

ADMINISTRATIVE POLICY & PROCEDURE

To: BCC Employees	From: Don G. Donaldson, County Administrator
Subject: Real Property Policy and Procedures	
Effective Date: June 18, 2025	Created by: Carla T. Segura, FRP, Real Property Manager

PURPOSE

The purpose of this policy is to establish consistency and ensure accountability in the management of County-owned property and the acquisition of property by the County, in accordance with Florida law and the Martin County Code.

POLICY

It is the policy of the Martin County Board of County Commissioners to acquire and dispose of real property as needed for County purposes. All real property transactions must be in the best interest of the County, the general public, and all affected property owners fairly and equitably. All real property transactions will adhere to the procedures as set forth in Florida Statutes, as supplemented by this policy and associated procedures.

Unless specifically directed otherwise by the County Administrator, all real property transactions must be processed through the Real Property Division (Division). The Division shall implement and comply with this policy. The Division is responsible for the following:

1. Maintaining an inventory/database of County-owned real property classified by its current use, function, or proposed future use;
2. Developing uniform and clear procedures for all real estate transactions;
3. Ensuring proper documentation for all real estate transactions;
4. Ensuring all real estate transactions are negotiated equitably, in good faith, and in compliance with applicable County, state and federal laws;
5. Ensuring compliance with relevant federal or state requirements when federal or state funds are involved in the transaction;
6. When negotiations for the acquisition of real property under threat of condemnation are unsuccessful, all necessary information must be provided to the County Attorney or designated counsel for filing an eminent domain lawsuit.

Disposition of County-owned property should only be considered once it has been determined that the property is no longer needed for public purposes, either now or in the future. The Division will coordinate with other Departments to review the County's real estate inventory at least once every two (2) years to identify any property no longer needed for County purposes. Any proposed disposals will be presented to the Board of County Commissioners for final approval.

PROCEDURES

ACQUISITION

The acquisition of real property, including donations, must serve a public purpose and should be conducted on a voluntary basis. Eminent Domain will only be used as a last resort. All property acquisitions must be approved by the Board of County Commissioners.

Pursuant to Chapter 125.355, Florida Statutes, the proposed purchase of real property by the County is governed by strict due diligence requirements before any acquisition proceeds toward closing. The process includes the following steps:

1. Identify the Property Needed. Provide parcel control number(s), plans, maps, special issues that need to be included in the contract, and contact information for the property owner.

ADMINISTRATIVE POLICY & PROCEDURE

2. Interest Type. Determine the intended use and the type of interest needed (e.g., fee simple, easement, lease, etc.).
3. Funding. Ensure each Division or Department fills out a RPD Project Request Form and provides the account number to cover due diligence and property acquisition costs. Also request a copy of the CIP sheet, if available.
4. Sales Contract. Complete a Far/Bar contract for review by the Legal Department. For larger purchases, consider involving a title company or closing agent for assistance in drafting a transaction-specific contract. Ensure that all relevant details, including the title company's name and address, are provided. A sales contract is not requirement for easement acquisitions.
5. Beneficial Interest Affidavit. This document is required when the contract involves a business, trust, or organization (per Section 286.23, Florida Statutes). Disclosure of beneficial interests is mandatory for any person or entity selling, leasing, or conveying real property to the County. Section 286.23(3)(a), Florida Statutes states that "When disclosure of persons having beneficial interests in non-public entities is required, the entity or person shall not be required by provisions of this section to disclose persons or entities holding less than 5 percent of the beneficial interest in the disclosing entity."
 - a. The County requires the Beneficial Interest Affidavit to be filled out, signed, and notarized before a contract is presented to the Board of County Commissioners.
 - b. Entities registered with the Federal Securities and Exchange Commission are exempt from this requirement.
 - c. Beneficial Interest disclosure is also required in Eminent Domain cases.
 - d. This section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefitting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of property by such governmental unit or agency.
6. No Conflict-of-Interest Affidavit. This document is required when the contract involves an individual. The County cannot purchase property from an individual who is an employee, an advisory board/committee member or has a contractual relationship with the County. If the individual with the conflict is an advisory board member, the Board can waive the conflict pursuant to Section 112.313(12), Florida Statutes with 2/3's majority vote prior to the vote on the acquisition. The advisory board member must fill out a Form 4A prior to the waiver vote by the Board.
7. Appraisal(s). Obtain a quote for an appraisal and prepare a purchase order. Appraisals are reviewed by the Real Property Division and forwarded to the requesting Division or Department's Project Manager. For federally funded projects, and some state projects, a review appraisal is required.

Section 125.355(b), Florida Statutes, sets forth the specific conditions and requirements if the County desires to keep appraisals confidential until an option contract is executed or until 30 days before a contract is considered by the Board of County Commissioners.
8. Title Commitment. Obtain a title quote and prepare a purchase order. Make sure the insured amount on the commitment is for the same amount as the contract. Use the property appraiser value or project value for donated properties that don't require an appraisal.

ADMINISTRATIVE POLICY & PROCEDURE

- a. The title company will need a copy of the survey to verify legal description and insurability.
 - b. Review title commitment and documentation to determine permitted exceptions and to identify any objections to title.
 - c. Discuss review with Project Manager and Legal Department.
 - d. Keep in mind sales contract deadline and objection to title dates.
 - e. If there are any objections, you must notify the Grantor in writing.
9. Survey. The Survey Division will obtain a quote for a boundary or topographical survey. A survey may be performed in-house or by an external consultant. It must be certified to Martin County, a political subdivision of the State of Florida and the Title Company.
- a. If an outside consultant is used, Survey Division will use a vendor under a continuing services agreement.
 - b. Provide the title commitment to the surveyor to map exceptions listed in Schedule B-II of the Commitment, as appropriate.
 - c. A sketch and legal description of the property is also required; and must be reviewed by the Survey Division and recorded with the final Deed for conveyance.
10. Phase I Environmental Site Assessment (ESA). If environmental concerns exist, obtain a quote for a Phase I ESA. If contamination is found:
- a. a Phase II ESA may be required; and
 - b. a determination needs to be made on whether the property should be acquired.
11. Resolution for Property Acceptance. Section 139.31, General Ordinances, Martin County Code provides that land conveyance for public purposes is only valid if accepted by resolution from the Board of County Commissioners. This section took effect in 1969. Section 139.32 requires the resolution prior to recording.
12. State and Public Land Procedures. Requests for State surplus land or other public land must follow guidelines in Chapters 253 and Chapter 270, Florida Statutes.
- a. Counties may request that the State surplus state-owned lands by submitting a request to the Trustees of the Internal Improvement Trust Fund (TIITF).
 - b. TIITF may not sell land to which they hold title until they notify the County as outlined in Section 253.111, Florida Statutes.
13. Community Redevelopment Area. The acquisition of property by the Community Redevelopment Agency is governed by Section 163.370, Florida Statutes and Chapter 39, Community Redevelopment Agency, General Ordinances, Martin County Code.

ADMINISTRATIVE POLICY & PROCEDURE

LEASES

1. The leasing of real property by or to the County must also serve a public purpose. When reviewing requests to lease County property or facilities, the Division will determine if the requestor qualifies under Florida Statutes as a not-for-profit organization. If the requestor is an individual or entity other than a not-for-profit organization, the County must follow the procedures for competitive solicitation before proceeding with a lease.
2. The County is authorized, pursuant to Section 125.38, Florida Statutes, to lease real property owned by the County to a not-for-profit organization organized for the purposes of promoting community interest and welfare. The procedures stated therein must be followed, including adoption of a Resolution. If the requestor is an individual or entity other than a not-for-profit organization, the County must follow the procedures for competitive solicitation prior to leasing the property. All leases shall state that improvements made to the building or property will be owned by the County with no compensation due to the other party at the end of the lease or termination of the lease.
3. A No Conflict of Interest Affidavit is required when the lease involves an individual person. The County cannot lease property to or from an individual who is an employee, an advisory board/committee member or has a contractual relationship with the County. If the individual with the conflict is an advisory board member, the Board can waive the conflict pursuant to Section 112.313(12), Florida Statutes with 2/3's majority vote prior to the vote on the acquisition. The advisory board member must fill out a Form 4A prior to the waiver vote by the Board.
4. Community Redevelopment Area. The disposition of property by the Community Redevelopment Agency or in a Community Redevelopment Area is governed by Section 163.370 and Section 163.380, Florida Statutes and Chapter 39, Community Redevelopment Agency, General Ordinances, Martin County Code.
 - a. Section 163.380(3), Florida Statutes, must be followed for the leasing of any property in a Community Redevelopment Area.
 - b. Section 163.380(1), (2), and (3), Florida Statutes must be followed for the leasing of any property acquired for community redevelopment in a Community Redevelopment Area.

