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September 19,2007
NO.
107
ORG. AGENCY
Blueprint Intergovernmental Agency
APPROVED

TITLE

BLUEPRINT REAL ESTATE POLICY

107.01

STATEMENT OF POLICY

The purpose of this administrative regulation is to establish a policy and procedures to govern the delegation of authority for any and all conveyances of any interest in real property involving Blueprint Intergovernmental Agency (Blueprint), including but not limited to, fee simple and less than fee simple acquisitions, sales and dispositions, property management activities, and leases to others of real property owned by Blueprint Intergovernmental Agency founded by the City of Tallahassee and Leon County Florida.

107.02

AUTHORITY

The Blueprint Intergovernmental Agency, created pursuant to Chapter 163.01(7) of the Florida Statutes, has the authority to establish real estate and land banking policies and procedures.

107.03

OBJECTIVE

The intent of this policy is to provide operating procedures and a set of rules to ensure proper accountability in any real estate transaction involving Blueprint and to ensure proper management of any real property owned or leased by Blueprint. Further, these policies and procedures shall be followed, along with all applicable laws and professional ethics, in order to insure fair and equitable treatment to Leon County, the City of Tallahassee, the general public, and all affected property owners. The policies and procedures contained herein shall govern all Blueprint real estate transactions.

107.04

SCOPE AND APPLICABILITY

The policy outlined herein shall apply to the Blueprint Intergovernmental Agency and all employees referenced in the joint project management structure involved in any activities associated with the Blueprint Real Estate Policy.

107.05 DEFINITIONS

Appraisal: A professional, impartial estimate of the fair market value of real property.

Capital Improvement Projects: All projects, which have been approved by the Intergovernmental Agency in a Capital Improvement Plan Budget and have been included on a list of approved projects.

Closing: The time and place for the exchange of documents and tender of payment to finalize the bargain or contract for transfer of real property.

Condemnation/Eminent Domain: A government’s right to acquire private property for public use with full compensation to the owner.

Dedication: The setting aside of land for a public use by its owner, together with acceptance of the land by or on behalf of the public, by the making, signing, acknowledging and recording of a map or plat of land in accordance with general law upon which areas appear as devoted to public use for such purposes including but not limited to streets and utility and drainage easements.

Designee: A duly authorized representative of a person holding a superior position.

Easement: A right to use land of another for a specific purpose and for a certain time frame.

Fee Title or Fee Simple Title: An estate in real property belonging to the owner and alienable or sellable by owner or transmissible to owner’s heirs absolutely and simple. An absolute estate in perpetuity and the largest possible real property right an owner can have.

“IA”: Means Intergovernmental Agency Board of Directors or Agency Board.

“IMC”: Intergovernmental Management Committee has oversight of the Blueprint Intergovernmental Agency Program and is comprised of the Leon County Administrator and the City Manager of Tallahassee.

Land Banking: The acquisition and holding of property for both current and future purposes including but not limited to, transportation projects, greenways, trails and other environmentally sensitive lands.

Marketable Title: A legally defensible title which is free from material defects and acceptable to a reasonable purchaser, informed as to the facts and their legal meaning.

Option: A contract conveying a right to buy real estate at a specific price during a stipulated period of time.

Property: Land and all improvements thereon, if any.

Public Purpose: A purpose which has as its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of the residents of the

City of Tallahassee and Leon county and not the welfare of an individual or specific class of persons.

Purchase and Sale Agreement: A binding contract for the purchase and sale of real property subject to the conditions contained in the agreement.

Quitclaim Deed: An instrument of conveyance intended to pass such title, interest or claim as the grantor may have in the property and which contains neither warranties nor covenants of title. (See Section 125.411, Florida Statutes).

Real Property: Any interest in land or the improvements thereon, including but not limited to, fee simple, leasehold and other rights of possession, temporary and perpetual easements, and grants of right of entry.

