

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO CITY CHARTER SECTION 8.04; DECLARING CERTAIN PROPERTY LOCATED AT 4030 SOUTH STATE ROAD 7, DANIA BEACH, FLORIDA AS NOT NEEDED FOR PUBLIC USE; AMENDING RESOLUTION 17-170 TO ADD ADDITIONAL LANDS; DECLARING AND DETERMINING THAT IT IS IN THE BEST INTEREST 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 ON **DECEMBER 14, 2017** AND THAT OFFERS BE PRESENTED TO THE CITY COMMISSION ON **JANUARY 3, 2018**, TO CONSIDER A RESOLUTION ACCEPTING THE BEST OFFER FOR SUCH PROPERTY AND AUTHORIZING CONVEYANCE OF SUCH 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, on August 22, 2017, the City Commission adopted Resolution 17-170 under which it declared real property located at 4030 State Road 7, Dania Beach, Florida (the "Initial Property") as not needed for a public purpose and authorized implementation of a competitive bid process; and

WHEREAS, the Initial Property is legally described as follows:

Parcel A, FORT LAUDERDALE SLUDGE PLANT, according to the map or plat thereof as recorded in Plat Book 121, Page 34, Public Records of Broward County, Florida. (the "Initial Property") and

WHEREAS, the City Commission finds it is in the best interest of the City to add the following described parcel which is of nominal value:

Parcel B, FORT LAUDERDALE SLUDGE PLANT, according to the map or plat thereof as recorded in Plat Book 121, Page 34, Public Records of Broward County, Florida. (the "Additional Property")

Property Identification #5041 25 16 0020

WHEREAS, on February 3, 1984, the City acquired title to the property located at 4030 South State Road 7, Dania Beach, Florida by eminent domain, such property being described as:

Parcels A and B, FORT LAUDERDALE SLUDGE PLANT, according to the map or plat thereof as recorded in Plat Book 121, Page 34, Public Records of Broward County, Florida. (the "Property")

Property Identification # 5041 25 16 0010 and 5041 25 16 0020

WHEREAS, the Initial Property which is approximately 24 acres with a 6,129 square foot building which was formerly used as a compositing site, but is currently used for CDL testing, Fort Lauderdale Police department motor vehicle training and as a licensed solids receiving station; and

WHEREAS, the Additional Property which is approximately 4.3 acres and was formerly used as wetland enhancement under Broward County Urban Wilderness Area; and

WHEREAS, the City Commission finds that the Property is no longer needed for public or governmental purposes and deems it in the best interest of the City to advertise the Property to be sold as-is under the provisions of Section 8.04 of the City Charter; 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, pursuant to the terms and conditions set forth in section 8.04 of the City Charter, deems it in the best interest of the citizens to seek bids from interested persons.

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 value of the Property is **\$13,226,000.00** though the property, inclusive of Parcel A and Parcel B, was appraised at a total value of \$13,378,000.00 by Adrian Gonzalez & Associates, P.A. The Property should be offered for sale pursuant to City Charter Section 8.04 and that the sale shall be for cash. Further, the City Commission has determined that it shall not accept offers to purchase for less than the determined value of \$13,226,000.00 and that the sale shall 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, with 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 approved purchase price.

- D. The upon award, the successful bidder shall execute a 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 and the successful bidder shall bear all closing costs.
- F. The City's broker of record is Colliers International South Florida, LLC. As a condition hereof and the 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 without setoff, credit or reduction in the sales proceeds paid to the City. If the successful bidder / Buyer have retained a broker, there may be additional brokerage fees payable at closing.
- G. Any and all outstanding bonds must be satisfied and discharged at closing from the proceeds of the sale of the Property and the purchase price must be sufficient to pay and discharge such bonds or obligations according to their terms.

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 on **December 14, 2017**.

SECTION 5. Review of the bids by the City Commission shall be scheduled for 6:00 pm, on **JANUARY 3, 2018** 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 JANUARY 3, 2018, 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, proper and in the best interest of the City.

SECTION 6. At the Regular Meeting of the City Commission on **JANUARY 3, 2018**, the City Commission may adopt a Resolution accepting the best offer, authorizing execution of the 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, but the City Commission shall not be obligated to do so and

may reject any and all offers.

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

SECTION 8. Resolution 17-170 is amended to add the Additional Property and to extend the time to receive competitive bids. 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.

Approved this Resolution the ____ day of _____ 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI