).

3.17.4. **Policy Statement**

The CRA will engage in the strategic acquisition and/or disposal of real property located within the CRA Area to accomplish the goals and objectives set forth in the CRA's Plan. Real property owned by the Agency shall be maintained in a pristine manner; properly inventoried and assessed no less than annually for its relevance in achieving the CRA Plan.

3.17.5. **Procedures**

3.17.5.1. **Acquisition of Real Property by Purchase**

The process to acquire real property by a community redevelopment agency is not fully addressed in Section 163, F.S. or specifically in any section of the Florida Statutes. The following process was developed using examples of real property acquisition processes used by other governmental entities including Florida CRAs. These procedures are adopted by the CRA with relevant references to the underlying principles of the CRA Act.

3.17.5.2. **General Considerations**

(a) The Riviera Beach Community Redevelopment Agency is authorized to adopt a Property Acquisition and Disposition Program (PADP) for the community redevelopment area that is based on the Agency's goals and objectives for open space, infill housing, and commercial revitalization.

(b) The CRA Executive Director is authorized to negotiate for the purchase of real property consistent with the CRA Board approved PADP and up to the amount budgeted by the Board of Commissioners ("Commissioners") for such purposes.

(c) The CRA Board shall have the ultimate authority to approve all contracts negotiated for the Sale and Purchase of Real Property. Further, the CRA Board shall provide authorization to close and disburse funding on the purchase of real property subject to its satisfaction that all contingencies and project due diligence have been met as set forth in State statutes and the Real Property

(d) Acquisition Checklist - Exhibit A (and as revised from time-to-time).

(e) Real property proposed for acquisition must be located in the CRA Area.

3.17.5.3. **Authority to Negotiate, Acquire or Lease Real Property to Facilitate Specific Redevelopment Activities**

The acquisition of real property has been designed as a three-step process to allow for timely acquisition and to ensure effective CRA Board oversight.

(a) Step 1: Authority to Negotiate a Contract for the Sale and Purchase. The Agency, through its Executive Director and with concurrence from the CRA's Legal Counsel, may negotiate, on a sole source basis, directly with a person or entity for the purchase, lease, or other transfer of real property owned and controlled by the individual or entity, if it is strategically located within the CRA Area and deemed consistent with the PADP.

i. The purchase price will be based on an appraisal of a State-certified appraiser. The purchase price may exceed the appraised amount as compensation if there are extenuating circumstances associated with the property's purchase. The Board of Commissioners must authorize the offer of additional compensation and the rationale for approving the increased amount must be documented.

ii. No coercive action shall be taken in order to induce an agreement on the price paid for property.

iii. Evidence of marketable title shall be provided by the property owner prior to the conveyance of title, as provided in the final agreement for purchase.
iv. If the property is privately owned, all beneficial interests in the property will be disclosed.

(b) Step 2: Approval of Contract for the Sale and Purchase. Contract terms and the decision to acquire a particular property shall be subject to the approval of the CRA Board at its sole discretion.

(c) Step 3: Approval to Close and Authorization to Disburse Funds. The Agency, through its Executive Director and with concurrence from the CRA's Legal Counsel, shall petition the CRA Board for permission to disburse funds and close a particular transaction providing that all required contingencies have been met to the Agency's satisfaction. The resolution seeking CRA Board approval to close and disburse funding shall include a Real Property Acquisition Checklist in form and substance as noted as Exhibit A at the end of this section.

3.17.5.4. **Exchange of Real Property to Facilitate Specific Redevelopment Activities**

The acquisition or disposal of property owned by the Agency through a property exchange is a process that encompasses elements of both a property sale procedure and a property disposal procedure. The property being acquired would follow the above procedures that outline the steps required to purchase property. The property being disposed of would follow the procedures that outline the steps to dispose of property below. The exchange should reflect a value for equal value transaction. All conditions explained in Section A – Acquisition of Real Property by Purchase above and delineated in the Real Property Acquisition Checklist (Exhibit A) and all conditions explained in Section B – Disposal of Real Property below and delineated in the Real Property Disposal Checklist (Exhibit B) may apply, as applicable.

