

## Administrative Order



**Administrative Order No.:** 8-1

**Title:** Acquisition or Lease of Real Property From the Private Sector

**Ordered:** 07/26/2007

**Effective:** 07/26/2007

**AUTHORITY:**

Section 4.02 of the Miami-Dade County Charter.

**SUPERSEDES:**

This Administrative Order supersedes previous Administrative Order No. 8-1, dated July 10, 1990.

**POLICY:**

The authority to acquire or lease any type of real property, including, but not limited to, land, plant installations, service facilities, and other assets of a public nature, rests solely with the Board of County Commissioners.

All contracts, leases, and agreements, except those with the Federal Government and the State of Florida, must be executed by the other party prior to submission to the Office of the County Manager.

Furthermore, it is the policy of this County when appropriate, in the lease, purchase, or construction of required space or facilities, to locate such space in an area which will enhance the economic viability of depressed areas and maximizes access to public transportation, provided, however, that said location is in the best interest of the County and the general public.

**RESPONSIBLE DEPARTMENTS:**

**GENERAL SERVICES ADMINISTRATION:**

Except as otherwise specified by this Administrative Order, the General Services Administration (GSA) is responsible for the identification, negotiation, contracting, and closing of all non right-of-way property acquisitions, leases, donations and dedications, for servicing said leases during the lease term, and for the maintenance of County-owned and leased real property records. Copies of all real property transactions, including covenants for property dedicated to the County, shall be submitted to the Real Estate Section of GSA, within one month of County Commission approval.

## **OTHER DEPARTMENTS:**

The Public Works Department is responsible for the acquisition of real property for road right-of-way and other transportation related projects; the Department of Environmental Resources Management is responsible for the acquisition of real property for canal right-of-way, flood protection and water management and environmentally endangered lands; Miami-Dade Transit is responsible for the acquisition of right-of-way for the Orange Line expansion only; and the Aviation and Seaport Departments are responsible for the acquisition of all real property, including right-of-way, required by their respective departments. The internal procedures established by these departments for carrying out these objectives must comply with the policies outlined within this administrative order.

No County official or employee may obligate the County in any way in the acquisition or lease of real property. Further, County officials and employees are specifically forbidden from accepting or sharing in any commission or gratuity of any kind for County leases or property purchases. (See Administrative Order No. 7-1.)

## **AGENTS:**

In acquiring or leasing real property, the County will not be responsible for, nor will the County pay to any agent, a finder's fee or any other thing of value. All negotiations will be conducted only with the principals involved or with such duly authorized agents as may be designated in writing by the principals.

For transactions in which the County is negotiating to lease or purchase all or a portion of real property, should the owner of said real property have in place a brokerage agreement for the payment of a real estate sales commission, it shall be the policy of the County to share in the fees as provided for in said brokerage agreement as a party to the transaction pursuant to Rule 61J2-10.028(s) FAC.

## **PROCEDURES:**

### **INITIATING ACTION:**

Except as otherwise specified by this Administrative Order, any department director or other official desiring the acquisition, lease, or renewal of leases of real property shall submit to GSA (Real Estate Section) a Property Action Request form, a copy of which may be obtained from GSA's Real Estate Section or GSA's website. The department shall detail all pertinent information, including, but not limited to, the following: intended use and approximate size of space required,

estimated budget and source of revenue, number and classifications of occupying staff, any geographic constraints on location (with appropriate justification), special space requirements, and hours of operations.

**ASSESSMENT OF FINANCIAL IMPACT:**

At such time as a suitable site is identified for lease or purchase, GSA will prepare a preliminary estimate of the costs associated with the project, including, but not limited to, purchase price and closing costs in the case of a purchase, and rental expenses, space build-out or construction estimate, operating expenses, and relocation costs for the project in the case of a lease.

**ENVIRONMENTAL IMPACT:**

Prior to the purchase of any non-right-of-way real property, an environmental assessment of the property shall be conducted by the Department of Environmental Resources Management (DERM), or a certified environmental engineering firm.

**APPRAISALS:**

For property acquisitions that require appraisals, the requesting department director/official is responsible for following County procedure, entitled "Request for Property Appraisal", as specified in Dade County Procedures Manual in accordance with Florida Statute 125.355.

**ZONING:**

Prior to acquisition or lease, all property proposed to be used as a government facility must be approved for such use pursuant to Dade County procedures.

**TITLE:**

Prior to closing on the acquisition of real property, a title search shall be conducted to verify that the property has clear title.

**HISTORIC PRESERVATION:**

All non right-of-way real property being considered for purchase shall be evaluated by the County's Office of Historic Preservation to determine whether it is of historic or archeological significance.

## **APPROVAL TO NEGOTIATE:**

The Property Action Request and Assessment of Financial Impact will then be forwarded to the director of the requesting department and to the Office of Strategic Business Management for their review and approval prior to GSA proceeding with the development and negotiation of the final contract.

## **RISK MANAGEMENT:**

Draft lease agreements, (with the exception of preprinted form agreements which have received blanket approval) will be provided to GSA's Risk Management Division for appropriate insurance requirements. The Risk Management Division shall be given an opportunity to inspect the premises prior to completion of negotiations.

## **COUNTY ATTORNEY'S OFFICE:**

The County Attorney will assign an attorney to provide legal counsel to review and approve for legal sufficiency all property leases and purchase contracts and to be present, on an as needed basis, during negotiation of contract terms and language.

## **NEGOTIATIONS:**

All negotiations regarding the terms and conditions of any transaction described herein shall be conducted by those departments specifically granted authority through this administrative order. No negotiations, preliminary or otherwise, are to be conducted by any other agency unless specifically and individually authorized by the agencies delegated authority herein. Departments conducting said negotiations are expected to keep client agencies apprised of the status of pending negotiations, and to provide such client agencies periodic status reports regarding the negotiation process, any relevant issues and/or significant areas of disagreement, how these issues will be resolved, and any anticipated areas of concern regarding the intended use of the property.

## **AGENDA:**

Upon final approval, the department responsible for acquiring and leasing real property in question will prepare an agenda package, including resolution, contract documents, and memorandum of transmittal indicating compliance with the above procedures, and submit same to the County Manager's Office.

**COUNTY MANAGER'S OFFICE:**

The County Manager will forward the memorandum and documents to the County Attorney's Office for review, and after approval by the County Attorney's Office, shall submit the completed package to the Board of County Commissioners for acceptance. The requesting department is required to be present at the Commission meetings to answer any programmatic questions that may arise. If approved by the Board of County Commissioners, all pertinent documents, along with a memorandum indicating compliance with these procedures, will be forwarded to the Office of the County Manager for signature. The fully executed documents will be returned to the Clerk of the Board for custody.

**DEEDS:**

All property deeds must be recorded in the Public Records of Miami-Dade County. Any department accepting property deeds or other property legal instruments for the County are required to list Miami-Dade County as the owner of records and include the user department in the mailing address. The original recorded deed shall be transmitted to the Clerk of the Board's office. Upon receipt of the property deed, the Clerk will send a copy to the Property Appraisers Office and to GSA.

**PROPERTY APPRAISER'S OFFICE:**

The Property Appraiser is responsible for placing all acquired property on the Property Assessment Roll in the name of Miami-Dade County, directly following the user department's name. The Property Appraiser will process the change in ownership to the Property Assessment Roll upon receiving the properly executed deed along with copies of any and all appraisals prepared in connection with all real property acquired by Miami-Dade County.

County Mayor