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**REAL PROPERTY DISPOSITION GUIDELINES**

Board Reviewed

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## **TABLE OF CONTENTS**

- I. INTRODUCTION
- II. DEFINITIONS
  - Board
  - Parcel
  - Quit Claim Deed
  - Real Property
  - Special Warranty Deed
  - Surplus Property
  - Title
- III. ESTABLISHED POLICIES AND PROCEDURES
- IV. DESCRIPTION OF DECLARATION OF SURPLUS AND DISPOSITION PROCESS
  - A. Declaring Property Surplus
  - B. Determining Method of Disposition
  - C. Sale by Sealed Bid
  - D. Sale by Advertisement
  - E. Disposition of Parcels to Adjacent Property Owners
  - F. Disposition of Parcels to Member Governments
  - G. Closing on Sale of Property
  - H. Post Closing Activities
- V. LEASING PROPERTY TO OTHERS
- VI. LICENSE AGREEMENTS TO OTHERS
- VII. MUTUAL USE AGREEMENTS TO OTHERS
- VIII. RELEASE OF INTERESTS

## **ATTACHMENTS**

- ATTACHMENT 1 CONTENTS OF BID INFORMATION PACKAGE
- ATTACHMENT 2 HILLSBOROUGH COUNTY SUBMITTAL PROCESS

## **EXHIBITS**

- EXHIBIT A PROPERTY REVIEW TRANSMITTAL SLIP

Tampa Bay Water, A Regional Water Supply Authority, an interlocal governmental entity of the State of Florida, is responsible for developing, operating, and maintaining regional water supply facilities in Hillsborough, Pinellas, and Pasco Counties to serve the present and future needs of its Member Governments.

The primary purpose of this manual (“Real Property Disposition Guidelines”) is to provide guidance to staff for the disposition of real property when 1) such real property is determined no longer required to support the mission of Tampa Bay Water and 2) such disposition is in the best interests of Tampa Bay Water.

The information included in this guideline is based on applicable Tampa Bay Water policies and procedures and current applicable State and Federal laws, rules, and regulations. This manual is for general guidance purposes and does not represent interpretation of any laws. These guidelines are subject to change.

## II. DEFINITIONS

The following definitions are provided in the context of and for use with these “Real Property Disposition Guidelines.”

**Board** - Tampa Bay Water. Board of Directors

**CIP** - Capital Improvement Project

**GM** - General Manager

**Parcel** any real property, portion thereof, or partial interest in real property.

**Quit Claim Deed** is a legal conveying instrument given to pass any title, interest, or claim which the grantor may have in the property, but not containing any warranty of a valid interest or title in the grantor. A deed is evidence in writing of the transfer of property.

**Real Property** is lands and anything permanently affixed to the land, such as buildings and their structural components, improvements, fences, and trees. Real property is immovable and recoverable. Real Property interests also include easement interests.

**Special Warranty Deed** is a legal conveying instrument given to pass fee title to property, but containing less than unconditional warranty. A deed is evidence in writing of the transfer of property.

**Surplus Property** is property that is no longer needed or useful to Tampa Bay Water but has commercial value and is potentially marketable. Surplus real property must be declared as such by the Board.

**Title** is the evidence one has of right to possession and ownership of real property.

## III. ESTABLISHED POLICIES AND PROCEDURES

It is intended that these Guidelines conform to all applicable Tampa Bay Water policies and procedures. The reader is referred to the following specific Administrative Policies and Procedures, available on Tampa Bay Water's Intranet, for additional background and guidance, without excluding other applicable policies and procedures:

650-07	Disposition of Property
650-05	Fixed Asset Management
650-09	Delegation of Purchasing/Expenditure Authority and Reporting

Administrative Policy and Procedures 650-07 Disposition of Property does not specifically apply to the disposition of real property. It is referenced here as general background to familiarize the reader with established policies and procedures governing the disposition of Tampa Bay Water tangible personal property. A copy of Administrative Policy and Procedures 650-07 Disposition of Property may be reviewed at Tampa Bay Water's web site, [http://intranet/pdfs/policiesandprocedures/650-07\\_old.pdf](http://intranet/pdfs/policiesandprocedures/650-07_old.pdf).