DISPOSITION

The disposition of County-owned real property follows several procedures under Florida Statutes.

2. Competitive Sale. Section 125.35, Florida Statutes authorizes the County to sell real property and to lease real property (see Lease Procedures) whenever the Board determines that it is in the best interest of the County to do so, to the highest and best bidder for the particular use the Board deems to be the highest and best use for such length of term and such conditions as the Board may in its discretion determine.
 - a. Disposition requires a notice to be published once a week for at least 2 weeks calling for bids.
 - b. The highest bidder complying with the terms and conditions shall be accepted unless the Board rejects all bids as too low.
 - c. The County currently has a contract with an auctioning company who will handle the bidding process of surplus properties, as needed.
 - d. A deposit is required with successful bids.

ADMINISTRATIVE POLICY & PROCEDURE

3. Disposition of Small Parcels. Section 125.35(2), Florida Statutes, provides a procedure for the disposition of small unbuildable parcels when specific criteria are met. Adjacent property owners are notified, and the highest sealed bid is accepted. To use this procedure, the Board must find:
- a. The parcel of real property is of insufficient size and shape to be issued a building permit; or
 - b. The value of the parcel is \$15,000 or less, as determined by a fee appraisal or the Property Appraiser; and
 - c. Due to the size, shape, and value of the parcel it is of use only to one or more adjacent property owners.

If the Board finds the above to be true, it may affect a private sale without receiving bids or publishing a notice after doing the following:

- a. Within 10 working days after receiving such notice two or more owners of adjacent property notify the County of their desire to purchase the parcel, the County shall accept sealed bids from the interested property owners and convey the parcel to the highest bidder or may reject all offers.
4. Section 125.379, Florida Statutes, requires the County prepare an inventory list of real property owned by the County appropriate for affordable housing every 3 years.
- a. The list must include the address, legal description and whether the property is vacant or improved.
 - b. The Board must review the list at a public hearing (advertised) and make the determination if each property is appropriate for use as affordable housing.
 - c. The Board adopts a resolution including the appropriate properties, if any, or indicating in the resolution that no county-owned properties were found to be appropriate for affordable housing.
 - d. The properties identified may be offered for sale and the proceeds used to purchase land for affordable housing, or to increase funds earmarked for affordable housing, or sold with a restriction that requires development of permanent affordable housing. The County can also make the property available for permanent affordable housing.
 - e. The County must make the inventory list publicly available on its website.
5. Section 125.38, Florida Statutes governs sale or lease of County owned property to the United States or any department or agency thereof, the state or any political subdivision or agency or any municipality of the state or a not-for-profit corporation or other organization which is organized for the purpose of promoting community interest and welfare.
- a. The entity must apply to the Board of County Commissioners for a conveyance or lease of such property.
 - b. The Board must determine that it is not needed for County purposes.
 - c. The property can be conveyed or leased at such price as the Board may fix, nominal or otherwise, regardless of the actual value of the property.

ADMINISTRATIVE POLICY & PROCEDURE

- d. The Board must adopt a Resolution stating the fact that application was made, that the property is not needed for County purposes, the purpose for which the property is to be used, and the price or rent.
 - e. No advertisement is required.
6. Section 125.411, Florida Statutes, sets forth the requirements for a County Deed. Witnesses and notary acknowledgement are not required.
 7. Section 139.1, General Ordinances, Martin County Code states the County is prohibited from disposing of, in any way, any lands owned by the County which border on or are contiguous to navigable waters without a referendum submitted to the electors for approval or rejections.
 8. No Conflict-of-Interest Affidavit. This document is required when the contract involves an individual person. The County cannot sell property to an individual who is an employee, an advisory board/committee member or has a contractual relationship with the County.