Right of Way Map: Any map or survey prepared by or on behalf of Blueprint that identifies the real property necessary to implement a Capital Improvement Project.

“Under the Threat of Condemnation”: A term used to indicate that a property shall be acquired, if necessary, using Blueprint’s authority to impose the laws of eminent domain (condemnation).

Value Determination: Estimate of market value as prepared by the real estate staff or an approved right of way consulting firm.

107.06

APPROVAL AUTHORITY:

A. Director of PLACE, or his/her Designee

1. The Director of PLACE, or his/her Designee, is authorized to approve the following real estate acquisitions provided the purchase price, exclusive of attorney fees and costs and business damages, if applicable, does not exceed \$750,000.00 or 20% above the appraised value, whichever is greater;
 - a. The acquisition of real estate for land banking purposes.
 - b. The payment of legal settlements for property acquired under the threat of condemnation purchased through either informal negotiations or mediation.
2. The Director of PLACE or his/her Designee Director is authorized to approve the sale or disposition of surplus property owned by Blueprint provided the sale price does not exceed \$100,000.00, exclusive of closing costs.
3. The Director of PLACE or his/her Designee is authorized to approve all deposits in circuit courts required by Order of Takings, final judgments of jury verdicts, or other court orders on property being acquired under threat of condemnation.

4. The Director of PLACE or his/her Designee, with input from the Blueprint Attorney, is authorized to settle all reasonable attorney fees and costs incurred by property owners during the condemnation process, through negotiation, mediation or court award.
5. The Director of PLACE or his/her Designee is authorized to settle any claim for business damages made pursuant to Section 73.015(2), Florida Statutes (2003), as may be amended from time to time, provided the amount of the business damage claim, exclusive of attorneys' fees and costs, does not exceed \$250,000.00 or 20% above the amount of the estimate obtained in accordance with Section 107.08 C below.

B. Intergovernmental Management Committee

1. The Intergovernmental Management Committee (IMC) is authorized to approve all acquisition of real estate, and/or business damage claims, in which the purchase price exceeds the approval authority of the Director of PLACE, and is within the approved and budgeted Blueprint Capital Improvement Plan.
2. The IMC is authorized to approve the sale and disposition of surplus property owned by Blueprint provided the sale price does not exceed \$500,000.00, exclusive of closing costs.
3. The IMC is authorized to approve all leases of property owned by Blueprint where the annual lease does not exceed \$100,000.00.
4. All decisions of the IMC, pursuant to this Policy, shall be subject to the requirements of Florida Statute 286.011, Florida Government in the Sunshine Law.

C. Intergovernmental Agency Board of Directors

The Intergovernmental Agency Board of Directors (IA) shall approve all other real estate transactions. In addition, the Director of PLACE or the IMC may elect to request IA approval on any real estate purchase, sale or disposition.

107.07 RESPONSIBLE DEPARTMENTS:

- A. Unless specifically directed otherwise by the IMC, the Director of PLACE or his/her designee, shall implement and comply with these policies and procedures and shall be charged with the following responsibilities:

1. Develop clear and uniform procedures for all real property transactions.
 2. Assure clear and uniform documentation of all real property transactions.
 3. Assure that all real property transactions are negotiated equitably, in good faith and in accordance with all applicable state and federal laws as well as in the best interest of the taxpayers of Leon County.
 4. Assure that, in those instances when negotiations for the acquisition of real property under the threat of condemnation are unsuccessful, all information necessary for the filing of an eminent domain lawsuit is provided to the Blueprint Attorney.
 5. Maintain an accurate inventory and provide effective management of all real property owned by Blueprint.
 6. Report to the Intergovernmental Agency (“IA”) at regularly scheduled meetings all acquisition and/or sale of real property.
 7. Report monthly to the Intergovernmental Management Committee (IMC) all acquisitions and/or sale of real property.
- B. The Blueprint Attorney is responsible for acquisition through the use of Blueprint’s eminent domain power in those instances when negotiations for the acquisition of real property under the threat of condemnation are unsuccessful.

