

ORDINANCE NO. 2013-06

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO THE MEANS AND METHODS OF THE ACQUISITION OF REAL PROPERTY; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE. REAL PROPERTY. New provisions of the *Code of Ordinances of the City of Daytona Beach Shores* are created to read as follows:

Real property acquisitions, authority.

The City may acquire, own and hold real property within or outside the City boundaries by any lawful means or conveyance and may exercise all means, manners, rights and powers in the acquisition, ownership and holding of real property as if the City were a private person.

Real property acquisitions, form; procedure.

- (a). The City may acquire, own and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful method or mode of conveyance or grant. The form of any conveyance shall be approved by the City Attorney prior to recording in the Official Records (Land Records).
- (b). Real property shall vest and be held and titled in the name of the City.
- (c). Unless otherwise provided by the City Council, the City shall purchase marketable title in the real property. The City Manager is authorized to obtain title insurance, to execute any instruments and to take all steps necessary to complete and close the purchase and acquisition of the real property as assisted by the City Attorney.
- (d). The City Manager may propose to have real property acquired by the City to be appraised or may determine that such appraisal of real property is not necessary and that the costs of such action can be avoided and that the procurement of real property may proceed without any appraisal of real property being accomplished.
- (e). The City may acquire real property by exercise of the powers of eminent domain, adoption of a resolution and necessity and declaration of taking, all by actions of the City Council, in the performance of an authorized power or function of the City in accordance with controlling State law.

Exemption from competitive bidding.

Because of the unique nature of real property and its means of acquisition and use, the City is not required to acquire real property by competitive bidding.

SECTION TWO. SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the acquisition of real property and related matters, programs, projects, actions and activities are hereby ratified and affirmed.

SECTION THREE: CONFLICTS.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed and the *City Code* codifier is hereby directed to take all actions necessary to implement the provisions of this Ordinance in that regard.

SECTION FOUR. 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 FIVE. CODIFICATION.

It is the intention of the City Council of the City of Daytona Beach Shores, Florida, and it is hereby ordained, that the provisions of this Ordinance shall be codified into the *Code of Ordinances of the City of Daytona Beach Shores*; provided, however, that Sections Two, Three Four, Five and Six shall not be codified. Additionally, the code codifier shall have liberal authority to codify the provisions of this Ordinance.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Mayor, Harry Jennings

ATTEST:

By: _____
Michael T. Booker, City Manager

Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Lonnie Groot, City Attorney

Passed and adopted on first reading this _____ day of _____, 2013.

Posted this _____ day of _____, 2013.