

REAL ESTATE MANAGEMENT DEPARTMENT

REAL ESTATE PROCEDURES MANUAL

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SECTION 1: PURPOSE AND SCOPE

1.0 PURPOSE

The purpose of the procedures set forth throughout this manual is to ensure that all County real property transactions conform to the Pinellas County Real Estate Policy as adopted by the Board of County Commissioners (BCC) and to further ensure consistency, uniformity and compliance with federal, Florida and local law, as may be applicable.

2.0 SCOPE

These procedures shall apply to all real property transactions for departments or agencies under the BCC, Constitutional Officers, the Pinellas County Economic Development Authority (PCEDA), and in the provision of statutorily required court related facilities, (hereinafter collectively “County Entities”), in providing the full range of uniform, professional real estate support including but not limited to, all real property acquisitions, sales, releases, vacations, licenses, permits or any other real property functions as assigned, as well as all lease functions in support of Pinellas County Government needs.

All actions hereunder shall be governed by the procedures herein and, as applicable, all federal, state or local laws or legally mandated requirements, grant funding requirements, or other funding restrictions which may be substituted or added as required to these procedures to the extent that they are applicable or necessary as well as all local laws and procedures.

3.0 ADMINISTRATIVE WAIVER

The BCC authorizes the County Administrator to waive any of the procedures herein in the emergency provision of real estate services made in the event of a disruption of essential operations, or when there exists a threat to public health, welfare or safety, or when the protection or preservation of public property would not be possible through adherence to the normal real estate procedures. The County Administrator shall file a report of any such administrative waiver with the Board of County Commissioners at the end of each fiscal quarter and as applicable, a written explanation of the circumstances of any such waivers involving funds in excess \$250,000.00 shall be entered in the minutes of the Board of County Commissioners and shall be open to public inspection.

SECTION 2: REAL PROPERTY ACQUISITION

PART 2.1 ACQUISITIONS VOLUNTARY – FULL OR LESS THAN FULL FEE

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, for all voluntary real estate acquisitions performed by, or on behalf of the County or a County Entity.

2.0 SCOPE

The procedures herein apply to all voluntary acquisitions of real property in support of Pinellas County needs. Voluntary acquisitions may begin or occur when the County desires to acquire real property, but where a level of public necessity has not been demonstrated that could result in eminent domain proceedings. The County may cease the negotiations if the value exceeds the County's expectations, or if terms and conditions of the contract for purchase cannot be negotiated in the best interest of the County. Examples of voluntary acquisitions include but are not limited to: park lands, environmental lands, or projects for drainage or sidewalks that are desirable but not mandated by law.

The procedures outlined in this section apply to voluntary negotiations for real property acquisitions and therefore do not apply to the following:

- Acquisitions made pursuant to eminent domain proceedings.
- Federal or State mandated acquisition requirements which must be substituted for the provisions of this section to the extent that they are applicable, are more restrictive, or required as a condition of acquisition funding.
- Transactions effectuated by the County Attorney's Office, including but not limited to, any such transactions as a result of pending or anticipated litigation. However, where an acquisition is to be effectuated through a legal action such as eminent domain, the County Attorney's Office may request the RPD to assist by providing real property information, testimony, and support.

3.0 PROCEDURE

3.1 Initiating Requests for Acquisition:

- 3.1.1 County Entities interested in acquiring real property will make a request by a detailed written memorandum to REM (hereinafter "RPD Tasking Memo") through the Requesting Department Director and through the appropriate Assistant County Administrator(s). The RPD Tasking Memo for real estate acquisition will: 1) identify the property by tax parcel ID

number, the street address, and/or other appropriate identifying information, 2) will identify the source of the funding for the acquisition or efforts in preparation for acquisition, 3) the planned use of the property shall be identified, 4) as applicable, the County Entity shall further identify any particular investigation necessary to ascertain the suitability for such planned use, and 5) the RPD Tasking Memo will have attached a copy of the signed and sealed survey sketch and description prepared by Division of Survey and Mapping or reviewed by the same, and the original will be sent directly to RPD by the Division of Survey and Mapping.

