

Legislative #

100629

ORDINANCE NO. 100629

An ordinance of the City of Gainesville, Florida, amending the City Code of Ordinances, relating to real property; by amending Section 2-435 to change the point in time at which an appraisal must be obtained by the City; by deleting in its entirety existing Section 2-436 concerning sale of land obtained by the City through foreclosure; by creating a new Section 2-436 which provides for acquisition and disposition of real property in accordance with the City’s adopted Real Property Policies; 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 by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described above, at which hearings 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. Section 2-435 of the Code of Ordinances of the City of Gainesville, Florida, is amended to read as stated below.

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

~~No~~ The City Commission shall not approve a contract for the purchase or sale of fee title to real property at a cost of \$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 \$100,000.00 or more until the city has first obtained an appraisal of such real property.~~

1 Section 2. The existing Section 2-436 of the Code of Ordinances of the City of
2 Gainesville, Florida, is deleted in its entirety.

3 ~~Sec. 2-436. Sale of land obtained by city through foreclosure.~~

4 ~~(a) Whenever title to any land becomes vested in the city by virtue of foreclosure~~
5 ~~proceedings for delinquent taxes and/or special assessments and the city commission~~
6 ~~determines that the land is not needed for any public purpose, the land may be sold in the~~
7 ~~following manner:~~

8 (1)
9 ~~When the land at the time of acquisition of title thereto by the city was owned~~
10 ~~by an established church or by any corporation or individual acting as trustee for~~
11 ~~the church, and which was at the time being used for church purposes, the city~~
12 ~~commission may convey the land to the church or to its trustee, upon request of~~
13 ~~the church or trustee upon the payment of the delinquent taxes and/or special~~
14 ~~assessments and all costs incurred by the city in the foreclosure proceedings as~~
15 ~~set forth in the final judgment of foreclosure together with interest at the legal~~
16 ~~rate from the date the city acquired title to the property until the date the~~
17 ~~property is conveyed to the church or its trustee.~~

18 (2)
19 ~~When the lands were owned other than as stated in the preceding subsection (a),~~
20 ~~the city commission may upon request convey the property back to the former~~
21 ~~owner at the then current appraised value of the land as determined by an~~
22 ~~appraiser selected by the city and paid for by the individual, firm or corporation~~
23 ~~making the request. Any former owner desiring to purchase property as provided~~
24 ~~for in this section shall make a request in writing to the city commission and~~
25 ~~shall deposit the sum of \$100.00 with the city manager to be applied toward the~~
26 ~~appraisal cost, the balance of which, if any, shall be paid to the city before title~~
27 ~~is transferred by the city, or any excess shall be refunded to the one who~~
28 ~~deposited same.~~

29 (3)
30 ~~The city may, on its own initiative, sell land at public sale to the highest and best~~
31 ~~bidder for cash, subject to the right of the city to reject all offers and bids. If the~~
32 ~~city elects to sell the lands at public sale, they shall be sold at public outcry at~~
33 ~~the front door of the municipal building or at the site of the land to be sold after~~
34 ~~notice of the sale has been published once each week for two consecutive weeks~~
35 ~~in some newspaper published in the city and qualified to publish legal~~
36 ~~advertisements under the laws of the state.~~

37 (b) —
38 ~~This section shall apply to all lands which have vested in the city by virtue of prior~~
39 ~~foreclosure proceedings for delinquent taxes and/or special assessments.~~

1 **Section 3.** A new section of 2-436 is created and added to the Code of Ordinances of the
2 City to read as follows:

3 **Sec. 2-436. Real property polices.**

4 The acquisition or disposition of real property by the City shall be conducted in
5 accordance with real property polices as adopted by and as may be amended from time to
6 time by the City Commission.
7

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

12 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
13 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
14 finding shall not affect the other provisions or applications of the ordinance which can be given
15 effect without the valid or unconstitutional provisions or application, and to this end the
16 provisions of this ordinance are declared severable.

17 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
18 such conflict hereby repealed.
19

1 **Section 7.** This ordinance shall become effective immediately upon final adoption.

2 **PASSED AND ADOPTED** this _____ day of _____, 2013.

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CRAIG LOWE
MAYOR

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ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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This Ordinance passed on first reading this _____ day of _____, 2013.

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This Ordinance passed on second reading this _____ day of _____, 2013.