If the individual with the conflict is an advisory board member, the Board can waive the conflict pursuant to Section 112.313(12), Florida Statutes with 2/3's majority vote prior to the vote on the acquisition. The advisory board member must fill out a Form 4A prior to the waiver vote by the Board.

9. Community Redevelopment Area. The disposition of property by the Community Redevelopment Agency or in a Community Redevelopment Area is governed by Section 163.370 and Section 163.380, Florida Statutes and Chapter 39, Community Redevelopment Agency, General Ordinances, Martin County Code.
 - a. Section 163.380(3), Florida Statutes, must be followed for the disposition of any property in a Community Redevelopment Area.
 - b. Section 163.380(1), (2), and (3), Florida Statutes must be followed for the disposition of any property acquired for community redevelopment in a Community Redevelopment Area.

PROPERTY EXCHANGE

The exchange of real property is governed by Section 125.37, Florida Statutes.

1. The Board of County Commissioners must determine that the property owned by the County is not needed for County purposes and that the property being acquired is for County purposes.
2. A Notice setting forth the terms and conditions of the exchange must be published in the Stuart News once a week for two weeks before the board meeting.
3. The Board of County Commissioners must adopt a resolution authorizing the exchange.

The due diligence required for a regular acquisition is required for the property to be acquired by the County. It is up to the other party to determine what due diligence they want to perform on the property being conveyed by the County.

EMINENT DOMAIN

Chapter 127, Florida Statutes delegates the power of eminent domain to Counties. Chapters 73 and 74, Florida Statutes also address eminent domain. Outside counsel specializing in eminent domain should be consulted

ADMINISTRATIVE POLICY & PROCEDURE

whenever eminent domain is contemplated to assure that the correct forms are used, and specific procedures followed.

TAX DEED SALE

The acquisition of property through Tax Deed Sale is outlined in Sections 197.502-197.593, Florida Statutes.

ABANDONMENTS

Abandonment of Rights of Way are handled by the Survey Division. There are specific procedures for abandonment, the applicant will need to fill out an application and the Survey Division will present the requestor with any additional procedures.

EASEMENTS

Section 139.50, General Ordinances, Martin County Code governs the granting of an easement to a private utility provider by the County. Chapter 197.572, Florida Statutes provides that easements for conservation purposes, or for public service purposes or for drainage or ingress and egress survive tax sales and deeds.

INVENTORY/DATABASE OF COUNTY-OWNED PROPERTY

All County-owned real property interests, including fee simple, co-owned interests, easements, rights-of-way, roads, and abandonments, are mapped on a GIS Map with relevant documents attached for easy reference. The map is maintained by the Survey Division and is extensively used by various County Departments for research. The Real Property Division (RPD) will coordinate with the Survey Division to ensure the map is updated based on new transactions.

Real Property maintains standardized electronic files for each real estate transaction.

USE AGREEMENTS

The use of real property and facilities owned by the County must serve a public purpose. Prior to entering into any Use Agreement for a County-owned property or facility, the proposed Use Agreement must be reviewed by the Real Property Division to determine if there are any deed restrictions or other covenants that prevent the proposed use of the property.

Attachments:

Real Estate and Procedure Manual


Don G. Donaldson, P.E., County Administrator

Suppression History:

None

REAL PROPERTY POLICIES AND PROCEDURES MANUAL

DATE: June 18, 2025



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Table of Contents

	Page
Introduction	
I. Introduction	4
A. Intent	4
B. Real Property Division	4
C. Compliance	4
1. Comprehensive Inventory/Database	5
2. Classification	5
3. Mapping	5
4. Electronic Files	5
Land Acquisition and Disposition	
II. Acquisition	5
A. Identify	6
B. Interest Necessary	6
C. Funding	6
Due Diligence	6
Appraisal(s)	6
Title Work	7
Phase I Environmental Site Assessment	7
Survey	8
Sketch & Legal Description(s)	8
III. Disposition	8
General Procedures	8
Small Unbuildable Parcels	9
IV. Special Real Estate Acquisition/Disposition Procedures	
Property Exchange	9
Disposition of County Property for Affordable Housing	10
Sale to U.S., State, Political Subdivision, Municipality, Non-Profit	11
Community Development Agency Acquisitions	11
Eminent Domain	12
Tax Deed Sales	12