- 3.1.2 Alternatively, for projects identified in the County's current CIP Six Year Plan which contain an identified and funded acquisition line, a written RPD Notice to Proceed memorandum is required and shall be routed to REM through the Requesting Department Director and through the appropriate Assistant County Administrator(s). This RPD Notice to Proceed memorandum requesting real estate acquisition will provide: 1) identification of the property by tax parcel ID number and/or the street address and 2) the source of the funding for the acquisition or efforts in preparation for acquisition. The RPD Tasking Memo will have attached a copy of the signed and sealed survey sketch and description prepared by Division of Survey and Mapping or reviewed by the same, and the original will be sent directly to RPD by the Division of Survey and Mapping.
- 3.1.3 No acquisition will be initiated until a complete RPD Tasking Memo or RPD Notice to Proceed has been received by RPD. Upon approval of one of the above by the appropriate Assistant County Administrator staff, or his or her designee, the acquisitions as described will be pursued by REM. The RPD Tasking Memo or RPD Notice to Proceed approval will contain direction to utilize the exemption to the public records law provided in Florida Statutes §125.355, as it may be amended from time to time, if utilization of the exemption is desired. If no such direction is contained in the approval, the statutory exemption procedures shall not be utilized.

Further, each RPD Tasking Memo or RPD Notice to Proceed, shall state whether investigation into subsurface, utility subordination or conflict, suitability for use analyses, or other latent defect investigation has been accomplished. Any desired analyses or investigation of the subject real property acquisition will be coordinated between RPD and the County Entity.

3.2 Full Fee Acquisition through Purchase

- 3.2.1 RPD will respond to a request for the acquisition of real property by the following process, which shall include but not be limited to, preliminary discussions relating to the terms of the contract or agreement for the acquisition of the real property to be prepared by RPD and the methodology to determine the value of the real property.
- 3.2.2 When the real property is initially estimated by RPD staff to be worth

\$100,000 or less, the value may then be established using any of the following methods:

- 3.2.2.1 Staff Appraisal or CMA prepared by Qualified County RPD Staff member
- 3.2.2.2 Appraisal prepared by a Qualified Appraiser
- 3.2.2.3 Sales Comparison Value (“SCV”) prepared by the Pinellas County Property Appraiser’s office
- 3.2.3 When the real property is estimated to be worth more than \$100,000, value shall be established by an appraisal prepared by a Qualified Appraiser.
- 3.2.4 RPD Qualified Staff will determine the need to obtain multiple appraisals.
- 3.2.5 RPD Qualified Staff will review all appraisal reports received, and may obtain a review appraisal or additional appraisals as needed considering such factors as then current market conditions, age of appraisal and any other factor as determined by staff.
- 3.2.6 All RPD negotiations that result in an agreement for the purchase of real property must be reduced to a written and signed contract between the County and the other party.
- 3.2.7 Evidence of marketable title will be obtained prior to closing. Acceptable evidence of marketable title shall be provided by a title insurance binder (Commitment). The County Administrator’s office or their designee in consultation with the appropriate County Attorney’s staff may waive the requirement for the seller to provide evidence of marketable title when in the best interest of the County.
- 3.2.8 RPD will send written notice to the seller by registered mail, pursuant to the requirements of §286.23, Florida Statutes, as it may be amended from time to time, and attempt to obtain the disclosure of the name of the seller and address of every person having any beneficial interest in the real property. The only exceptions will be those expressly provided for in the statute.
- 3.2.9 Alternatively, when the seller is an individual not addressed by §286.23, Florida Statutes the seller will fill out the REM “Citizen Disclosure of County Relationship” form.
- 3.2.10 RPD will exercise due diligence to identify recognized environmental conditions on, under or about the property. To this end, all reports, information, or other communication relating to the presence of environmental problems or concerns known to the County Entity requesting the acquisition shall be provided to RPD in writing with the RPD Tasking Memo or RPD Notice to Proceed. In the event that

information is subsequently obtained by the County Entity, it shall be transmitted to RPD in writing as soon as received. The due diligence should be able to support an “innocent landowner” defense or to identify conditions incompatible with the planned use of the property. Due diligence may include, but is not limited to, one or more of the following as applicable:

