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June 15, 2023

MEMORANDUM

TO: Board of County Commissioners

FROM: Courtney K. Grimm, County Attorney

RE: Request to use alternative procedure to notice public hearing for the consideration of a potential purchase and sale agreement for the purchase of real property in connection with the Bonded Transportation Program necessary for stormwater retention facilities and/or ROW

Properties:

PROJECT 2

- 1) 29-05-26-014451-000-00 (Jiminez)(ROW) (Project #2 CR 209)

Section 125.355, Florida Statutes, governs the procedure a County government must follow in order to purchase real property. The process requires a thirty-day notice published prior to the board meeting where the Board will consider entry into a real estate purchase agreement. The statute gives local governments the option to adopt an alternative method of advertising its intent to enter into a purchase and sale agreement if it does not need to keep offers for purchase confidential. The County adopted an ordinance codified at Section 2-175 of the Clay County Code which simplifies the process as follows:

Sec. 2-175. - Procedure and alternative procedure for approval of real property purchase agreements.

(a) Unless the board of county commissioners shall give direction as provided in subsection (b) that the alternative procedures provided in subsection (c) be observed in connection with the county's proposed acquisition by purchase of a specifically identified parcel or parcels of real property, the procedures provided in Section 125.355, Florida Statutes, shall be observed for all proposed acquisitions by purchase of real property by the county.

(b) At the direction given by a super majority of the quorum of the board of county commissioners at any regular or special meeting thereof with respect to any specifically identified parcel or parcels of real property,

the alternative procedures provided in subsection (c) shall be observed for the proposed purchase by the county of such specifically identified parcel or parcels of real property.

(c) Upon the giving by the board of county commissioners of the direction as provided in subsection (b) with respect to any specifically identified parcel or parcels of real property, any and all written appraisals procured or received by the county related to such specifically identified parcel or parcels of real property prior to or following the giving of such direction, and any and all written offers and counteroffers made or received by the county related to such specifically identified parcel or parcels of real property prior to or following such direction shall be available for immediate public disclosure and shall not be exempt from the provisions of Section 119.07(1), Florida Statutes. Upon the giving by the board of county commissioners of the direction as provided in subsection (b) with respect to any specifically identified parcel or parcels of real property, said board shall be authorized at any subsequent regular or special meeting thereof to enter into any agreement or agreements for the purchase of such specifically identified parcel or parcels of real property upon such terms and conditions as said board shall deem appropriate without the procurement or receipt of any appraisal related thereto following a public hearing preceded by the publication at least five (5) days prior thereto of notice of said board's intent to consider the same. Such notice shall appear in a newspaper of general circulation within the county that is published on at least a weekly basis.

The use of the alternative procedure significantly lessens the notice period before which a purchase and sale agreement can be considered by the Board from 30 days to 5 days published notice. In order to use the alternative procedure, all appraisals for the property which have been received by the County must be made available to the public as soon as the Board approves the use of the shortened notice period.

It is important to note that the Board is not being asked to approve any purchase today. If a real estate purchase and sale agreement is negotiated, it will be brought back to the Board for consideration at a public hearing at a subsequent meeting.

Approval by the Board by a supermajority vote is requested to approve the use of the alternative method for any purchase and sale agreement for the specified parcels.

CKG/dpr