

MEMORANDUM

Office of the City Attorney

Legistar No.: 050470

Phone: 334-5011/Fax 334-2229
Box 46

SECOND READING

--FIRST READING--

TO: Mayor and Commissioners

FROM: Marion J. Radson, City Attorney

SUBJECT: **ORDINANCE NO.: 0-05-100**

DATE: ~~October 24, 2005~~
November 14, 2005

AMENDMENT TO APPRAISAL ORDINANCE


An ordinance of the City of Gainesville, Florida, amending Article VI, Section 2-435 of the Code of Ordinances to increase the value of property requiring appraisal to \$100,000; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

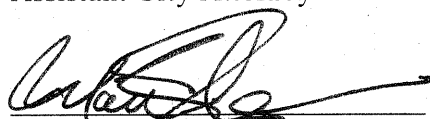
On October 10, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance that would increase the value of property requiring appraisal to \$100,000.00.

It is the desire of the City Manager and the Gainesville Regional Utilities General Manager to exempt real property transactions of \$100,000 or less from the requirement of obtaining a written appraisal. Currently, §2-435, City of Gainesville Code of Ordinances, requires an appraisal for all city purchases and sales of real property at a cost of \$10,000 or more. Land values have increased significantly since this ordinance was last modified in 1986. As a result, many routine transactions involving even small parcels of land now require an appraisal, with costs ranging from as little as \$200 to as much as \$20,000, depending on the type of property and the scope and complexity of the appraisal. This significantly increases the city's costs for such transactions, and causes delays in their completion. Section 166.045, Florida Statutes, which requires written appraisals for acquisition of property for a municipal purpose, allows the governing body of the municipality, by ordinary vote, to exempt purchases of \$100,000 or less from the appraisal requirement. Amending the city's ordinance to exempt purchases of \$100,000 or less from the appraisal requirement would make routine land transactions less costly and time consuming for the city, thus saving taxpayers' money. In addition, the amendment would make the appraisal requirement in the city ordinance identical to that in the state statute. The City Attorney has no objection to this ordinance amendment.

Prepared by:


Marynelle Hardee
Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson
City Attorney

MH/MJR/bs

ORDINANCE _____
0-05-100

An ordinance of the City of Gainesville, Florida, amending Article VI, Section 2-435 of the Code of Ordinances to increase the value of property requiring appraisal to \$100,000; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once prior to adoption by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Article VI, Section 2-435 of the Code of Ordinances of the City of Gainesville is amended to read as follows:

Sec. 2-435. Appraisal required for purchase or sale of certain real property.

No purchase or sale of real property at a cost of ~~\$10,000.00~~ \$100,000.00 or more may be made by the city, nor shall the city or any of its agents, officers or employees enter into any contract or agreement relating to the purchase or sale of real property by the city at a cost of ~~\$10,000.00~~ \$100,000.00 or more until the city has first obtained an appraisal of such real property.

1 **Section 2.** It is the intention of the City Commission that the provisions of
2 Section 1 of this Ordinance shall become and be made a part of the Code of Ordinances
3 of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance
4 may be renumbered or relettered in order to accomplish such intentions.

5 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to
6 be invalid or unconstitutional by any court of competent jurisdiction, then said holding
7 shall in no way affect the validity of the remaining portions of this ordinance.

8 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the
9 extent of such conflict hereby repealed.

10 **Section 5.** This ordinance shall become effective immediately upon adoption.

11 **PASSED AND ADOPTED** this ____ day of _____, 2005.

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PEGEEN HANRAHAN
MAYOR

19 ATTEST

APPROVED AS TO FORM AND LEGALITY

20
21

22 _____
23 KURT M. LANNON
24 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

25
26

27 This Ordinance passed on first reading this ____ day of _____, 2005.

28 This Ordinance passed on second reading this ____ day of _____, 2005.

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**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF
ORDINANCE
BY CITY COMMISSION,
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 24th day of October, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 14th day of November, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

ORDINANCE TITLE

ORDINANCE NO. 050470

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Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

November 4, 2005
Publish Date

Kurt M. Lannon
Clerk of the Commission

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