- Environmental Site Assessment (ESA) performed in accordance with the most current version of the ASTM E-1527 standard, by an environmental consultant hired in accordance with Section 6;
- Investigation as recommended by environmentally experienced and knowledgeable County staff and performed by such county staff and documentation of such efforts and any other studies, warranties or actions recommended by RPD and deemed appropriate by the County Administrator or his designee;
- The review of consent orders or other legally recognized documents binding the seller to remediate site conditions to regulatory and county requirements; or
- Disclosure of recognized environmental conditions and remediation to regulatory and county requirements prior to closing.

Additional environmental considerations may include:

- Warranties and representations by the seller that survive closing, with proof of adequate financial responsibility to support breach of warranty claims; or
- Escrow of sufficient funds to perform remediation within a specified time period.

3.2.11 Survey information necessary to identify or describe the specific property to be purchased and the existence of any encumbrances or encroachments will be obtained by RPD. The extent of surveying information or the types of surveys, and scope of survey work to be accomplished will be determined by RPD with review / approval of the Division of Survey and Mapping and in conjunction with the County Entity PM.

3.2.12 When tasked, RPD will exercise due diligence to identify surface and subsurface conditions on, under or about the property or structural issues of any improvements located or identified on the property. The due diligence should be able to support the intended use of the property or to identify conditions incompatible with the planned use of the property. The planned use of the property shall be identified in the RPD Tasking Memo or the Notice to Proceed Memo provided by the County entity, and as

applicable, shall further identify any particular investigation necessary to ascertain the suitability for such planned use, if applicable.

3.2.13 Property title shall be conveyed by statutory warranty deed or other deed form approved by the County Attorney's Office.

3.2.14 Seller must pay for all documentary stamps on the deed, pursuant to Section 201.01, Florida Statutes, as it may be amended from time to time. The costs to record the deed and other documents will be paid pursuant to the negotiated terms of the Contract for Sale and Purchase.

3.3 Full Fee or less than Full Fee Acquisition through Donation

3.3.1 All the procedures outlined in Section 2, Real Property Acquisition, shall apply to real property or real property interests donated to the County.

3.3.2 The Just/Market Value of the property, as established by the Property Appraiser, shall be considered the value for County purposes. However, if the REM Department Director deems it necessary, an independent certified appraisal may be obtained to establish the property value for County purposes.

3.3.3 Evidence of marketable title will be obtained prior to closing. Acceptable evidence of marketable title shall be a Title Insurance Binder (Commitment). At the discretion of RPD in consultation with County Attorney's Office staff, an Attorney's Title Opinion or an ownership Letter accompanied by either an abstract of title or an Ownership and Encumbrance Report may be utilized.

3.3.4 The existence of liens or encumbrances on real property might not bar donation provided that they are identified and accepted by the County Administrator or his or her designee in consultation with appropriate County Attorney's staff, when in the best interest of the County.

3.3.5 Real property donations will require a public disclosure statement of beneficial interest from the donor and completion of due diligence activities prior to acceptance by the BCC, as required in Sections 3.2.8 and 3.2.9.

3.3.6 RPD staff will ensure that all deeds and other documents relating to donations are promptly recorded, subject to acceptance by the BCC or County Administrator, as may be delegated.

3.3.7 County preference is that title be conveyed by statutory warranty deed. Other deed forms may be approved by the County Attorney's Office.