While the scope of Administrative Policy and Procedures 650-05, Fixed Asset Management is broad, it does provide some general direction with respect to the disposition of real property, and a portion of it is repeated here: "It is not contemplated that Tampa Bay Water would dispose of real property except in extraordinary circumstances. Such a disposition would have to be evaluated with respect to interlocal agreements and bond covenants. Therefore, any disposition must have the approval of the Board of Directors and General Counsel, and shall be done according to procedures to be established by the Board on a parcel by parcel basis." A copy of Administrative Policy and Procedures 650-05 Fixed Asset Management may be reviewed at Tampa Bay Water's web site, <http://intranet/pdfs/policiesandprocedures/650-05.pdf>.

#### **IV. DESCRIPTION OF DECLARATION OF SURPLUS AND DISPOSITION PROCESS**

With respect to Board action, the disposition of real property will generally occur in a two-step process. The first is to ask the Board to declare the property surplus and may include a recommendation for the method of disposition. The second step is to recommend to the Board a method of disposing of the property and/or, on a property-by-property basis, a recommendation to the Board for acceptance of an offer or other disposition of the subject property. The method may vary depending on the nature of the property.

The following description of the process is intended to be a guide for staff involved in the disposition of real property. Its application to a specific case should include the flexibility to make adjustments, with good judgment, to accommodate the unique nature and circumstances surrounding an individual property and to accept direction from the Board or GM.

All disposition activities are performed by an As-Needed Land Agent, or by a Real Estate Broker and/or under the direction of the Real Estate Coordinator (RE Coordinator).

## **A. DECLARING PROPERTY SURPLUS**

Any properties under consideration for surplus status and acquired through eminent domain, capitol improvement project purchase, or otherwise purchased or acquired shall be first considered for current or future needs by appropriate staff. The following prerequisites must be met.

1. Realization that Tampa Bay Water may no longer require some or all of a subject property.
2. Conduct an in-house survey of possible uses by various departments through property review transmittal slip, shown in Exhibit A, to Department managers, or their designee and the Chief Environmental Planner.
3. An appraisal of the subject may be completed prior to or after Board or GM approval depending on the proposed disposition of the property, the perceived value of the property, or if an appraisal has been done on the subject parcel within the previous six (6) months. In lieu of an appraisal, the RE Coordinator, or other qualified person, may provide an opinion of value for parcels valued up to the GM's limit of authority.
4. Upon staff determination that the property is not required by Tampa Bay Water, the Real Estate Coordinator shall prepare a Board agenda or GM memorandum recommending that the subject parcel be declared surplus including research and/or lack of necessity for future use.
  - a. If it is predetermined that a governmental entity, charity or adjacent property owner is the best qualified grantee or purchaser, the memorandum may include the proposed method of disposition.

## **B. DETERMINING METHOD OF DISPOSITION**

If the Board or General Manager declares the property surplus, develop a recommended method of disposition based on the nature of the property. DISPOSITION METHODS ARE RECOMMENDED TO THE BOARD ONLY IF OVER THE GM'S APPROVAL LIMIT. OTHERWISE, THE DISPOSITION METHOD IS RECOMMENDED TO THE GM.

1. Sale by sealed bid to the public at large.
2. Sale by advertisement, including but not limited to the real estate multiple listing service to the public at large.
3. Disposition to Adjacent Property Owner by sale or release.
4. Disposition to member government by grant or sale.
5. Disposition to other public agency or charity by grant or sale.

