

ORDINANCE 2012 - 06

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, GRANTING THE CITY MANAGER, OR DESIGNEE, THE AUTHORITY TO BID ON BEHALF OF THE CITY AT REAL ESTATE FORECLOSURE AUCTIONS, MURPHY ACT PROCEEDINGS, TAX DEED SALES AND SIMILAR PROCEEDINGS FOR ANY PROPERTY LOCATED EITHER WITHIN THE DAYTONA BEACH SHORES CITY LIMITS OR SUBJECT TO VOLUNTARY ANNEXATION THERETO; PROVIDING FOR A CHECK AND BALANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores has a strategic interest in acquiring property in support of its public mission; and,

WHEREAS, foreclosure properties are often a blight on the community and serve to reduce surrounding property valuations, causing economic harm to citizens and businesses and diminishing the aesthetic quality of the City and such properties can, oftentimes, be acquired at a reasonable cost to the City; and,

WHEREAS, properties that the State of Florida offers for acquisition under the Murphy Act or surplus property programs can often be used for municipal purposes and acquired at a reasonable cost to the City; and,

WHEREAS, properties available in the tax deed bid process are often of value to the City and such properties can, as stated above, oftentimes be acquired at a reasonable cost to the City; and,

WHEREAS, the process of successfully acquiring properties in the processes referenced above, and similar processes, at the lowest possible cost to the City requires that City bid or offer amounts within an expeditious time frame without the ability to bring each matter to the City Council for approval; and,

WHEREAS, it would be beneficial and in the public interest for the City of Daytona Beach Shores to develop a process whereby the City can take advantage of beneficial opportunities to acquire properties that would be of value and use to the City in circumstances when the City must act in a prompt and expeditious manner.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA:

SECTION ONE: LEGISLATIVE FINDINGS. A new section of the Code of Ordinances of the

City of Daytona Beach Shores is created to read as follows:

- (a). The City staff report and City Council agenda memorandum relating to this matter are hereby adopted as if fully set forth herein.
- (b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c). The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Daytona Beach Shores and incorporated into this Ordinance as if set forth *in haec verba*.

SECTION TWO: AUTHORITY OF CITY MANAGER TO ACQUIRE PROPERTY. A new section of the *Code of Ordinances of the City of Daytona Beach Shores* is created to read as follows:

- (a). Subject to expenditure limits approved by the Finance Director prior to the submission of any bid, the City Manager, or designee, is granted the authority to bid on behalf of the City at real estate foreclosure auctions for any such property located either within the City Limits of the City or which is the subject of a voluntary annexation proceeding.
- (b). Subject to expenditure limits approved by the Finance Director prior to the submission of any bid or offer, the City Manager, or designee, is granted the authority to bid or make offers on behalf of the City relative to State of Florida surplus lands (such as Murphy Act lands¹) for any such property located either within the City Limits of the City or which is the subject of a voluntary annexation proceeding.
- (c). Subject to expenditure limits approved by the Finance Director prior to the submission of any bid or offer, the City Manager, or designee, is granted the authority to bid on behalf of the City relative to tax deed sales for real property on which back taxes are owed for any such property located either within the City Limits of the City or which is the subject of a voluntary annexation proceeding.
- (d). The City Manager is authorized authority to proceed, as set forth in Subsections (a) – (c) of this Section relative to any similar land acquisition process upon concurrence of the Finance Director and the City Attorney.
- (e). The City Manager shall consult with the City Attorney prior to engaging in any land acquisition process authorized by this Ordinance.

¹ The Murphy Act provided for statutory forfeiture of lands for nonpayment of taxes. Tax certificates unredeemed as of June 9, 1939, were automatically converted to fee simple title in the name of the state.

SECTION THREE: CODIFICATION. The provisions of Sections One and Two of this Ordinance, including its recitals, shall, as determined by the Code Codifier, become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FOUR: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

HARRY JENNINGS, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

LONNIE GROOT, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2012.

Adopted on second reading this _____ day of _____, 2012.