



## LEGISLATIVE MEMORANDUM

TO:	Honorable Mayor and Members of the City Council
FROM:	Suzanne Sherman, City Manager
THRU:	Nancy A. Bunt, Community & Economic Development Director
DATE:	March 7, 2024
RE:	Consideration of designating certain City-owned real estate generally located along Water Drive NE (Parcel ID: 28-37-24-27-3-4.01, Tax Account: 2832805) as surplus and listing for sale to the public.

### SUMMARY:

The City of Palm Bay owns vacant land throughout the city, some of which is required to be retained for future infrastructure as determined by the Utilities, Public Works, Parks & Facilities, Recreation, Police and Fire Departments. The 2.12-acre parcel is generally located along Water Drive NE (Parcel ID: 28-37-24-27-3-4.01; Tax Account: 2832805). The parcel is currently identified as right-of-way and contains a City-owned lift station on the southwestern corner and baffle box. The current zoning of the parcel is Bayfront Mixed Use/Village (BMUV) with a Future Land Use designation of Urban Mixed-Use (UMU); however, the parcel is not buildable by itself and without variances. The City has received an unsolicited offer for the parcel as part of a larger development project from Mike Timmons, Palm Bay Landing LLC.

If City Council consents to surplus this parcel, Administrative Code G.34.2 Sale of City & CRA Surplus Real Estate shall be followed. **Section 6. Unsolicited Offers/Disposition by Public Notice**

- a. Unsolicited offers on real estate owned by the City or CRA which are brought forth by a member of the general public, and during a period in which the City does not have a contracted Real Estate Broker, may be entertained by the City Manager, or Designee.
- b. Upon receipt of an unsolicited offer, the City Manager, or Designee, shall follow the standard internal due diligence process to ensure that such properties are not required for future infrastructure or park needs.
- c. The City shall notify the general public of the availability of City or CRA-owned real estate and shall provide a 30-day notice of the availability of the surplus property. If more than one (1) member of the general public is interested in acquiring the property and have offered to purchase the property, all interested parties will be notified of the multiple offers and requested to submit their highest and best offer within three (3) business days. The City Manager shall determine which offer should be accepted based on the quality of the offer submitted and the highest and best use of the property and make a final recommendation to City Council.

- d. At a City Council meeting, Council shall approve the sale of all surplus real estate. Council may designate the City Manager to execute purchase contracts.
- e. Purchasers of City surplus real estate shall deposit earnest money into escrow in an amount equal to ten percent (10%) of the purchase price within three (3) business days of execution of a purchase and sale agreement for the purchase of the property.

Staff is seeking Council's consideration to declare the property as surplus real estate to be listed for sale with the City's contracted real estate broker for a minimum of 30 days.

**REQUESTING DEPARTMENTS:**

Community & Economic Development

**FISCAL IMPACT:**

There is no fiscal impact at this time. The sale of real estate would result in increased revenues to the Sales Proceeds account (001-0000-388-1001) and ultimately transferred to the Road Maintenance Fund.

**STAFF RECOMMENDATION:**

Motion to approve City-owned real estate generally located along Water Drive NE (Parcel ID: 28-37-24-27-3-4.01, Tax Account: 2832805) to be designated as surplus and listed with the City's real estate broker.

**ATTACHMENTS:**

- 1. Administrative Code G.34.2 - Sale of City & CRA Surplus Real Estate
- 2. Map of Tax Account 2832805
- 3. BCPAO Detail 2832805