V. Miscellaneous Real Property Provisions

Abandonment of Roads 12

Acceptance by Resolution Required 12

Beneficial Interest Affidavit 12

County Deed Form 14

Documentary Stamps 14

Easements Granted by County to Private Utility Providers 14

Navigable Waters, Land Contiguous to 15

State Lands and Public Lands 15

I. Introduction

A. Intent.

The intent of this Real Property Policies and Procedures Manual is to provide operating procedures and rules to ensure proper accountability in any real estate transaction involving the County and to ensure proper management of any real property owned by the County. Further, these policies and procedures shall be followed, along with all applicable laws and professional ethics, to ensure fair and equitable treatment to the County, the public, and affected property owners.

The policies and procedures contained herein shall govern all County real estate functions.

B. Real Property Division.

Unless specifically directed otherwise by the County Administrator, all real property transactions must be processed by the Real Property Division (RPD). The RPD shall implement and comply with these policies and procedures and shall be charged with the following responsibilities:

1. Developing uniform and clear procedures for all real estate transactions;
2. Assuring uniform and clear documentation of all real property transactions;
3. Assuring all real property transactions are negotiated equitably and in good faith and in accordance with all applicable county, state, and federal laws; and
4. Assuring in those instances when negotiations for the acquisition of real property under threat of condemnation are unsuccessful, all information necessary for filing an eminent domain lawsuit is provided to the County Attorney or designated outside counsel.

C. Compliance.

The RPD has implemented the following improvements to ensure compliance with County policies and procedures regarding the acquisition and disposition of real property. These measures have improved the efficiency of the RPD and enabled County staff to quickly access information to answer constituent's

inquiries and research information needed for County Projects, Requests for Service and Public Records Requests.

- 1. Comprehensive Inventory/Database.** The RPD has established and maintains an inventory/database of County-owned real property.
- 2. Classification.** The County-owned real property has been classified by its current function or use or proposed future function or use. Examples: conservation, recreation, roadway assets, stormwater, utilities, CRA, housing, etc.
- 3. Mapping.** A GIS Map has been developed which maps all publicly owned real property interests including fee simple ownership, co-owned properties, easements (access, drainage, utilities, sidewalk, etc.), right-of-way abandonments, and roads. The map is maintained monthly and is used extensively by various County Departments for research.
- 4. Electronic Files.** The RPD has established and maintains standardized electronic files for each real estate transaction. The Division has also established electronic files for historic real estate transaction, some older files are still housed in the Legal Department to allow easy access and research. The RPD plans on scanning those files, as time permits, into the electronic files. The RPD also plans to link documents such as Management Agreements, Funding Agreements, and other documents affecting the use and/or management of county owned property.

II. ACQUISITION

Acquisition of property for public purposes should be based on voluntary transactions to the maximum extent feasible. Eminent domain should be initiated only as a last-resort solution. In either case, acquisition of property must be approved by the Board of County Commissioners.

Acquisition of property or some form of property interest for County Projects requires certain due diligence to be conducted before acquisition can proceed.

Each Division or Department will be required to fill out a Real Property-Project Request Form. This form contains all the information needed or required for the project, which will be sent to the Real Property Manager for review and the opening of a project file.

A. Required Information. The following information is required by the RPD to start the process:

- 1. Identify.** Provide parcel control number(s), plans, maps, etc. to identify the property needed. Also provide any special issues that need to be included in the contract and/or conveyance documents, and any available contact information for the owner(s) of the property.
- 2. Interest Necessary.** Provide information on what the property will be used for, and the type of interest needed, for example: fee simple interest (ownership by deed); all easements (drainage, utility, temporary construction, etc.).
- 3. Funding.** Provide account number to pay for the required due diligence and cost of purchasing the property interest if necessary. Also provide information on the amount of funds available for acquisition. Along with a copy of the CIP Sheet if approved.