3.17.5.5. **Acquisition of Real Property by Donation**

The steps involved in the Agency's acceptance of donated property are similar to those of the acquisition of real property by purchase. All conditions delineated in the Real Property Acquisition Checklist may apply, as applicable. The Agency should obtain a letter of donation from the donor(s) specifying a location and description of the property to be donated and any conditions involved in the donation. The Agency should document the rationale to support the public purpose served by receipt of the property. The Agency, at a minimum, should obtain a Phase I environmental audit to ensure no future liabilities in accepting the gift of ownership.

3.17.5.6. **Reporting of Real Property Owned**

The CRA Executive Director shall provide the CRA Board with regular updates on the Property Acquisition and Disposition Program (PADP) and may code the names of real property owned or targeted for acquisition to avoid heightened speculation from external market sources that could impede the Agency's PADP. Real property owned by the Agency shall be maintained in a pristine manner; properly inventoried, and assessed no less than annually for its relevance in achieving the CRA Plan.

3.17.5.7. **Disposal of Real Property**

The CRA Board shall have the ultimate authority to approve all contracts negotiated for the disposal of real property. Further, the CRA Board shall provide authorization to close and disburse funding on the disposal of real property subject to its satisfaction that all contingencies and project due diligence have been met as set forth in State statutes and the Real Property Disposal Checklist - Exhibit B (and as revised from time-to-time).

3.17.5.8. Guidelines for the disposal of real property by a community redevelopment agency are outlined in Section 163.380, F.S. and are summarized below:

3.17.5.8.1. Section 163.380(1), F.S. - General Conditions for Property Disposal

(a) The CRA may sell, lease, dispose of, or otherwise transfer real property or any interest therein to any
(b) private person, or may retain such property for public use.
(c) The CRA may enter into contracts in accordance with the community redevelopment plan.
(d) The sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the Agency's Plan by the governing body.
(e) The purchasers or lessees and their successors and assigns shall be obligated to devote real property disposed of by the Agency only to the uses specified in the CRA Plan.

3.17.5.8.2. Section 163.380(2), F.S. - Determination of the "value" or the "valuation" of property being disposed of.

(a) Real property or the interest in real property can be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the CRA Plan.

(b) The Agency may consider extenuating factors in determining if the value of real property being disposed of is in the public interest.

i. Long-term benefits achieved by the Agency resulting from incurring short-term losses or costs in the disposal of real property.
ii. Uses of the property provided for in the CRA Plan.
iii. Restrictions on, and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the Agency retaining he property;
iv. The objectives of the CRA Plan for the prevention of the recurrence of slum or blighted areas.

(c) In the event the value of the real property being disposed of is for less than the fair value, such disposition shall require the approval of the Riviera Beach City Council, which approval may only be given following a duly noticed public hearing.
(d) The Agency may restrict a private purchaser or lessee from selling, leasing, or otherwise transferring Agency property without the prior written consent of the Agency until obligated improvements have been completed.
(e) Real property acquired by the Agency which is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the CRA plan.

Any contract for such transfer may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

3.17.5.8.3. Section 163.380(3) (a), F.S. - Considerations for the selection of an individual or entity to acquire, lease, or otherwise take control of CRA property.

(a) Prior to disposition, the CRA shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property.

(b) Prior to the delivery of any instrument of conveyance with respect to property being disposed of, invite proposals from, and make all pertinent information available to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a CRA Area or any part thereof.
Notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice.

(c) The Agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out.

(d) The Agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area.

(e) The Agency may accept such proposal as it deems to be in the public interest.

(f) Since the Riviera Beach City Council members serve as the members of the Agency's Board of Commissioners, a notification of intention to accept such proposal is not required to be filed with the governing body (Riviera Beach City Council). The Agency may execute a contract in accordance with the public notice provisions of the law (public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate the contract.

If the Riviera Beach City Council's members do not serve as the Agency's Board of Commissioners, a notification of intention to accept such proposal is required to be filed with the governing body not less than 30 days prior to any such acceptance. After notification of the Agency's intention to accept a proposal for the purchase, lease, or other transfer of any real property is given to the Riviera Beach City Council, the Agency may execute a contract in accordance with the public notice provisions of the law

(public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate the contract.

3.17.5.8.4. Section 163.380(3)(b), F.S. - The Agency's desire to dispose of real property immediately adjacent to property already disposed of according to the Section 163.380, F.S.