- 3.3.8 The donor is required to pay for all documentary stamps on the deed, pursuant to Section 201.01 Florida Statutes, as it may be amended from time to time.
- 3.3.9 The County Administrator, or his or her designee, is authorized to sign any acknowledgment of donation without attesting to the value thereof.
- 3.4 Acquisition by: Tax Deed Sale, Lands Available, Escheat
- 3.4.1 Tax Certificates Held by Citizens:
- 3.4.1.1 REM is authorized to bid and purchase real property at tax deed sale. REM is authorized to bid up to the lesser of the Property Appraiser's current reported Sales Comparison Value (SCV), or the County Administrator's maximum delegated purchasing authority, unless the BCC specifically approves the bidding of a greater amount prior to the bidding.
- 3.4.1.2 Prior to bidding on property, RPD will review the property and determine the following:
- Properties that are in the area identified for acquisition in the Capital Improvement Program Six Year Work Plan.
 - Potential usefulness to the County and whether such ownership serves a public purpose.
 - Funding. Any County Entities seeking to acquire such properties shall provide RPD with an account number from which the acquisition is to be funded and the contact person for completing the financial aspect of the transaction.
- 3.4.1.3 RPD qualified staff shall attend the auction and bid on the property on behalf of the County.
- Prior to bidding on the property, REM will obtain the \$200 nonrefundable cash deposit which will be required to be posted with the Clerk of Court if the County is the high bidder.
 - If the County is the high bidder, REM will pay the balance due, which is the sum of the bid less the \$200 deposit, plus documentary stamp tax and recording fees, within 24 hours of the sale. The balance payment will be by County check which shall be issued by the Finance Division of the Clerk on an expedited basis. Failure to timely remit the balance due will cause a forfeiture of the \$200, and the property will be required to be rebid.

- If the County is not the high bidder, REM will return the \$200 deposit immediately.

3.4.1.4 If the County is the successful bidder, RPD shall complete the transaction and transfer custodial management of the property to the County Entity requesting the purchase.

3.4.2 Tax certificates that are held by the County:

Properties on which tax certificates are held by the County shall be reviewed as follows:

3.4.2.1 If the property subject to the tax certificate is valued at less than \$5,000, RPD will request that an auction be deferred by Board Resolution until adequate review of public purpose needs can be conducted. Note: By operation of law, all tax certificates become null and void after the expiration of seven years.

3.4.2.3 If any of these properties are required by a County Entity for a public purpose, that list of properties, with appropriate explanation of public purpose, shall be submitted to the BCC with a request that application be made for tax deeds on those certificates, and requesting permission for the RPD to bid on the properties as outlined within the section relating to Tax Certificates Held by Citizens.

3.4.2.4 On any properties not needed by the County for a public purpose, the County Administrator shall, if not previously delegated for his determination under his authority, submit appropriate information on said properties to the BCC with a recommendation that the certificate either (A) be taken to auction for anyone to bid or (B) not be taken to auction if: 1) the value of the property as determined by the Property Appraiser's roll is less than \$5,000; and 2) the sale of which may create a problem, in the opinion of the County Administrator.

3.4.3 Lands Available for Taxes:

3.4.3.1 The following procedures apply to the County's consideration for purchase of properties not sold at tax deed sale which are placed on the Lands Available for Taxes list.

3.4.3.2 When REM receives notice from the Clerk of property that is being placed on the Lands Available for Taxes list, RPD shall consult with the appropriate County Entities to determine if the property is useful to serve a public purpose and should therefore be purchased by the County.

3.4.3.3 RPD may acquire the property for taxes due when said taxes due are within the County Administrator's maximum delegated purchasing authority. If said taxes due are in excess of the County Administrator's authority, the County Administrator may take the properties to the BCC for their action with a recommendation to acquire them for taxes due. NOTE: County has exclusive purchase rights for the first 90 days after a property is placed on the Lands Available for Taxes list, and must notify all adjoining property owners within such 90 day period if the County decides not to purchase the property.

