

MEMORANDUM

Office of the City Attorney

Legistar No.: 050470

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

FIRST READING

DATE: October 24, 2005

TO: Mayor and Commissioners

FROM: Marion J. Radson, City Attorney

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

D R A F T

10/11/05

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

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 KURT M. LANNON
 CLERK OF THE COMMISSION

 MARION J. RADSON
 CITY ATTORNEY

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

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