### **C. SALE BY SEALED BID**

1. A Board agenda or GM memorandum is prepared for the following.
  - a. Recommendation of the method of sale by advertisement for approval.
  - b. Recommendation of a minimum sale price for approval, if appropriate.
    - (1) Determine a recommended base bid or minimum sale price based on the appraised value and/or opinion of value completed by MAI, State Certified Appraiser or RE Coordinator, as appropriate, for Board memorandum.
  - c. Fund which will receive proceeds from sale. The Finance Department will determine the appropriate fund.
2. Bid Information Package.
  - a. Prepare a Bid Information Package including pertinent information on the property and requirements for the bidding process. See Attachment 1 for a listing of the contents of the Bid Information Package.
  - b. If required by the bid documents, each bidder shall provide a bid deposit of sufficient amount to generate serious bids. Bidders who cancel or withdraw bids after the bid opening will forfeit their bid deposit.
3. Method of Public Notice.
  - a. An advertisement for bids may be placed in one or more local newspapers and may place an advertisement on the appropriate web sites. The advertisement will generally provide:
    - (1) A legal description or Property Appraiser's Parcel ID number of the property.
    - (2) The date, time, and place for receipt of sealed bids.
    - (3) The base or minimum bid price.
    - (4) A statement that the property is sold "as is."
    - (5) A statement that the Board or GM, as appropriate, reserves the right to reject any and all bids.
    - (6) The key requirements of bid submission and the availability of the Bid Information Package.
  - b. Signs may be placed on the surplus property indicating that it is for sale and including key details of the bid process.
  - c. Letters and/or Bid Information Packages may be sent to abutting property owners.

4. Receipt of Sealed Bids.
  - a. Each sealed bid is stamped with the time and date that it is received at Tampa Bay Water.
  - b. The bid opening is open to the public, and a list of all bidders, their respective bid, receipt date of bid, and name of representative is recorded.
  - c. Bid deposits are sent to the Finance Department upon receipt and held in escrow.
  - d. Arrange for an analysis and tabulate the bids, and prepare a recommendation for Board or GM approval.
5. Board or GM approves contract for sale.
  - a. A contract for sale or offer to purchase must be signed by the successful bidder for approval.
  - b. The RE Coordinator then notifies the successful bidder by letter of the final closing date for the sale and of the balance due at closing in accordance with the bidding documents.
  - c. The Finance Department then refunds the bid deposits of the unsuccessful bidders with a statement of the results of the decision.

#### **D. SALE BY ADVERTISEMENT**

1. A Board agenda or GM memorandum is prepared.
  - a. See C.1. above.
2. Staff considers all written offers accompanied by an earnest money deposit. An acceptable offer is submitted to the Board or GM for approval.
3. Sale may be conducted by as-needed land agent consultant or brokered as determined on a case by case basis depending on the size, location and value of the property.
4. Advertisement may be by local or national newspaper, web site and/or neighborhood signage, to be determined on a case by case basis depending on the size, location and value of the property.

## **E. DISPOSITION TO ADJACENT PROPERTY OWNER**

Disposition items must be reviewed on a case by case basis.

1. Occasionally, it may be necessary for Tampa Bay Water to purchase a remnant or isolated parcel in fee interest where an easement would suffice in order to not leave a substandard property. This acquisition may create a situation that would leave a parcel or portion of a parcel available for surplus status, i.e. 4295.15, and 4295.17.
2. Cases have occurred where an adjacent property owner has encumbered property prior to Tampa Bay Water's easement purchase rendering the property unusable by Tampa Bay Water. Tampa Bay Water may elect to issue a license agreement, sell or release its easement interest, i.e. Regional Reservoir – Sold easement interest to Christian and DeHart
3. An adjacent owner may have encroached within Tampa Bay Water's fee or easement property interests. Staff will determine if the encroachment is hindering Tampa Bay Water's use of its property or creating a hazardous condition.
  - a. In a case such as Pasco County encroachment within 4294.74, Tampa Bay Water may work with a member government for the facility location, or encroaching facility may have to be removed or altered.
  - b. Where owners encroach, such as in 439.01 Tampa-Hillsborough Intertie Pump Station site, and at CYC Pump Station Road. Tampa Bay Water may elect to provide letters of permission or a use agreement for the temporary permissible use.

## **F. DISPOSITION OF PARCELS TO MEMBER GOVERNMENTS**

Parcel may be licensed, leased, or sold in fee or easement interest. All dispositions are considered on a case-by-case basis, and the Real Property Guidelines - Property Disposition shall apply with the exception that the method of disposition is usually predetermined by one of the three methods listed below and subject to Board of Directors approval.

1. Licensed parcels generally do not cost the Licensee but are subject to termination by Tampa Bay Water.
2. Leased parcels will cost the Lessee an annual fee based on current market rates for a predetermined term and generally payable on a monthly basis unless otherwise agreed.
3. Sold parcels shall be sold only after an in-house evaluation or an appraisal has been completed as determined by the RE Coordinator and depending if the estimated value is at or below the General Manager's limit of authority. Generally, a quitclaim deed will be used as an appropriate form to transfer title; however, a quitclaim deed is the usual form.
4. Mutual Use Agreements are not considered a disposition of property interest.