3.4.4 Acquisition by Escheat to County:

3.4.4.1 The procedures outlined in this section provide a method of accounting for and re-conveying real property that escheats to Pinellas County ownership due to non-payment of taxes, under Chapter 197, Florida Statutes.

3.4.4.2 All deeds for properties escheating to the County shall be forwarded to REM.

3.4.4.3 Upon receipt of deeds of escheated property, RPD shall value the property in accordance with the Just Market Value as established by the Property Appraiser.

3.4.4.4 RPD shall consult with appropriate County Entities to determine the potential usefulness of the escheated property to the County.

3.4.4.5 If escheated property is not needed for County operations, property within the boundaries of an incorporated municipality of the County shall be conveyed by recorded County Deed to that municipality in accordance with Section 197.592(3) Florida Statutes.

3.4.4.6 If the escheated property lies within the unincorporated area of Pinellas County, the RPD shall hold the property for County use, or surplus and sell it in accordance with appropriate procedures herein.

3.5 Less Than Full Fee – Easement/License Acquisitions (County as Grantee)

3.5.1 RPD Qualified Staff shall exercise and document due diligence to ensure that the Grantor of the easement/license holds adequate title to the property to be legally able to grant such an easement/license. A title search or other acceptable evidence of marketable title may be required by RPD. Due diligence may also include the search for any other existing easements or encumbrances that could conflict with the County's planned easement or license. NOTE: Avigation easements will be reviewed,

approved, and maintained by the Airport. Licenses are not interests in real property, but are merely permissive rights from a licensor.

3.5.2 Permanent or Temporary - The procedures outlined in this section apply to voluntary and negotiated real property easements (less than full fee acquisitions) or licenses. This includes but is not limited to:

- Permanent Easements
- Temporary Easements/Temporary Construction Easement
- Access License Agreements/Right of Entry
- Easement Amendments (e.g., from sewer only easement to all services PC Utility easement)

NOTE: Emergency situations as specifically determined solely by the County Administrator may allow for expedited or limited due diligence and other requirements herein.

3.5.3 Federal or State mandated acquisition or easement requirements shall be substituted for the provisions of this section to the extent that they are applicable, are more restrictive, and/or are required as a condition of acquisition funding.

3.5.4 Initiating Requests for Easements or Licenses

3.5.4.1 County Entities requiring the acquisition of an easement or license shall provide RPD either a RPD Tasking Memo or a RPD Notice to Proceed.

3.5.4.2 The acquisition shall be pursued by the RPD for further action.

3.5.4.3 The County Entity initiating the request will provide a sketch and legal description for all permanent easements, signed and sealed survey by a State-Licensed Survey Professional, of the easement area being requested. However, in an emergency situation, the County Administrator or his or her designee may direct RPD to utilize a temporary easement or license with an engineering plan, tax map, or County Entity-produced and/or provided sketch that clearly identifies the easement area to be acquired which may be substituted for the aforementioned sketch and description.

3.5.5 Easement/License Acquisition through Purchase

3.5.5.1 When negotiating for easements, licenses, access agreements, or other such less than full fee agreements, value shall be made in accordance with the Standard Valuation Procedures.

3.5.5.2 In some circumstances, the less than full fee property interest

sought by the County may be of such benefit to the landowner that it warrants the easement or other interest being donated to the County.

3.5.5.3 Generally the property owner will sign the easement or license, and then if the easement or license contains reciprocal consideration requiring execution by both parties, the Agreement will be presented to the County for its approval, and acceptance or execution. However, where the State of Florida or the Federal Government is the Grantor, the County will often sign first.

3.5.5.4 The easement or license shall be conveyed to the County in a form approved by or acceptable to the County.

3.5.6 Permanent Easements: the original document will be presented, as appropriate, to the BCC, County Administrator, or his or her designee for execution, or rejection. RPD will ensure that the executed original is immediately recorded within the Official Records of Pinellas County and kept within the files of RPD.