107.08 APPRAISALS AND OTHER VALUE ESTIMATES:

- A. For all real property transactions, Blueprint shall prepare or obtain a value estimate or an appraisal report, which estimates the fair market value of the real property interest involved in the transaction in accordance with the following procedures:
1. For acquisitions, sales, or dispositions in which the estimated value of the real property does not exceed \$25,000.00, an in house value determination or an appraisal shall be prepared.
 2. For acquisitions, sales, or dispositions in which the estimated value of the real property does not exceed \$750,000.00, an independent state-certified appraiser shall be retained to prepare an appraisal report with an estimate of the fair market value of the real property.
 3. For acquisitions, sales, or dispositions in which the estimated value of the real property exceeds \$750,000.00, two independent state-certified appraisers may be

retained to each prepare an appraisal report with an estimate of the fair market value of the real property.

- 4. All appraisal reports being obtained for property under the threat of condemnation shall be reviewed by an independent state certified appraiser. All other appraisals may be reviewed at the discretion of the Director of PLACE or his/her designee.
- 5. Nothing in this section is intended to preclude Blueprint from purchasing real property pursuant to sections 125.355 or 166.045, Florida Statutes, if it chooses to do so.

- B. The Director of PLACE or his/her designee shall determine the scope of the appraisal assignment and the form of the appraisal report to be prepared. However, when an appraisal report is being obtained for property under the threat of condemnation, the Blueprint Attorney may be consulted to determine the scope and form of the appraisal report.
- C. For any acquisition under the threat of condemnation in which an owner is entitled to compensation for damages to a business, pursuant to Section 73.015(2), Florida Statutes (2003), as may be amended from time to time, Blueprint shall obtain from a Certified Public Accountant, and/or other such consultants as recommended by the Blueprint Attorney, a report estimating the amount of such business damages, and the Blueprint Attorney, in consultation with the Director of PLACE or his/her Designee, shall determine the scope and form of the business damage report.

107.09 ACQUISITIONS FOR CAPITAL IMPROVEMENT PROJECTS:

Any real property that has been identified on a right of way map or designated property map as being necessary to implement Blueprint’s Capital Improvement Plan shall be acquired “under the threat of condemnation” pursuant to the guidelines provided in Section 73.015, Florida Statutes, and pursuant to the following authority and procedures:

- A. The Director of PLACE, in consultation with the Blueprint Director, (shall have the authority and responsibility to approve and to execute all documents necessary to implement an approved and budgeted Capital Improvement Project. This authority and responsibility includes coordination with the Blueprint Attorney, or their designee, for the preparation of a condemnation resolution for approval by the Intergovernmental

Agency Board stating the public purpose of the project and the necessity of acquiring the parcels identified in the resolution and upon the Board’s approval of the resolution the identified parcels shall be acquired in one of the following manners:

1. The Director of PLACE, or his/her Designee, shall have the administrative authority to purchase fee simple title or easements, or negotiate settlements of any voluntary action which is required for the implementation of a Capital Improvement Project provided the funds for the project are available, budgeted and are within the Director of PLACE’s limits of authority, pursuant to Section 107.06.
 2. Property not acquired through voluntary acquisition as described above, shall be acquired through the exercise of Blueprint’s power of eminent domain pursuant to Chapter 73 or 74, Florida Statutes and the Blueprint Attorney or his/her designee shall file a petition with the appropriate court to obtain title to the condemned property. Settlement of property acquired through Orders of Taking shall be made pursuant to Section 107.06, of this policy.
- B. The Director of PLACE or his/her Designee, and/or the IMC, shall seek technical advice from staff or others, as needed, prior to making settlement and acquisition decisions affecting real property.

