

SEBASTIAN RIVER IMPROVEMENT DISTRICT (SRID)

GENERAL POLICY-SALE OR EXCHANGE OF SURPLUS LANDS

A. General: The SRID has the discretion to exercise its power to dispose of District land including surplus land. *See 298.22 Florida Statutes.* The SRID Board has a fiduciary responsibility to the SRID landowners and the power to sell real property is exercised through the SRID Board of Supervisors. The sale or exchange of declared surplus lands must be approved by the SRID Board of Supervisors. Such approval for sale or exchange will be given only if the SRID Board of Supervisors finds that the land is surplus and the transaction is in the SRID's best interest.

B. Surplus Land Sale or Exchange Overview: As stated above, the SRID Board of Supervisors may approve the sale or exchange of surplus SRID lands, including right-of-way easements and other legal interests in real property. SRID lands are considered surplus and may be sold or exchanged when:

- (1) They are not required for present or future works of the SRID
- (2) They are not required for present or future SRID operation and maintenance needs.
- (3) They have no apparent present or future utility in the SRID's land management program
- (4) They have been declared surplus and approved for sale or exchange by the SRID Board of Supervisors
- (5) The proposed purchaser provides an appraisal of the surplus real property that is based on the future potential value of the property; and
- (6) The SRID Board of Supervisors finds that the lands are surplus and finds that the proposed transaction serves the best interest of the SRID.

C. Application Requirements: Application (s) to purchase or exchange surplus SRID lands shall be accompanied by the fee required by the SRID and shall include minimally the following information as noted below and detailed pursuant to Exhibit "A", Part of Sebastian River Improvement District (SRID) General Policy-Sale or Exchange of Surplus Lands.

- (1) The applicant's name, address, and contact phone number.
- (2) A sketch, and an accurate legal description, including the acreage, of the land,
- (3) A general boundary map highlighting the surplus lands
- (4) An aerial photograph, if available, showing the date of flight, with the land identified,
- (5) A statement of the proposed use or development of the land,
- (6) Other engineering or technical data necessary for the SRID to evaluate the request for sale or exchange.
- (7) An appraisal of the surplus SRID land that is based on its future potential value.

D. Terms and Conditions - General

- (1) The SRID Board shall determine whether the land requested is surplus to the needs of the SRID and is available for sale or exchange.
- (2) The SRID will require a current appraisal of the SRID lands to be sold or exchanged. The appraisal shall be made by an appraiser with qualifications acceptable to the SRID, or an appraiser specified by the SRID. Given this transaction involves public lands (assets), the SRID may at its sole discretion require an additional appraisal.
The SRID reserves the right to reject any and all appraisals, and un-declare the SRID property surplus. All appraisals costs and associated professional fees are to be paid by the applicant.

Note: Because of the SRID's fiduciary duty to its landowners, all appraisals shall consider the future highest and best use value of the land. If the applicant refuses to offer a price that considers the appraised highest and best use value of the land, then the SRID shall advertise that it is accepting bids for the surplus lands, and shall either sell the land to the highest bidder after the SRID Board of Supervisors finds that the sale is in the best interest of the SRID, or reject all bids and withdraw the land from the bidding. Accordingly, all appraisals must consider the future highest and best use value of the land.

- (3) The SRID has the discretion to commission its own appraisal of the surplus land in addition to the appraisal required by the applicant for the purpose of determining a sales price it deems appropriate, since appraisal of the value of the land is part of the process of disposing of the land.
- (4) All sales of surplus real property shall be for cash or upon such terms and security as approved by the SRID Board of Supervisors. Deeds shall not be executed and delivered until full payment has been made and all terms and conditions of the approved sales agreement and this policy have been met to the complete satisfaction of the SRID.
- (5) All costs of the sale or exchange shall be assumed by the applicant or successful bidder, including but not limited to appraisal(s) fees, the fees specified for surveying; professional fees as required by the SRID for engineering; title work and legal review, as well as advertising fees, state documentary and surtax stamps and all recording fees

E. Terms and Conditions - Sale of Surplus Lands to Adjacent Landowner

- (1) The SRID shall offer to sell in conjunction with the SRID Board of Supervisors declaring that land surplus to the needs of the SRID, that specific declared surplus SRID land to the then owner of the adjacent land from which the SRID surplus land was originally severed. The SRID shall transmit written notice to the adjacent landowner notifying the landowner that the SRID has declared the adjacent land surplus and that it is available for purchase. The landowner shall have thirty (30) calendar days from receipt of the notice to notify the SRID in writing of its intent to purchase the surplus lands. If the adjacent landowner notifies its intent to purchase the adjacent surplus lands, then the landowner shall have sixty (60) calendar days from the date of notification of intent to purchase to provide evidence of title for the adjacent lands and an appraisal of the surplus lands based on its highest and best use value. The landowner shall then have an additional ninety (90) calendar days from the date the landowner provides evidence of title and its appraisal to complete the sale. The sales price shall be based on the land's highest and best use value as reflected in the required appraisal. If the landowner fails to purchase the surplus land, the SRID may sell it to other governmental entities or to the public through a bidding process.
- (2) Prior to any public sale of SRID surplus lands, the SRID shall publish a notice of intention to sell if required under Florida Statutes. All sales shall be conducted pursuant to Florida Statutes.
- (3) The SRID reserves the right to reject any and all bids or offers.

F. Terms and Conditions - Exchanges of SRID Surplus Lands

- (1) Prior to any exchange for SRID surplus lands, the applicant shall provide satisfactory evidence of marketable title in the applicant to his land.
- (2) All lawfully assessed taxes/assessments shall be paid by the applicant.
- (3) The appraised value of the land to be exchanged for the surplus land must be equal to or greater than the value of the surplus land.