3.5.7 Temporary Construction Easements (TCE): one original copy of the document will be presented, as appropriate, to the BCC, County Administrator, or designee for execution. RPD shall ensure that all TCE's are recorded within the Official Records of Pinellas County. The REM Director, or his designee, shall be authorized to execute and record releases of TCE's upon the earlier of the conclusion or termination of construction, verification that the need for the TCE no longer exists, or the time within the TCE has expired.

3.5.8 Right of Entry (ROE): for temporary access only. One original copy of the document will be presented, as appropriate, to the BCC, County Administrator, or designee for execution. The ROE is not normally recorded within the Official Records of Pinellas County. However it may be recorded if RPD determines it necessary. The ROE area may be documented by an engineering plan, tax map, or County Entity-produced and/or provided sketch that clearly identifies the ROE area to be acquired. Complex ROE areas or areas that are in immediate proximity to sensitive areas of the owner should be documented by a sketch and description signed and sealed survey by a State-Licensed Survey Professional. The REM Director, or his designee, shall be authorized to execute and record if necessary releases of ROE upon the earlier of the conclusion or termination of construction, verification that the need for the ROE no longer exists, or the time within the ROE has expired.

3.6 GRANTS: County Entities requiring the acquisition of real property utilizing grant funding sources will make that request by a written RPD Tasking Memo through the Requesting Department Director and through the appropriate County Administrator's Office staff to the REM. REM will participate as a team member but will not be responsible for grant requirement coordination which shall remain

the responsibility of the requesting County Entity. The RPD Tasking memo will identify the role and tasks that REM will fulfill.

PART 2.2 ACQUISITIONS USING EMINENT DOMAIN – FULL OR LESS THAN FULL FEE

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, for all acquisitions using eminent domain performed on behalf of County Entities.

2.0 SCOPE

The procedures below apply to all acquisitions of interest(s) in real property using eminent domain procedures when authorized by the BCC's approval of a Resolution of Necessity.

2.1 Federal or State mandated acquisition requirements may be substituted for the provisions of this section to the extent that they are applicable, are more restrictive, and/or are required as a condition of acquisition funding.

3.0 PROCEDURE

3.1 Requests for Acquisition

3.1.1 County Entities seeking the acquisition of real property requiring the exercise of eminent domain will provide a RPD Tasking Memo or RPD Notice to Proceed. The Memo or Notice for real estate acquisition will: 1) identify the property by a copy of the signed and sealed survey sketch and description prepared by Division of Survey and Mapping or reviewed by the same, and the original will be sent directly to RPD by the Division of Survey and Mapping, 2) provide the source of the funding for the acquisition, and 3) the nature of the real property interest to be acquired.

3.1.2 Upon approval by the Assistant County Administrator(s), acquisition will be pursued by the RPD.

3.2 Eminent Domain Acquisition

3.2.1 All eminent domain acquisitions shall be completed in accordance with Federal and Florida laws as applicable. Once the Notice to Proceed memo has been approved by the Assistant County Administrator(s), the Project Manager shall schedule a meeting with RPD to discuss the appropriate State or Federal law process and timeline expectations.

3.2.2 In order to initiate legal process by the County Attorney's Office, the County Attorney Turnover Checklist shall be completed.

3.2.3 RPD staff shall provide necessary administrative support to the County Attorney's Office throughout the presuit negotiations and litigation process.

3.3 Acquisition in Advance of Eminent Domain

3.3.1 Notwithstanding the above, where a Public Meeting for the CIP project has been held, but before the BCC's declaration of the necessity to use eminent domain, RPD shall have the authority to acquire such CIP identified property in accordance with State and Federal eminent domain law.

SECTION 3: LEASES

PART 3.1 COUNTY AS LANDLORD

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, for all leases where the County is Landlord.