107.10 LAND BANK PROGRAM:

- A. Blueprint has established a land banking program to be used to acquire property for future Blueprint projects including the early acquisition of right of way along transportation corridors.
- B. All properties being considered for purchase under this program shall be presented to the Director of PLACE or his/her Designee, in a written report, which includes the following information:
 1. The location of the property
 2. Description
 3. Intended use
 4. Estimate of value

- 5. Proposed purchase price
- C. Florida Statute 125.355 may be utilized by the Director of PLACE.
- D. The Director of PLACE or his/her Designee shall have the authority to negotiate a contract to option real estate for approved land banking purchases.
 - 1. The Director of PLACE or his/her Designee has the authority to approve land banking purchases up to the approved settlement limit. (See Section 107.06 A.)
 - 2. The Director of PLACE or his/her Designee, may seek such technical advice from staff or others as needed prior to making acquisition and settlement decisions affecting real property.
- E. The IMC has the authority to approve all settlements for land banking purchases up to their delegated authority as provided specifically in Section 107.06 B.
- F. All other requirements imposed by the Blueprint Intergovernmental Agency Real Estate Policy, including but not limited to, obtaining a value determination or appraisal, completing title work, etc., shall apply to purchases under the land-banking program.

107.11 ENVIRONMENTAL ASSESSMENTS:

An Environmental Assessment or equivalent (which may be contained in a Contamination Screening Evaluation Report as part of a PD&E Study) shall be secured on all property purchased by Blueprint. The Environmental Assessment shall be reviewed and approved by the Director of PLACE or his/her Designee prior to closing. The Director of PLACE may seek technical support from staff and others, as needed, to interpret and evaluate the results of the environmental assessment and, if deemed necessary, the Director of PLACE or his/her Designee may request additional assessment activities.

107.12 REAL PROPERTY OWNED BY BLUEPRINT: SALE OR DISPOSITION OF ANY REAL PROPERTY DECLARED SURPLUS PROPERTY.

- A. The Director of PLACE or his/her Designee with input from the Blueprint Attorney and/or Real Estate Manager, shall annually review all real estate owned by Blueprint and shall determine whether any parcels might be considered surplus property. A property shall not be considered surplus unless there is no potential future use of the property within the Blueprint Intergovernmental Agency Program. If such potential surplus property is identified, a written report will be submitted to the IMC

recommending the property be declared surplus. The IMC has authority to declare property surplus and once declared surplus, may approve disposal of that property if the appraised value is \$500,000.00 or less. If the property value is in excess of \$500,000.00, the property shall be submitted to the Intergovernmental Agency for approval of disposition.

- B. The Director of PLACE or his/her Designee has the authority to sell or dispose of surplus property if the appraised value does not exceed \$100,000.00. (See Section 107.06 A.).
- C. All surplus real property shall be marketed for sale or disposal in accordance with Section 125.35, Florida Statutes, as may be amended from time to time, unless the sale or disposition is exempted pursuant to either Section 125.38 or Section 125.39, Florida Statutes, or unless the sale or disposition is part of an exchange of real property. In addition, the Director of PLACE or his/her Designee may utilize a Real Estate Broker and may improve the marketability and value of property by obtaining permitting, site plan approvals, or other property enhancements prior to the disposal of surplus real property.
- D. Contiguous property owners must receive written notification of Blueprint’s intent to sell or dispose of the real property, and Blueprint must place adequate signage on the real property to notify the public that the property is available for purchase.
- E. Blueprint shall give the City and County first refusal to secure any property declared surplus.
- F. If bond proceeds were used for the acquisition or sale of any real estate and there is any conflict with the Bond Resolution, then the Bond Resolution shall control, to the extent of the conflict.

107.13 REAL PROPERTY OWNED BY BLUEPRINT: LEASE FROM BLUEPRINT OF REAL PROPERTY.

- A. If an individual or entity is interested in leasing any real property owned by Blueprint, such individual or entity shall express such interest in the form of a written request to Blueprint.