## **G. CLOSING ON SALE OF PROPERTY**

1. Under normal circumstances Tampa Bay Water transfers title interest by means of a Quit Claim Deed.
  - a. The RE Coordinator or assignee will prepare an Offer to Purchase or a Purchase and Sale Agreement as warranted on a case by case basis.
    - (1) The Buyer will pay for the necessary documentary stamps, as required by F.S., recording fees, and title insurance, if desired.
  - b. A quitclaim deed or special warranty deed, as appropriate, is prepared by the RE Coordinator, approved as to form by the office of General Counsel and is executed by the Chairman of the Board for each parcel sold and is recorded by buyer after closing.
    - (1) The transfer instrument will be routed for review and approval as to form according to Tampa Bay Water's standard policy.
    - (2) The transfer instrument will normally be presented at the next available regular Board meeting for acceptance and signature.
2. Tampa Bay Water will disclose to the Buyer, and obtain written acknowledgement of such disclosure from the Buyer, any known cloud on the title or any known encumbrances or reverter clause. Tampa Bay Water will generally not provide evidence of marketable title for the conveyed parcels.
3. In the event the Buyer elects to obtain title insurance at Buyer's sole expense, the Buyer may select a Title Company. At this point, the Title Company usually performs the closing including but not limited to preparation of all closing documents, affidavits and releases.

## **H. POST CLOSING ACTIVITIES**

1. Proceeds from structure or property sales and copies of the closing documents are sent to the Finance Department and credited to the appropriate account.
2. The Finance Department will be notified to remove the subject property from the insurance rolls.
3. The Maintenance Supervisor will be notified to remove the subject property from the maintenance logs.
4. Submit all closing documents (originals, if possible) to Records Department.

## **V. LEASING PROPERTY TO OTHERS:**

1. The rental amount, if any, shall be determined by current market values. Rental amounts may be paid in a lump sum. If part of a settlement, a Lease may be negotiated at no cost as a term of the sale.
2. If part of a CIP project, the lease term shall be set in accordance with the construction schedule.
3. The deposit amount is determined on a case-by-case basis.
4. For a house lease to another party, TAMPA BAY WATER may hold a deposit until the house is vacated.

## **VI. LICENSE AGREEMENTS TO OTHERS**

1. License Agreements transfer no property interests and therefore are not a disposition of property.

## **VII. MUTUAL USE AGREEMENTS TO OTHERS**

1. Mutual Use Agreements transfer no property interests and therefore are not a disposition of property.

## **VIII. RELEASE OF INTERESTS**

1. A Release of Interest or Partial Release of Interest may be requested by a property owner if Tampa Bay Water's easement terms require a release once a facility is abandoned. The Release may be signed by the GM per Legal Department on October 28, 2008.

## ATTACHMENT 1

### CONTENTS OF BID INFORMATION PACKAGE

While it will vary from property to property, the Bid Information Package may generally include the following:

1. Description of property (address, folio number, acreage, wetlands and/or uplands, treed, FEMA flood zone data)
2. Sketch and legal description
3. Inspection information
4. Tampa Bay Water acquisition date with O.R. book and page
5. Tax Assessor's information sheets from on-line sources
6. Copy of Tampa Bay Water easement or license agreements (if any)
7. Minimum bid price (if established)
8. Bid deadline
9. Bid opening time, date and place
10. Bid format and required number of copies
11. Bidder financial qualifications affidavit or letter of credit from an established financial institution
12. Bid deposit requirements (if required)
13. Corporate beneficiary affidavit (if applicable)
14. Closing information (will generally close within 30 days of Board approval)
15. Contact person at Tampa Bay Water, or designated land agent

**ATTACHMENT 2**

**HILLSBOROUGH COUNTY SUBMITTAL PROCESS**

**FOR TAMPA BAY WATER DOCUMENT REVIEW**

**and**

**PROCEDURES REQUIRED BY THE REAL ESTATE DEPARTMENT  
TO REVIEW AND PROCESS INSTRUMENTS  
BETWEEN TAMPA BAY WATER AND HILLSBOROUGH COUNTY**