2.0 SCOPE

These lease procedures, except as may be supplemented by federal or other legal requirements, mandates and/or directives, shall apply to all County Entities and all County owned property except as otherwise provided in Section 3 herein. These procedures shall not apply to the property of the PCEDA (e.g. STAR Center) which is a separate legal entity that will be governed by the procedures set forth in Section 4 herein.

3.0 PROCEDURE

3.1 Lease Preparation

3.1.1 All leases of County owned real property shall be done in accordance with the provisions of Florida law and applicable County ordinances. Accordingly, the BCC hereby authorizes REM to utilize the applicable statutory procedures available when leasing County property.

3.1.2 The following procedure shall apply to all leases required to be competitively bid:

Upon any County Entity or third party request for the leasing of County property, RPD shall establish a project file of such request which shall be input into existing RPD Tracking System. This project file shall contain the written request and any information provided therein as well as pertinent information and analysis of same.

3.1.3 RPD's analysis of the potential lease of the County owned property shall include, but not be limited to the following: 1) future needs of the County, 2) potential effect on County operations, 3) potential impact on neighboring communities, 4) potential revenue to County, 5) environmental conditions of the property, 6) potential use of the property, and 7) potential cost savings to County and taxpayers.

RPD staff shall submit this analysis and recommendations to the Director of REM who shall evaluate same and recommend further action, including determining other County Entities need for the subject property.

- 3.1.4 If it is determined by the Director of REM that there is no County need for the property, the property will be available for lease by a third party. RPD will then coordinate with the Purchasing Department and shall provide any and all requested information and assistance necessary for Purchasing to secure competitive bids to lease the County property.
- 3.1.5 Once a lease is ready for BCC approval and execution, RPD shall ensure that the finalized lease along with the “Real Property Citizen Disclosure” form, are included in the submission of any proposed lease to the BCC. Upon BCC execution of a lease, RPD staff shall input the new lease information into the County RPD Tracking System.

3.2 Lease Management

- 3.2.1 RPD will oversee any related tenant improvements as provided in the lease. Upon completion thereof, RPD shall visit all County-owned leased property where new tenant improvements have been constructed in order to inspect the property to insure compliance with the lease and to photograph the premises for file documentation.
- 3.2.2 The property shall be inspected by RPD at least annually to ensure compliance with the lease.
- 3.2.3 RPD shall at least annually insure compliance with lease insurance requirements.
- 3.2.4 All lease terms shall be reviewed by RPD staff prior to each renewal term.
- 3.2.5 Any tenant issues that may arise will be directed to REM staff for handling.

PART 3.2 COUNTY AS TENANT

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, for all leases where the County is the tenant.

2.0 SCOPE

Except as may be supplemented by federal or other legal requirements, mandates and/or directives, the leasing procedures herein shall apply to all lease transactions effectuated and handled by REM wherein the County Entity is leasing from a third party.

3.0 PROCEDURE

3.1 Request for Lease Space

- 3.1.1 If a County Entity requires leased space, the County Entity shall provide a written request for lease space to REM which shall include but not be limited to the square footage required, location desired, and the term desired, and any special needs or accommodations required for the intended use. REM staff will also determine if the request comports with County Space Standards as approved by the BCC.
- 3.1.2 REM will review the request to determine whether there is existing County space available to meet the needs of the request.
- 3.1.3 If there is no existing County space which meets the needs of the request, RPD staff will attempt to locate appropriate third party space and negotiate a lease.
- 3.1.4 RPD shall set up a project file and input all request information in the RPD Tracking System.
- 3.1.5 As needed, RPD may meet with the requesting County Entity and tour their current facility to gain insight on current and future space needs, location requirements, business processes, and time schedule.
- 3.1.6 RPD will research the real estate market for availability of property to meet the requested needs.
- 3.1.7 Once appropriate properties are identified, RPD along with the requesting County Entities may tour the properties for inspection and viability of use.
- 3.1.8 RPD along with the requesting County Entity shall then determine which potential properties are viable and request written lease proposals as to those potential viable properties.

