

V.A.



**AGENDA REPORT  
May 22, 2018**

**\* Jetty Park follow up report**



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**SUBJECT:**

Jetty Park follow up report.

**FISCAL IMPACT:**

Variable depending on option selected by the Board.

**DEPT/OFFICE:**

County Attorney Office

**REQUESTED ACTION:**

Direction to staff.

**SUMMARY EXPLANATION and BACKGROUND:**

See Attachment.

**ATTACHMENTS:**

**Description**

- **Jetty Park Property Options Bullet Points**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

May 29, 2018

**MEMORANDUM**

TO: Eden Bentley, County Attorney

RE: Item V.A., Jetty Park Follow-Up Report

**This is to correct the memorandum of May 23, 2018.** The Board of County Commissioners, in regular session on May 22, 2018, approved Option 2, to direct staff to advertise and put the property out to bid, subject to all existing conditions, ten days after the next Canaveral Port Authority board meeting of **May 30, 2018**, giving the Port the opportunity to consider the Board's offer.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Manager



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May 23, 2018

**M E M O R A N D U M**

TO: Eden Bentley, County Attorney

RE: Item V.A., Jetty Park Follow-Up Report

The Board of County Commissioners, in regular session on May 22, 2018, approved Option 2, to direct staff to advertise and put the property out to bid, subject to all existing conditions, ten days after the next Canaveral Port Authority board meeting of June 9, 2018, giving the Port the opportunity to consider the Board's offer.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

cc: County Manager

**I. Jetty Park Property Options:**

**A. Sale\* of County owned parcel (Competitive Bid)**

1. See sale procedures, Sections 2-244 through 2-248, Brevard County Code of Ordinances. Decision to initiate sale procedures requires a **supermajority vote**.
  - A) Straight bid procedure -2 ads required to advertise bid. Reservation of right to reject all bids is recommended.
  - B) Alternative minimum bid must advertise on website one week before procedure is considered. Minimum base bid may be determined by (1) unsolicited written offer, or (2) by written offer procured by real estate broker. The Board could direct staff to obtain request for proposals for real estate broker to establish a minimum bid without a supermajority vote and without advanced notice.
2. Request for Proposals under Section 2-245 or Request for Proposals for an auction company under Section 2-246, Brevard County Code of Ordinances.  
\*Lease procedures are the same.

**B. Remove Canaveral Port Authority, keep park property**

1. Demand vacation of the County owned parcel.
2. Eviction due to Tenancy at Sufferance (Dispute Resolution procedure described below).
3. Eminent Domain to assure formal easement access.
4. Intergovernmental Dispute Presuit Resolution could be requested pursuant Section 164.1052, Florida Statutes. The Board would need to adopt a resolution stating its intent to initiate the conflict resolution procedures provided by the act prior to initiating court proceedings. The resolution will be required to specify the issues of conflict with CPA. This resolution could be brought to the BCC in July. The first step in the process is for a certified copy of the resolution to be sent to the Chief Administrator by certified mail. A conflict assessment meeting is scheduled and appropriate personnel from both entities meet. If the meeting does not result in a resolution, a joint public meeting is scheduled.

**C. Negotiate with Canaveral Port Authority (CPA)**

1. Negotiate long term lease at fair market value, lease purchase, etc.

**II. Board Action Options**

**A. Sell Property**

1. Direct staff to draft conditions for bid for BCC approval first meeting in July. Board would then have to determine if it chooses to direct the staff to advertise and put the property out to bid in July. (Simple majority required 5/22; July supermajority.)
2. Direct staff to advertise and put the property out to bid subject to all existing conditions. (Supermajority required.)
3. Direct staff to advertise to consider the alternative bid procedure through real estate broker to sell the property (Supermajority required).
4. Direct staff to initiate procedures to select real estate broker to establish minimum bid (Simple majority).
5. Direct staff to initiate procedures to request proposals for auction or other proposals (Simple majority).

- B. Remove CPA, keep property
  - 1. Direct staff to issue notice to vacate (Simple majority).
  - 2. Direct staff to initiate eviction proceedings (Intergovernmental Dispute Resolution is a statutorily mandated initial step) (Simple majority).
  - 3. Direct staff to begin steps to initiate eminent domain to assure access (Simple majority).
- C. Negotiate with CPA; governmental entity.
  - 1. Long term lease agreement negotiations at fair market value. (Simple majority)
- D. Other Options at discretion of the Board.

Fiscal Impact: Variable depending on option chosen.