An Acquisition Checklist must be filled out for each acquisition. The checklist will guide you on all steps necessary to complete the process.

B. Due Diligence

Section 8 of the County's Purchasing Manuel exempts all Real Property acquisitions, such as land, easements, rights-of-way, existing county facilities, and improvements resulting from negotiations and approved by the Board and further defines all "Transactions Exempt from Competitive Procurement" from competitive procurement.

The following is a list of the due diligence to be conducted before acquisition.

1. Appraisal(s). For purchase

- a. RPD will determine if an appraisal is necessary or if more than one appraisal is needed, as identified within the Florida Statutes.
- b. Use County approved appraisers for all appraisals – obtain quote.
- c. Prepare Purchase Order(s)
- d. Section 125.355(1)(b), Florida Statutes sets forth the specific conditions and requirements if the County desires to keep appraisals confidential until an option contract is executed or until 30 days before a contract is considered by the Board of County Commissioners.
- e. All requested appraisals are reviewed by RPD.

- f. A Review Appraiser is required on federally funded projects and some state funded projects.

2. Title Work

Use County approved Title Companies.

- a. For Easement Interests - Ownership & Encumbrance Report (O&E) or Property Information Report (PIR) with copies of listed documents – verifies ownership and identifies if Consent(s) of Mortgagee are required.
- b. For Ownership – Title Commitment with copies of listed documents for purchases or fee simple donations – provide to surveyor to map title exceptions that should be mapped on survey.
- c. Review Title Commitment and documentation to determine permitted exceptions and to identify any objections to title.
- d. Be aware of deadline in the contract to notify Grantor of objections to title.
- e. Notify Grantor in writing if there are any problematic objections.
- f. Amount of Title Insurance is based on amount of the Agreement for Purchase and Sale, appraised value, or value of the project. With a minimum amount of \$17,500.
- g. Value of donated property without an appraisal is to be determined by RPD - may be based on Property Appraiser's value or value of the project.

3. Phase I Environmental Site Assessment

- a. A Phase I Environmental Site Assessment is acquired to determine if there are any environmental issues or contamination on property acquisitions.
- b. A Phase II Environmental Site Assessment should be obtained if potential contamination is found.
- c. Remediation costs need to be determined if applicable.
- d. If contamination is found, a determination must be made on whether the property should still be acquired.

4. Survey. A Boundary and/or Topographical Survey will be ordered as necessary by the Survey Division.

- a. May be done in-house by the Survey Division and charged to the project.
- b. If done by outside consultant, quotes are obtained by the Survey Division from surveyors under a Continuous Service Agreement with the County.
- c. Prepare a Purchase Order.

- d. Provide the title commitment to the Surveyor to map B-II Exceptions as appropriate.
- e. All Surveys must be certified to Martin County, a political subdivision of the State of Florida, the Seller or Donor and the Title Company.
- f. Reviews are performed by Survey Division.
- g. If necessary, review performed by Project Manager to determine if certain exceptions to the title create issues that need to be cleared before closing.

5. Sketch & Legal Descriptions(s). A Sketch & Legal Description of the required property should be prepared for use and reviewed by the Survey Division and attached as Exhibit to the conveyance document. It must be signed and certified by a State Certified Surveyor.

III. Disposition

Real property parcels should be considered for disposition only after it has been determined that the property is no longer needed for a public purpose or will not be needed for a public purpose in the future. The RPD will consult with County Department Heads and appropriate Divisions to make this determination prior to preparing an agenda item for approval. The RPD will present proposed properties to the Board of County Commissioners to be declared as Surplus Property and accepted by Resolution prior to disposal.

A. General Procedures

Section 125.35, Florida Statutes authorizes the County to sell real and personal property and to lease real property (see Lease Procedures) whenever the Board determines that it is in the best interest of the County to do so, to the highest and best bidder for the particular use the Board deems to be the highest and best use for such length of term and such conditions as the Board may in its discretion determine.

1. Requires notice published once a week for at least 2 weeks calling for bids.
2. Highest bidder complying with advertised terms and conditions shall be accepted unless the Board rejects all bids as too low.
3. The County may require a deposit or surety bond with each bid submitted.