3.17.5.8.5. If the Agency has disposed of a real property project with a land area in excess of 20 acres, it may acquire an expanded area that is immediately adjacent to the original project and less than 35 percent of the land area of the original project, by purchase and negotiate a disposition of such expanded area directly with the person who acquired the original project without complying with the disposition procedures established in Section 163.380(3)(a), F.S. (Considerations for the selection of an individual or entity to acquire, lease, or otherwise take control of CRA property), provided the Agency's Board of Commissioners adopts a resolution making the following findings:

(a) It is in the public interest to expand such real property project to an immediately adjacent area.
(b) The expanded area is less than 35 percent of the land area of the original project.
(c) The expanded area is entirely within the boundary of the CRA Area.

3.17.5.8.6. Section 163.380(4), F.S. - The CRA's operation of its property prior to disposition.

The CRA may temporarily operate and maintain real property acquired by it in its community redevelopment area for or in connection with its Plan pending the disposition of the property without regard to the provisions of Section 163.380(1), F.S. (General Conditions for Property Disposal), for such uses and purposes as may be deemed desirable, even though not in conformity its redevelopment Plan.

Riviera Beach Community Redevelopment Agency
JUSTIFICATION FOR SOLE SOURCE PURCHASE

This questionnaire has been designed to assist staff in relating information necessary for the submission and review of sole source/sole brand purchase requisitions.

- The Executive Director or authorized purchasing representative must provide the following information. If more space is needed, please attach additional page(s).

1. A description of the proposed purchase and the benefit of the purchase to the Agency.

_____

_____

_____

2. The reason why the requested product/service is the only product/service that meets Agency's requirements, and why competing products and/or services are not available. (Example: The products will be incorporated into existing equipment and use of competing equipment will void the product warranty.)

_____

_____

_____

3. The reason why only the requested vendor can provide the product and/or service(s). (Example: Service directly from the manufacturer is required to prevent voiding the current warranty.)

_____

_____

_____

_____
Executive Director/Agency's Authorized Signature

_____
Date

Riviera Beach Community Redevelopment Agency
Real Property Acquisition Checklist – Exhibit A
Property Address or Description: _____

Action	Acquisition Type (Check if Complete)			
	Purchase	**Exchange**	**Donation**	**Other**
1. Proposed acquisition is consistent with the CRA Plan and CRA B Acquisition Program.				
2. Resolution approving terms of contract approved by the CRA Board and duly executed by all parties. A standard contract form approved by the Agency's attorney shall be attached.				
3. Property owned by a public entity. Evidence of the authority to sell and appropriate resolutions from the governing body, if applicable.				
4. Title insurance required and CRA attorney review prior to closing to ensure a clean title. All exceptions, reservations, encroachments or other adverse conditions which are disclosed in the course of preparing to negotiate, negotiating, contracting, or closing shall be individually examined by the CRA and evaluated in writing as to possible adverse effect on the objectives of the Agency in acquiring the property.				
5. Appraisal evidencing a fair market value. Obtain an appraisal of the parcel(s) by a State-certified appraiser. A second appraisal is required if the value of the first appraisal exceeds $500,000 or if, in its sole discretion, the Board of Commissioners requests a second appraisal. If property is donated an appraisal is optional.			NA	
6. Phase I Environmental Audit and other environmental assessments, as required, if applicable. If evidence of contamination, attach a memo to the purchase documents addressing plans to clean up property.				
7. Disclosure(s) of beneficial interest in the property required under Section 286.23, F.S., if property is privately owned.				

Riviera Beach Community Redevelopment Agency
Real Property Disposal Checklist – Exhibit B
Property Address or Description: _____

Action	Disposal Type (Check if Complete)			
	Sale	**Exchange**		**Other**
1. Proposed sale is consistent with the CRA Plan and CRA Boar 2. Acquisition Program.				
3. Resolution approving terms of contract approved by the CRA Board and duly executed by all parties. A standard contract form approved by the Agency's attorney shall be attached.				
4. Property being purchased by a public entity. Evidence of the authority to purchase and appropriate resolutions from the governing body, if applicable.				
5. Appraisal evidencing a fair market value of property being sold. Obtain an appraisal of the parcel(s) by a State-certified appraiser. A second appraisal is required if the value of the first appraisal exceeds $500,000.				
6. Public notice of sale (at least 30 days).				
7. Riviera Beach City Council approval if value of real property being disposed of is for less than its fair value.				
8. Invite proposals from interested parties to purchase property.				
9. Perform required tasks if Agency desires to dispose of real property adjacent to property already disposed of (Section 163.380(3) (b)).				