- B. The written requests shall be reviewed by the Director of PLACE or his/her Designee to determine if the property is suitable for leasing.
- C. Upon determination that property is suitable for lease, the Director of PLACE or his/her Designee shall make a written recommendation on whether or not to negotiate a lease to the IMC if the annual lease is less than \$100,000.00. If the IMC approve the recommendation to pursue the lease of the Blueprint owned property, the Director of PLACE or his/her Designee, with input from the Real Estate Manager and/or the Blueprint Attorney will enter into negotiations to lease the real property.
- D. If the annual rent value is above \$100,000.00, the IMC will review and evaluate the lease request and present a joint recommendation to the Intergovernmental Agency Board for consideration as an agenda item.
- E. All lease documents shall be approved as to form and content by the Blueprint Attorney, with input from the City/County Attorney, as needed, prior to being submitted for final approval. All leasing activities shall be in accordance with Section 125.35, Florida Statutes.
- F. If bond proceeds were used to acquire any real estate and there is any conflict with the Bond Resolution, then the Bond Resolution shall control, to the extent of that conflict.

107.14 REQUIREMENTS FOR ALL FIRMS PROVIDING APPRAISAL, ACQUISITION AND RELOCATION SERVICES TO BLUEPRINT:

- A. All real estate appraisers and/or review appraisers shall be licensed in Florida as a State Certified General Real Estate Appraiser.
- B. All real estate appraisers and review appraisers shall be Pre-Approved by the Florida Department of Transportation.
- C. All acquisition and relocation firms shall be Pre-Approved by the Florida Department of Transportation to perform all acquisition and relocation functions.
- D. All Appraisal, Appraisal Review, Acquisition and Relocation services will be provided under the auspices of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) as well as all applicable state and federal laws and regulations.

107.15 ABSTRACT AND TITLE REQUIREMENTS:

An independent abstract and Title Certificate with title insurance shall be secured on all acquisitions for the Blueprint Intergovernmental Agency Program. However, any property acquired by virtue of an Order of Taking in a condemnation lawsuit shall not require title insurance.

107.16 REVIEWING AND MAINTAINING CLOSING DOCUMENTS:

- A. In addition to the Blueprint Attorney, the City/County Attorney or his/her designee may be asked to review all closing documents and title work prior to closing on all real property acquisitions by Blueprint. This review shall be documented in writing. The Blueprint Attorney may authorize licensed agents with contracted acquisition firms, or appropriate Blueprint Staff to close Blueprint purchases, provided a review of the closing documents and title work has been conducted by the appropriate Agency Attorney prior to closing on any real property acquisitions.
- B. Blueprint shall be responsible for recording and maintaining all closing documents.

107.17 USE OF FEDERAL FUNDING TO ACQUIRE OR LEASE REAL PROPERTY:

Blueprint shall comply with the requirements of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, if acquiring right of way for transportation projects or acquiring property on projects where federal funds are being utilized or where federal funding may be secured in the future.

107.18 RELOCATION POLICY FOR LOCALLY FUNDED PROJECTS:

It is the intent of this policy to ensure that Blueprint provides fair and consistent treatment for persons or businesses displaced by the acquisition of property utilizing local funds. Under this policy Blueprint shall provide advisory assistance and conduct the relocation program so that no person shall, on the basis of race, color, sex, gender identity, age, religion, national origin, disability or genetic information be excluded from participation in, be denied the eligible benefits of, or be otherwise subjected to discrimination or retaliation under any of Blueprint's funded programs or activities administered by Blueprint or its sub-

recipients. The term "person" as defined in this policy refers to any individual (residential or business occupant), family, partnership, corporation, or association.

Relocation assistance activities implemented under this policy involve notices, advisory services, and if applicable, relocation assistance payments. Any benefits afforded by this policy are not intended to create any additional element of compensation if the property is condemned.