B. Small Unbuildable Parcels

1. Section 125.35(2), Florida Statutes also provides a procedure for the disposition of small unbuildable parcels. To use this procedure, the Board must find:
 - a. The parcel of real property is of insufficient size and shape to be issued a building permit; or
 - b. The value of the parcel is \$15,000 or less, as determined by a fee appraiser or the Property Appraiser; and
 - c. Due to the size, shape, and value of the parcel it is of use only to one or more adjacent property owners.
2. If the Board finds the above, it may affect a private sale without receiving bids or publishing a notice after doing the following:
 - a. Sending notice by certified mail to the adjacent owners
 - b. If, within 10 working days after receiving such notice two or more owners of adjacent property notify the County of their desire to purchase the parcel, the County shall accept sealed bids from the interested property owners and convey the parcel to the highest bidder or may reject all offers.

IV. Special Real Estate Acquisition/Disposition Procedures

A. Property Exchange

The exchange of real property is governed by Section 125.37, Florida Statutes. Requirements:

1. The Board of County Commissioners must determine that the property owned by the County is not needed for County purposes and property being acquired is for County purposes.
2. A notice setting forth the terms and conditions of the exchange must be published in the Stuart News once a week for two weeks before the board meeting.
3. The Board of County Commissioners must adopt a resolution authorizing the exchange.

4. The due diligence required for a regular acquisition is required for the property to be acquired by the County. It is up to the other party to determine what due diligence they want to perform on the property being conveyed by the County.

B. Disposition of County Property for Affordable Housing

Disposition of county property for Affordable Housing is governed by Section 125.379, Florida Statutes.

1. Every 3 years staff is required to prepare an inventory list of all real property owned by the County that may be appropriate for use as affordable housing.
2. The list must include the address, legal description and whether the property is vacant or improved.
3. The Board must review the list at a public hearing (advertised) and make the determination if each property is appropriate for use as affordable housing.
4. The Board adopts a resolution including the appropriate properties, if any, or indicating in the resolution that no county-owned properties were found to be appropriate for affordable housing.
5. The properties identified may be offered for sale and the proceeds used to purchase land for affordable housing, or to increase funds earmarked for affordable housing, or sold with a restriction that requires development of permanent affordable housing. The County can also make the property available for permanent affordable housing.

C. Sale to United States, State, political subdivision, municipality or not-for-profit corporation or organization for the purposed of promoting community interest and welfare

Section 125.38, Florida Statutes governs sale of County property to the entities described above.

1. The entity must apply to the Board of County Commissioners for a conveyance or lease of such property.

2. The Board must determine that it is not needed for County purposes.
3. The property can be conveyed or leased at such price as the Board may fix, nominal or otherwise, regardless of the actual value of the property.
4. The Board must adopt a resolution stating the fact that application was made, that the property is not needed for County purposes, the purpose for which the property is to be used, and the price or rent.
5. No advertisement is required.

D. Community Development Agency Acquisitions

The acquisition and disposition of property by the Community Development Agency is governed by Section 163.370 and Section 163.380, Florida Statutes and Chapter 39, Community Redevelopment Agency, Volume 1, of the Martin County Code of Ordinances.

1. Section 163.380(3), Florida Statutes, must be followed for the disposition of any property in a Community Redevelopment Area.
2. Section 163.380(1), (2), and (3), Florida Statutes must be followed for the disposition of any property acquired for community redevelopment in a Community Redevelopment Area.

E. Eminent Domain

Chapter 127, Florida Statutes delegates the power of eminent domain to Counties. Chapters 73 and 74, Florida Statutes also address eminent domain. Outside counsel specializing in eminent domain should be consulted whenever eminent domain is contemplated to assure that the correct forms are used, and specific procedures followed.

F. Tax Deed Sales

The acquisition of property through Tax Deed Sales is outlined in Sections 197.502 – 197.593, Florida Statutes.

V. Miscellaneous Real Property Provisions

- #### **A. Abandonment of Roads**
- The procedures for road abandonments are attached to this manual as Exhibit A.

