

RESOLUTION NO. 2019-28

A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA, PROVIDING FOR CONDITIONS OF THE SALE OF SURPLUS PROPERTIES ON BAYBROOK DRIVE; APPROVING REAL ESTATE BROKER LISTING AGREEMENT; PROVIDING FOR COMPLIANCE WITH TOWN CHARTER, PROVIDING FOR METHOD OF SOLICITING PURCHASE OFFERS AND CONSIDERATION AND ACCEPTANCE OF OFFERS; PROVIDING FOR FORM OF SALE CONTRACT; PROVIDING FOR PUBLICATION OF NOTICE OF SALE; PROVIDING FOR GRANDFATHERING OF ZONING, PROVIDING FOR BROKER CONDITIONS.

WHEREAS, the Town Commission of the Town of Belleair, has identified three parcels, 29-29-15-03384-000-0030 (2 Baybrook Pl.), 29-29-15-03384-000-0040 (7 Baybrook Pl), 29-29-15-03384-000-0120(12 Manatee Rd), being residential zoned property donated to the Town, as surplus property, and

WHEREAS, The Town Commission has determined that it is in the best interest of the Town to sell such surplus properties, and desires for the sale of the properties to be competitive, open and fair; and

WHEREAS, it is the desire of the Town Commission dispose of the listed properties, in a manner most advantageous to the Town; and

WHEREAS, In accordance with Article VIII, section 2 (b), Florida Constitution, and Chapter 166 Florida Statutes, the Municipal Home Rule Powers Act, that in the absence of a town charter provision, ordinance or rule to the contrary, the town commission may, in its discretion, utilize whatever method or procedure it decides will be in the best interest of the municipality in disposing of surplus municipal real property; and

WHEREAS, The Town Commission desires to act in the best interests of the public and utilize its discretion to enumerate the following disposal procedure and conditions of sale; and

WHEREAS, The Town Commission desires to engage CBRE as its exclusive listing broker to provide brokerage services; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA:

Section 1. Charter Provisions

In accordance with The Town of Belleair Charter and Code of Ordinances, conveyance of real property must be approved by ordinance. Said ordinance shall be heard at not less than two meetings separated by a minimum of seven days. Notice published in a newspaper of general circulation shall be provided at least ten days prior to adoption. An ordinance authorizing disposal will be drafted upon successful negotiation of a sales contract.

To comply with the provisions of the Town Charter, section 2.07(g) , *Disposition of real property*, The town has conducted an appraisal of the subject properties.

Section 2. Appointment of Broker. Adoption of Listing Agreement

The Town has selected CBRE as its exclusive seller listing agent. The Exclusive Sales Listing Agreement between the Town and CBRE in the form attached hereto as Exhibit A is hereby approved and the Town Manager is hereby authorized to execute and deliver the listing agreement on behalf of the Town.

Section 3. Method of Sale

Parcel 29-29-15-03384-000-0030 (2 Baybrook Pl.) will be offered as one parcel. Parcels 29-29-15-03384-000-0040 (7 Baybrook Pl) and 29-29-15-03384-000-0120 (12 Manatee Rd) will be offered and marketed as one contiguous parcel. The Town will consider offers as listed, but may consider sale of individual parcels under extraordinary conditions. The Town will also consider offers for all three properties together.

The properties shall be sold by way of open competitive offers. Each of the properties shall be publicly offered for 60 days beginning on or about December ~~XX~~, 2019. During this time the broker may entertain all offers, and may negotiate best and final offers with any prospective buyers. *No offers will be accepted after the 60th day.* Any offer to arrive after the 60th day will be automatically disqualified and not considered by the Town Commission.

At the end of the offering period the broker shall submit to the Town Manager, the top three offers with the names of the offering parties removed, for each property. Public confidence in the fairness of this offering is of utmost priority. Parties shall remain blind to the Town Commission and staff until such time that an ordinance approving the sale can be considered by the Town Commission. Offerors shall not disclose to any member of the Town Commission or staff, the contents of their offer. Offerors may be disqualified for any such disclosure.

The Commission, at the next regular meeting after the broker's delivery of the top three offers, shall rank each offer and initiate a due diligence period with the highest ranking offer. Should the town fail to reach an agreement with the highest ranking offeror within 7 days, the town shall cease negotiations, and begin with next highest ranked offeror. If no agreement can be reached with the top three ranked offerors, the Commission may reopen the offering period, at which point new offers may be accepted.

Once all parties reach a final agreement, an ordinance approving the sales contract will be drafted and submitted for first reading at the next regular meeting of the Town Commission. Closing may only occur following the adoption of the ordinance approving the sale.

Section 4. Form of Contract and Conditions

Prospective buyers will be requested to utilize the Florida Association of Realtors/Florida Bar Association approved form of "AS-IS" Residential Contract For Sale and Purchase be attached as Exhibit B to this resolution to submit the terms of their offer and govern the sale transaction.

Buyer earnest money deposits will be held by title company selected by the town manager and broker as Escrow and Closing Agent.

Section 5. Notice of Sale

In addition to notice provide by this resolution and the marketing and listing services provided by the broker, the Town will advertise notice of sale in a newspaper of general circulation within 10 days of the beginning of the offering period commencing. Additional notice and supplementary information, such as surveys and building records will be posted at Town hall and posted on the town's website at <http://townofbelleair.com/baybrook>.

Section 6. Zoning of Parcels

All parcels being offered are currently zoned Estate Residential (RE). In the case that a lot is non-conforming with the schedule of dimensional regulations, the parcel will be considered grandfathered as legally nonconforming and the RE zoning may be retained.

Section 7. Broker Representation

The broker shall, keep confidential the names of all buyers at all times until first reading of an ordinance authorizing the sale of each parcel.

The broker, its agents or assigns, shall receive no outside compensation or consideration in connection with this sale other than the compensation provided by the town.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, this 3rd day of December, A.D., 2019.

Mayor

ATTEST:

Town Clerk