A. Residential

1. Homeowner (Owner Occupied Displacee)

Residential home owners will only receive relocation notices and advisory services benefits as provided by Blueprint.

2. Tenant

A tenant is defined as a person who has the temporary use and occupancy of real property owned by another. Residential tenants will receive relocation notices and advisory services benefits and may, in addition, qualify for a replacement housing payment and residential moving costs based on a Fixed Residential Moving Schedule. Residential tenants who have been in occupancy at the displacement dwelling for more than 12 months may qualify for a replacement housing payment. Residential tenants who have been in occupancy at the displacement dwelling for 12 months or less may qualify for a reduced replacement housing payment.

Property owners and tenants affected by a Blueprint project will be interviewed to determine if they are eligible for relocation benefits. The interview will be conducted prior to determining their relocation eligibility, and all interviews will be conducted in person at the displaced person's residence or place of business. The purpose of the residential interview is to determine the relocation needs and preferences of each person to be displaced and explain the relocation assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance.

B. Non-Residential

1. Owner Occupied

Nonresidential owners (businesses and/or nonprofit organizations) will only receive relocation notices and advisory services benefits, as provided by Blueprint.

2. Tenant Occupied

Nonresidential tenants (businesses and/or nonprofit organizations) will receive relocation notices and advisory services benefits and, in addition, may qualify for reestablishment expenses, moving costs and search expenses.

Business owners and tenants affected by a Blueprint project will be interviewed to determine if they are eligible for relocation benefits. The purpose of the non-residential interview is to determine the relocation needs and preferences of each person at the displaced person's place of business. Interviews with displaced business tenants will also include a discussion as to the business's replacement site requirements, current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move. There will be a determination of the need for outside specialists that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property. At the conclusion of the interview, the relocation agent will be able to provide an estimate of the time required for the tenant occupied business to vacate the site.

C. Notices

All owners and tenants are provided with a **General Information Notice** which provides a description of Blueprint's relocation program. At or promptly following the initiation of negotiations Blueprint will notify all occupants in writing, either in person or by certified mail, of their eligibility for applicable relocation assistance and payments, if applicable. The **Notice of Eligibility** cites the specific relocation assistance available for the displaced person and identifies any offer of relocation assistance. No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which they

may be required to move. The **90 Day Notice** shall either state a specific date as the earliest date, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date to vacate the property. The **30 Day Notice** will provide a specific date by which the displaced person must vacate and surrender possession of the subject property.

D. Advisory Services

Throughout the relocation program, Blueprint will provide ongoing **advisory services** to all affected owners and tenants including, but not limited to, assisting them in securing replacement properties and filing relocation claims for benefits, when applicable. All residential and business tenants will have **12 months** from the date of their move to file claims for the reimbursement of eligible payments.

E. Relocation Policy and Procedures Manual Implementing procedures have been developed and can be obtained by contacting the Blueprint Intergovernmental Agency Office at:

315 South Calhoun Street, Suite 450
Tallahassee, FL 32301
Telephone No.: (850) 219-1060

107.19 REVISIONS TO THE REAL ESTATE POLICY:

The Director of PLACE shall recommend amendments, modifications or alterations to this policy to the Intergovernmental Agency as required to maintain its applicability to local, state and federal regulations, laws, and ordinances.

In addition to the Blueprint Attorney, the City/County Attorney’s office may be asked to review proposed revisions, as needed, to ensure compliance with applicable laws. Any revisions to the Blueprint Real Estate Policy shall become effective upon approval by the Intergovernmental Agency Board of Directors.

107.20 EFFECTIVE DATE OF REAL ESTATE POLICY:

This Real Estate Policy shall become effective upon approval of the Intergovernmental Agency Board. The effective date of this policy shall be September 19, 2007.

BLUEPRINT 2000 REAL ESTATE POLICY

Revised: June 20, 2011
February 21, 2017