B. Acceptance by Resolution Required

Section 139.31, General Ordinances, Martin County Code states that “No dedication of or attempt to dedicate any land or water for any public purpose whatsoever and no conveyance of or attempted conveyance of any land or water for any public purpose whatsoever, that may be made hereafter, shall be effective unless and until the same shall be accepted and approved by resolution by the Board of County Commissioners of Martin County.” This section took effect in 1969. Section 139.32 requires the resolution prior to recording.

C. Beneficial Interest Affidavit

Section 286.23, Florida Statutes, Real Property Conveyed to Public Agency; Disclosure of Beneficial Interests; Notice; Exemptions.

1. Any real property owned by a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others...shall, before entering into a contract whereby such real property is sold, leased, taken by eminent domain, or otherwise conveyed to...any local governmental unit, ... make a public disclosure in writing, under oath, under the penalties prescribed for perjury...which shall state his or her name and address and the name and address of every person having a beneficial interest in the real estate, however small or minimal. However, Section 286.23(3)(a) states that “When disclosure of persons having beneficial interests in non-public entities is required, the entity or person shall not be required by provisions of this section to disclose persons or entities holding less than 5 percent of the beneficial interest in the disclosing entity.

The County requires the Beneficial Interest Affidavit to be filled out, signed, and notarized before a contract is presented to the Board of County Commissioners.

2. Entities registered with the Federal Securities and Exchange Commission are exempt from this requirement.
3. Beneficial Interest disclosure is also required in Eminent Domain cases.
4. This section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefitting from any transaction with a governmental unit or agency involving the

procurement of the ownership or use of property by such governmental unit or agency.

D. No Conflict-of-Interest Affidavit.

This document is required when the contract involves an individual. The County cannot purchase property from an individual who is an employee, an advisory board/committee member or has a contractual relationship with the County. If the individual with the conflict is an advisory board member, the Board can waive the conflict pursuant to Section 112.313(12), Florida Statutes with 2/3's majority vote prior to the vote on the acquisition. The advisory board member must fill out a Form 4A prior to the waiver vote by the Board.

E. County Deed Form

1. See Section 125.411, Florida Statutes.
2. Witnesses and notary acknowledgement are not required per statute.

F. Documentary Stamps

1. Governed by Section 201.02, Florida Statutes.
2. County has Exemption from paying Documentary Stamps – see Section 201.24, Florida Statutes.

G. Easements Granted by County to Private Utility Providers

Section 139.50 of the Martin County Code of Ordinances governs the granting of an easement to a private utility provider by the County.

1. The Standards that the Board must determine are as follows:
 - a. The purpose is for utility lines and facilities, including, but not limited to electric, natural gas, water, sewer, and fiber optics.
 - b. The recipient of the easement is a “sole source” provider such as FPL or other private regulated utility company.
 - c. The easement will facilitate the provision of the utility's service to property within Martin County.
 - d. The utility promotes the general welfare of the citizens of Martin County.
 - e. The easement will not unreasonably interfere with the use of County property.
 - f. Granting of the easement is consistent with the Martin County Comprehensive Growth Management Plan and zoning ordinances.

2. The Considerations the Board must make are as follows:

- a. The location of the easement and its effect on County-owned and surrounding properties.
- b. The value of the easement to the utility and the public when determining the consideration to be paid to the County, if any.
- c. The utility's agreement to cooperate in moving the easement if required by the County and the proposed cost to the County to move such easement.
- d.

H. Navigable Waters, Lands Contiguous to -

Under Section 139.1 of the Martin County Code of Ordinances, the County is prohibited from disposing of, in any way, any lands owned by Martin County which border on or is contiguous to navigable waters without a referendum submitted to the electors for approval or rejection.

I. State Lands and Public Lands -

1. Chapter 253, Florida Statutes governs State Lands and Chapter 270, Florida Statutes governs Public Lands.
2. Counties may request that the state surplus state-owned lands by submitting a request to the Trustees of the Internal Improvement Trust Fund. – Section 253.0341, Florida Statutes.



Don G. Donaldson, P.E., County Administrator

June 18, 2025

Date Approved