

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY OF FORT LAUDERDALE PURSUANT TO CITY CHARTER SECTION 8.04 DECLARING CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED BELOW, NOT NEEDED FOR PUBLIC USE DECLARING AND DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY THAT SUCH PROPERTY BE OFFERED FOR SALE FOR A MINIMUM BID AS SET FORTH BELOW, WITH BIDS TO BE SUBMITTED NO LATER THAN 2:00 PM, **OCTOBER 20, 2015** AND THIS MATTER BE SCHEDULED BEFORE THE CITY COMMISSION ON **NOVEMBER 17, 2015**, TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER FOR SUCH PROPERTY AND AUTHORIZING EXECUTION OF A CONTRACT FOR PURCHASE AND SALE OF THE PROPERTY AS SET FORTH BELOW AND AUTHORIZING PREPARATION OF A CONVEYANCE OF SUCH PROPERTY IN ACCORDANCE WITH THE TERMS THEREOF AND AUTHORIZING EXECUTION OF DOCUMENTS OR INSTRUMENTS NECESSARY OR INCIDENTAL TO THE CONVEYANCE OF THE PROPERTY OR REJECTING ANY AND ALL OFFERS; REQUIRING THE CITY CLERK TO PUBLISH THIS RESOLUTION IN FULL IN ONE (1) ISSUE OF THE OFFICIAL NEWSPAPER OF THE CITY WITHIN SEVEN (7) DAYS OF THE ADOPTION HEREOF; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by instrument dated September 21, 2001, recorded at Official Records Book 32411, Page 0729 of the Public Records of Broward County, Florida, the Department of Housing and Urban Development conveyed title to the below described Property to the City of Fort Lauderdale, such Property being described as follows:

The South one-half (S ½) of the East fifty (50) feet of the West one hundred (100) feet of Tract thirty-two (32), F.A. BARRETT'S SUBDIVISION OF THE WEST HALF (W ½) OF SECTION TWENTY-ONE (21), TOWNSHIP FIFTY (50) SOUTH, RANGE FORTY-0TWO (42) EAST, according to the Plat thereof, as recorded in Plat Book 1, Page 46 of the Public Records of Broward County, Florida; said lands lying,

situate and being in the City of Fort Lauderdale, County of Broward, State of Florida.

Property Identification # 5042 21 01 0550
Approximate Street Address – 1543 S.W. 32nd Street, Fort Lauderdale, Florida 33315

(hereinafter, "Property")

WHEREAS, the Property has approximately 8,228 square feet of vacant, unimproved land, zoned RS-8; and

WHEREAS, it is desirable to the City of Fort Lauderdale that the Property be sold, as it serves no public use and requires periodic maintenance without any beneficial return to the City other than avoidance of nuisance conditions; and

WHEREAS, pursuant to City Charter Section 8.04, the City is authorized to sell public lands, title to which is vested in the City, to any private person, upon certain terms and conditions; and

WHEREAS, the City Commission finds that it is in the best interests of the City to offer the Property for sale;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission hereby declares that the Property described above is not needed for public use and that it is in the best interests of the City to sell the Property, upon terms and conditions hereinafter set forth.

SECTION 2. City staff recommends and, in accordance with City Charter Section 8.04 the City Commission has determined that the appraised value of the Property is **\$55,700.00** and based upon the appraisal performed by Adrian Gonzalez and Associates, P.A. should be offered for sale pursuant to City Charter Section 8.04, that the sale shall be for cash, but that the City Commission has determined that the sale shall not be for less than one-hundred (100%) per cent of the appraised value as set forth above and that the sale be subject to additional terms and conditions set forth herein.

SECTION 3. The Property described above is hereby offered for sale subject to the following additional terms and conditions:

- A. The City shall sell the Property without competitive bidding to the party making the best offer, but the City may reject any and all offers at any time.
- B. The sale of the Property shall be for cash due at closing and no purchase money mortgage will be held by the City.
- C. The offer shall be accompanied by a cashier's check or certified check payable to the City of Fort Lauderdale in an amount equal to at least ten (10%) per cent of the offered purchase price.
- D. The upon award, the successful bidder shall execute a Deposit Receipt Contract for Purchase and Sale of the Property, including an Addendum thereto, a substantial copy of which is on file in the City Clerk's Office.
- E. The conveyance of the Property to the successful bidder shall be by Quit Claim Deed.

The City's broker of record is CBRE. As a condition hereof and the Deposit Receipt Contract for Purchase and Sale and Addendum thereto shall provide that the successful bidder / Buyer is obligated to pay, at the time of closing, to the City's broker of record a brokerage commission of 4.0% of the sales price of the Property. In the event that a co-broker is involved, the commission owed to CBRE will be reduced to 3.0% of the sales price. The co-broker (other than a CBRE) may earn a commission to be paid by as a Buyer expense at the closing. In the event the co-broker is employed by CBRE, the brokerage commission will be increased to 6.0% of the sale price, to be shared equally by the City's CBRE account tem and the CBRE co-broker.

SECTION 4. All bids must be submitted to City of Fort Lauderdale, Department of Finance, Procurement Division, 100 North Andrews Avenue, Fort Lauderdale, FL 33301-1016, no later than 2:00 PM, **October 20, 2015**.

SECTION 5. Review of the bids by the City Commission shall be scheduled for 6:00 PM, on **November 17, 2015** at the Regular Meeting of the City Commission, or as soon thereafter as same may be heard. During the intervening period between the adoption of this Resolution and **November 17, 2015**, taxpayers and registered electors of the City may protest or object to the sale, or propose other public uses for the Property, and the City Commission may rescind its former action and repeal this Resolution declaring that the Property should not be sold, if it deems same expedient, property and in the best interests of the City.

SECTION 6. At the **November 17, 2015** Regular Meeting of the City Commission, the City Commission may adopt a Resolution accepting the best offer, authorizing execution of the Deposit Receipt Contract for Purchase and Sale of the Property, including the Addendum thereto, and execution and delivery of the deed of conveyance pursuant to the terms and conditions of the Contract for Purchase and Sale and Addendum and authorizing execution and delivery of instruments or documents necessary or incidental to the closing, but the City Commission shall not be so obligated and may reject any and all offers.

SECTION 7. Pursuant to City Charter Section 8.04, within seven (7) days after the adoptions of this Resolution, this Resolution shall be published in full by the City Clerk in one (1) issue of the official newspaper.

SECTION 8. That any prior resolutions or parts thereof in conflict with this Resolution are hereby repealed.

SECTION 9. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the 18th day of August, 2015.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

Senior Assistant City Clerk
Jeffrey A. Modarelli