



THE SUNRISE CITY
FORT PIERCE
CITY ATTORNEY'S OFFICE *Florida*

TO : Nicholas C. Mimms, P.E., City Manager
FROM : James M. Messer, City Attorney
RE : Little Jim Bait & Tackle Shop
DATE : November 16, 2017

This office concurs with the City Clerk's opinion outlined in the attached letter of August 8, 2017.

Additionally, the attached City policy outlines in detail the specific procedures for leases of City-owned property for greater than one year.

Attachments

cc: Linda Cox, City Clerk



THE SUNRISE CITY

FORT PIERCE
CITY CLERK'S OFFICE
Florida

August 8, 2017

Mr. David Cleveland
100 Avenue A #2E
Fort Pierce, FL 34950

Re: Little Jim Bait and Tackle

Dear David:

Thank you so much for taking the opportunity to discuss with me your clients' desire to assume the existing lease for Little Jim and make a significant investment in redevelopment of the property. We have carefully reviewed your request.

Under the Fort Pierce Charter Sec. 13(a) outlining the requirements for the lease of City property beyond a term of one year, we do not recommend the extension of the existing lease for the additional twelve years needed by your client to amortize their investment. When the original RFP was issued in 2008, there was significant interest in the property and we continue to receive numerous inquiries on a regular basis.

If the leaseholder is interested in terminating the lease, they may notify the city and we would then proceed to issue with a new RFP with the approval of the Commission.

If you have any additional questions, please contact me or the City Manager.

Very truly yours,

A handwritten signature in cursive script that reads "Linda W. Cox".

Linda W. Cox
City Clerk

**POLICY FOR THE DISPOSITION OF CITY-OWNED REALPROPERTY OR LEASES
GREATER THAN ONE YEAR.**

(See also City Charter, Sections 13(a) and (b)*)

1. The City Manager or appointed designee will identify any real property to be declared surplus for disposal.
2. Prior to being declared surplus property and offered for sale, the Procurement Department will receive a signoff from City departments within 10 days of receipt indicating that there is no existing or future use for said property.
3. All real property to be sold or leased must be declared surplus by the City Commission via Resolution at a public meeting.
4. All real property must have an appraisal prior to sale. The appraisal of the property should not be older than 360 days unless approved by the City Manager.
5. In accordance with the Charter, Section 13(a), notice of any proposed sale or lease of surplus property shall be published once a week for two (2) consecutive weeks in some newspaper of general circulation published in the said city, calling for bids for the lease or purchase of the real estate so advertised to be leased or sold.
6. Such notice, and any additional notices used to solicit bids including an RFP, advertising/marketing tools, and real estate listings, shall clearly state all terms and conditions or factors that will be considered when evaluating bids, including but not limited to:
 - Any price or terms and conditions the City Commission shall deem proper;
 - Detailed statement regarding proposed use for the property;
 - Economic impact;
 - Job creation;
 - Timeline for any and all development, renovations, repairs and/or demolition;
 - Statement that any proposed use conforms to all land development regulations and building codes, or any variances required;
 - Any proposed deed restrictions, reversionary clauses, and/or covenants; and
 - Any deposit or surety bond to be given with each bid submitted in such form and in such amount as required by the City Commission.
7. Upon receipt of any bids, and in accordance with City Code, Chapter 2, Section 2-223(4), the bids shall be submitted to the Planning Board for its recommendation, provided, however, the City Commission shall have authority to overrule the disapproval of the board on any such proposal.
8. Any bid, along with the Planning Board recommendation, shall be presented to the City Commission for final approval. Per the Charter, Section 13(a), the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted unless the City Commission shall reject any and all bids.

9. After approval by City Commission all information is forwarded to the Title Company for preparation of the deed and the closing. Originals returned to City Clerk. Copies of all the documents are forwarded to Purchasing and Finance.

*This policy applies to the sale or lease of certain city owned real property to a private individual or entity, and does not apply to: (1) the exchange of property by the City for other real or personal property owned by another (*see* Charter, § 13(c)); (2) the conveyance or lease of property to the United States of America, or any department or agency thereof, the State of Florida or any political subdivision or agency thereof, or any Florida municipality (*see* Charter, § 13(d)); or (3) to the types of dispositions outlined in the Charter, Sections 13(e) through (g).