

**ADMINISTRATIVE CODE**  
**BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b>	<b>CODE NUMBER:</b>
Facilities/Properties/Equipment/Vehicles	AC-5-8
<b>TITLE:</b> Responsibility for Real Property Acquisition/Divestures; Rules of Negotiations; Requirement for Board of County Commissioners Approval	<b>ADOPTED:</b> 3/7/90
	<b>AMENDED:</b> 11/9/94
	<b>ORIGINATING DEPARTMENT:</b> Public Works/County Lands

**PURPOSE/SCOPE:**

The purpose of this code is to set forth the responsibility for the acquisition/divestiture of real property and to reaffirm that the authority and control of land acquisitions/divestures by Lee County resides in the Division of County Lands.

Maintaining the inventory of County owned real property, other than property declared as right-of-way, is included within this scope. It does not include vacation, leasing, property management or maintenance of real property.

**POLICY/PROCEDURE:**

**POLICY:**

All real property transactions including easements whether by exchange, purchase or sale shall be carried out solely by the Division of County Lands with the exception of those transactions referred by the County Administrator or Public Works Director to the County Attorney's Office for handling.

All title services required by Lee County, including subcontracted title services, shall be provided solely by the Division of County Lands.

All appraisal services required by Lee County other than those appraisal services required by the County Attorney's Office, including subcontracted appraisal services, shall be provided solely by the Division of County Lands.

Other special projects relating to real property shall be performed by the Division of County Lands as authorized by the County Administrator or Public Works Director.

**PROCEDURES:**

Initiation of a County Lands Project

A County Lands project is initiated by a written request from another County Department for the acquisition or sale of land in furtherance of a Board of County Commissioner's approved project (CIP, MSBU, MSTU, Low Cost Housing, etc.) Road projects require the approval by the Board of the final alignment unless "early" acquisition is specifically approved. Occasionally, client departments need preliminary research performed by the Division of County Lands prior to obtaining Board approval of the project itself, e.g., market studies, early alignment studies, and title work; such work requires the approval of the County Administrator or the Public Works Director.

All requests for acquisition or divesture must follow the procedures outlined below:

1. Notification of project approval and identification of project manager.

-The client department will designate a Project Manager for each approved project needing the services of County Lands. This Project Manager will be responsible for communication with the Division of County Lands regarding the project.. The Project Manager is to notify the Division of County Lands that their services will be needed. Notification of the project and request for services will identify the project by name and will include a project number. Notification and request for services will precede any property owner contact by the Project Manager.

2. Assignment of Property Acquisition. Agent and Project Meetings.

-Upon receipt of a request for services, the Division of County Lands will assign a Property Acquisition Agent to the project and will notify the Project Manager to schedule a meeting at which preliminary project design and real estate issues will be discussed. This meeting will occur before any owner or owner's representative is contacted by the Project Manager or the Property Acquisition Agent. Subsequently, the Project Manager will notify the Property Acquisition Agent-of all scheduled project meetings

3. Time Charges for County Lands

-The Property Acquisition Agent will provide the Project Manager with an estimate of County Lands Staff's time charges based on the information supplied at the initial meeting before billing of any time charges. All projects will be billed for County Lands time unless otherwise waived by the County Administrator or Public Works Director.

4. /Documentation Required from the Project Manager,,

A. Initiation of Title Work

- 1. STRAP numbers of all parcels likely to be affected by the project.
- 2. General boundary map defining the limits of the Project (e.g., Property Appraiser's Nap)

B. Appraisal and Negotiation

1. Right-of-Way Acquisition

- a. A legal description of the Parent Tract.
- b. A separate, specific legal description for each parcel to be acquired, if other than the parent tract, accompanied by a sketch of the parcel showing all existing and proposed easements including the notation of the sizes of the parent tract, the parcel to be acquired, and the remainder tract.
- c.. A 95% completed Right-of-Way map
- d. A 60% completed construction plan.
- e. Wetlands determination, if applicable.

C. Other Types of Acquisition

- 1. A specific legal description of the property to be acquired, whether in fee simple or grant of easement.
- 2. A certified boundary survey including all existing easements.
- 3. Wetlands determination, if applicable.

5. Contact with Property Owners

The Project Manager is to refer all questions posed by the property owners or their representatives that deal with property valuation, compensation for property to be acquired, negotiated concession, and as to the y's-t's procedures for acquisition and/or disposition of real property he e Property Acquisition Agent.