

ORDINANCE NO. 2020-03

AN ORDINANCE OF CALHOUN COUNTY, FLORIDA, PROVIDING FOR THE SALE OF COUNTY OWNED REAL AND PERSONAL PROPERTY; PROVIDING DEFINITIONS: FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida enacted Florida Statute §125.35, Laws of Florida, authorizing Florida counties to enact by ordinance, a procedure for the sale of surplus property; and

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, wishes to simplify and streamline the process for the disposition of County owned real and personal property:

1. DEFINITIONS:

- a. Recyclable Materials shall include but not be limited to, scrap metal, paper, cardboard or other materials whose only value is based on the value of the material rather than as a piece of equipment, machinery or other similar items;
 - b. Surplus Property shall be deemed Surplus Real Property real property which the County declares to be surplus pursuant to the procedure contained in Florida Statute §197 et seq or other real property declared surplus because it no longer serves a county purpose.
 - c. Value: the “value” of real property” shall be the value as stated by the Calhoun County Property Appraiser. The “value of personal property” shall be set by the Board of County Commissioners.
2. The Clerk of the Court shall maintain a list of all property which is “surplus” as defined herein and, to the extent practical, shall maintain said list on the County Website.
 3. In the event the County is contacted by a individual wishing to buy surplus property, such individual shall put such request in writing and deliver it to the Clerk of Court. At the next County Commissioner Board meeting the Clerk shall advise the Board of County Commissioners of the request. Upon an affirmative vote of the Board of County Commissioners the Clerk shall notify the prospective purchaser who shall tender a deposit for advertisement of the property in a local newspaper. The date of sale shall be no sooner than 30 days from the date of the advertisement. The sale shall take place bidding at the location set forth for foreclosure sales and shall be conducted in a similar manner as foreclosure sales. The property shall be sold to high bidder and if the prospective purchaser is the high bidder he/she/it shall either be given credit for the deposit paid as reduction of the bid amount or if another party is successful bidder, the prospective purchaser shall be refunded the cost of the

amount and pay the balance within 7 days. The minimum bid amount shall be the amount set forth on the tax rolls of Calhoun County as determined by the Calhoun County Property Appraiser.

4. Recyclable materials may be accumulated by the County until in the discretion of the Board of County Commissioners; such a quantity of recyclable materials has been accumulated to make their sale financially viable. A person designated by the Board of County Commissioners shall then contact purchasers of such materials and receive sealed quotes, and then sell to highest and best bidder. Such sales shall be reported at the next regularly scheduled board meeting.
5. The County reserves the right to reject any and all bids. All property transferred hereunder shall be transferred without warranties of any kind and, in the case of personal property, shall be sold "as is" "where is" FOB County yard. Any real property shall be sold via a quit claim deed with the purchaser bearing all costs of closing.
6. SEVERABILITY; EFFECTIVE DATE: If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held, for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portions of the ordinance shall not be affected thereby. This ordinance shall take effect as provided by law.

The foregoing ordinance was adopted by vote of 5 to 0 by the Board of County Commissioners of Calhoun County, Florida, after due notice and publication and on motion, second and discussion, in the meeting of Nov 17, 2020.

BOARD OF COUNTY COMMISSIONERS
CALHOUN COUNTY, FLORIDA

BY: Scott Wang
Chairman,

ATTEST:

Carla A Hand
Clerk, Carla Hand