

SALE, LEASE OR OTHER PROPERTY ACTIONS AFFECTING COUNTY REAL PROPERTY

SUMMARY

The process to lease, sell or convey rights or interest in County-owned property is administered by the Internal Services Department (ISD). This procedure explains the steps to follow if any non-County, public or private, individual, or corporation requests to lease, purchase, or otherwise secure rights or interest in County property, e.g. via deed conveyance, restrictive covenant, easement, or right of entry agreement. This procedure also applies when a department desires to lease sell, convey title or grant rights or interest in any property under its jurisdiction.

PROCEDURE

1. Non-County parties with an interest in leasing, purchasing, or otherwise securing rights or interest in County property should be directed to make a detailed request in writing to the County Mayor or the County Mayor's Designee. If the request is for the lease or purchase of County property, and the interested party is a private for-profit entity, a deposit of \$150.00 is required to initiate the process, pursuant to Resolution R-1161-79.
2. Any department with jurisdiction over real property may initiate an action to lease, sell, or otherwise convey rights or interest in such property by submitting a Property Action Request form (PAR) to ISD. The PAR must be fully executed prior to submittal to ISD, i.e., approved by the director of the requesting department and the appropriate staff from the Office of Management and Budget.
3. Prior to any lease or sale of County real property, the Board of County Commissioners (BCC) must declare the property surplus to County needs. In order to ascertain such need or lack of need, ISD staff will first determine which Commission District the property is located in and notify the District Commissioner of the County's intent to declare the property surplus. Once the District Commissioner gives consent to move forward with declaring the property surplus, a written notice is circulated to County departments and all County Commissioners describing the property and requesting a determination of present or future need. Additionally, ISD will review its own records and County long-range capital plans to assess the need for the property. As appropriate, other public agencies may also be given notice on the proposed disposal.

In the event that a valid present or future use is identified, the initiating department is notified, and the disposal process is halted. Any interested non-County parties are advised, and any deposits made by private parties are returned. Property custody is transferred to the new using department, and that department becomes responsible for all costs associated with holding the property. If more than one department identifies an interest, preference will be given to the department with the highest priority use and the most immediately available funding. Conflicts will be resolved between the affected departments, ISD, and, if necessary, the County Mayor's Office.

4. If no interest or need is identified, the Planning Advisory Board (PAB) is asked to make a recommendation to the BCC regarding the proposed disposition.
5. If the PAB recommends that the property must be rezoned, the Director of the Department of Regulatory and Economic Resources will file a re-zoning application and the proposed disposition is delayed until such time as the re-zoning process is completed.
6. ISD will incorporate the recommendation of the PAB into its report, and present the matter to the BCC for final action. If approved, the property will be declared surplus and staff will be authorized to secure appraisal services, advertise for competitive bidding, and take necessary action to conclude the sale.
7. Pursuant to the Florida Statutes, and with BCC approval, certain conveyances can be exempted from competitive bidding:
 - a. If a property is worth \$15,000 or less and is only of use to adjacent property owner(s), it may be sold to an adjacent owner without advertisement or formal bid.
 - b. The property may be sold or leased without competitive bidding at a negotiated amount, nominal or otherwise, to a governmental organization or a not-for-profit Florida corporation that is organized for the purposes of promoting community interest and welfare.
8. Properties subject to competitive bidding are advertised for lease or sale, via sealed bid or online auction for a minimum of two weeks. Additional contacts may be made to prospective bidders, e.g., phone calls, letters, signs, advertisements, or other means. Miami-Dade County does not employ or compensate real estate brokers in connection with real property sales.
9. All bids are publicly advertised and the highest responsive bidder selected. Deposits of other bidders are returned. ISD will prepare the appropriate legal instrument in conjunction with the County Attorney's Office for the conveyance and/or lease, close the sale, and have the funds deposited into the appropriate County account. Additionally, ISD will ensure that the deed is recorded, and that a copy is furnished to the Tax Assessor. If the property sold had insurable improvements, ISD's Risk Management Division will be advised of the sale.

Other Property Actions

Projects that require the granting of limited or partial property rights, such as special purpose easements, right of entry agreements, or the release of deed restrictions, do not generally require all the steps required for the lease, sale or nominal conveyance of property. For such projects, ISD will consult with the County Attorney's Office to determine the appropriate legal instrument and level of authorization required.

CONTACT(S):

Department/Division

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