**COUNTY SUBMITTAL PROCESS**  
**FOR TAMPA BAY WATER DOCUMENT REVIEW**  
**PROCEDURES REQUIRED BY THE REAL ESTATE DEPARTMENT**  
**TO REVIEW AND PROCESS INSTRUMENTS**  
**BETWEEN TAMPA BAY WATER AND HILLSBOROUGH COUNTY**

**Tampa Bay Water Packets of Submittal to the Real Estate Department**

- Signed and sealed legal descriptions and sketches (must be reviewed for accuracy and closure prior to submittal to the Real Estate Department). Legal sketches are to be on letter size paper (2 sets).
- Copies of the O & E Report (not more than 60 days old) to include only copies of the documents and plat (if applicable) creating the County's interest.
- Composite map depicting Tampa Bay Water alignment and impact to the County's property or property interest.  
(6 copies)
- Proposed instrument: Mutual Use Agreement or Easement Agreement. The Real Estate Department will prepare the deed, if applicable. The Real Estate Department's Attorney has approved certain language for the Mutual Use Agreements and the Easement Agreements, and should there be any deviations from the agreements, said agreements must be approved by the department's attorney and reflect his or her stamp of approval. Documents with deviations shall be accompanied by a letter of explanation.
- Letter of Request to: Mike Kelly, Director of the Real Estate Department, from Linda Roberson or designated consultant on behalf of Tampa Bay Water.
- Composite Map (6 copies).

**REAL ESTATE DEPARTMENT**

- Staff will review the above submittal and send the appropriate County Departments for their recommendations and comments. Allow sixty (60) days for in-house review and the various County departments.
- Upon the receipt of the County departments' recommendations and comments, any issues will be coordinated through Linda Roberson of Tampa Bay Water or Jane Nelson, only.
- Real Estate Staff will prepare Agenda item for the Board of County Commissioners and notify Tampa Bay Water of the meeting date. Tampa Bay Water staff will do the same for their Board's approval. All instruments can be signed in counterpart by each party. Closings will be held as appropriate. Tampa Bay Water Project Manager should attend Hillsborough County BOCC meeting.

**EXHIBIT A**

**PROPERTY REVIEW TRANSMITTAL SLIP{PRIVATE }**

**PROJECT:** \_\_\_\_\_

**PARCEL NUMBER:** \_\_\_\_\_

**OWNER(S):** \_\_\_\_\_

**CONTRACT AMOUNT:** \_\_\_\_\_

**APPRAISED AMOUNT:** Tampa Bay Water: \_\_\_\_\_ Seller: \_\_\_\_\_

**OFFER AMOUNT:** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The attached documents and/or site plan improvement data is submitted for your review, comment and/or signature.

FOR REVIEW ONLY: Upon completion of your review, please DATE and INITIAL this "Document Review Transmittal Slip" form in the appropriate place below and return to the Real Estate Coordinator. Please indicate suggested changes by inserting revision notes in text of the document or in the appropriate section of the documents to reflect exact wording of the desired change.

<u>REVIEW SEQUENCE</u>	<u>REVIEW AUTHORITY</u>	<u>REVIEW DATE</u>	<u>INITIALS</u>	<u>COMMENTS</u>
1.	REAL ESTATE: L. Roberson	_____	_____	_____
2.	ENVIRONMENTAL: P. Fesmire	_____	_____	_____
3.	FACILITIES: E. Davis	_____	_____	_____
4.	HYDROLOGY: T. Thomas	_____	_____	_____
5.	PLANNING: P. Dye	_____	_____	_____
6.	UTILITY CONFLICT: R. Menzies	_____	_____	_____
7.	WATER QUALITY ASSURANCE: Dr. C. Owen	_____	_____	_____
8.	PROJECT MANAGER: _____	_____	_____	_____
9.	SENIOR MANAGER: J. Kennedy:	_____	_____	_____
10.	LEGAL: B.Buenaventura	_____	_____	_____

**PLEASE RETURN TO:** LINDA ROBERSON, REAL ESTATE COORDINATOR