- 3.1.9 Upon receipt of the written lease proposals, RPD shall compile an evaluation matrix showing comparisons between the proposals.
 - 3.1.10 RPD shall then meet with the requesting County Entity to discuss the lease proposals and identify the best proposal(s) for further negotiation.
 - 3.1.11 RPD shall then proceed to negotiate final lease terms and conditions (i.e., rental rate, tenant improvements, maintenance responsibilities, utilities, etc.).
 - 3.1.12 If the lease agreement constitutes a lease/purchase agreement, appraisals as to the purchase price shall be obtained in accordance with the procedures in Section 2, Part 2, 3.2.2.
- 3.2 Drafting and Preparation of Lease
- 3.2.1 Upon successful negotiation of a property for lease, RPD shall prepare the contract review packet which shall at a minimum include the draft lease and all exhibits thereto, a copy from the State of Florida Division of Corporation's website verifying the landlord/entity's status as a legal entity, its officers, and registered agent, if applicable. In addition, RPD shall include the memo to the BCC or County Administrator as may be applicable.
 - 3.2.2 REM shall initiate the County Contract Review Process in accordance with either the County Agenda or Delegated Item process requirements
 - 3.2.3 Once contract review is completed, RPD forwards for execution the finalized lease along with the "Real Property Beneficial Disclosure" as required in Florida Statutes, §286.23, and the "Real Property Citizen Disclosure" form(s), which must be completed and included in the submission of any proposed lease to the BCC or County Administrator, as may be applicable.
 - 3.2.4 Upon final execution by the County, REM shall follow the process of closing out the issue and creating a permanent file and entering the lease into the RPD Tracking System.
- 3.3 Lease Management
- 3.3.1 If tenant improvements were required under the lease, REM shall visit site periodically to ascertain the schedule is being followed, and appropriate build-outs are included.
 - 3.3.2 RPD will identify and ensure that all utilities and/or services to be provided by the landlord have been provided. RPD will establish all necessary utilities and/or services as required of the County under the lease.

- 3.3.3 After the County Entity moves into the leased site, RPD shall visit the site to ensure that the County Entity's needs have been met and will take photos of the site which will be included in the file. RPD will further perform a review of emergency protocol with the County Entity.
- 3.3.2 The property shall be visited at least quarterly, and RPD shall assist the County Entity with any maintenance or landlord issues that may arise during the lease term.
- 3.3.3 RPD shall at least annually ensure compliance with lease insurance requirements.

3.4 Renewing and/or Extending Existing Leases

- 3.4.1 Notwithstanding the requirements herein, REM in consultation with the subject County Entity, is authorized to negotiate the renewal and/or extension of an existing lease or new lease with the same landlord at the same location when consideration of factors such as moving costs, location, tenant improvements, disruption of services, cost savings, etc., when it determines that it is in the best interest of the County to do so. All such renewals or extensions shall be approved by the BCC or the County Administrator as may be applicable.

PART 3.3 ST. PETERSBURG – CLEARWATER INTERNATIONAL AIRPORT

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, for all Airport real property transactions.

2.0 SCOPE

Pursuant to its auxiliary real estate responsibilities, the procedures below shall apply to all Airport real estate transactions; however, transactions involving airport terminal building rental agreements, space allocation agreements, operating permits, concession agreements, any and all permits, licenses related to aeronautical activities shall be promulgated in accordance with applicable Airport Minimum Standards as approved and adopted by the BCC.

3.0 PROCEDURE

3.1 Acquisition and Disposition

All acquisitions and/or disposition relating to Airport real property will be handled on Airport's behalf by REM in accordance with federal and state law, grant funding requirements as well as local laws and these procedures.

3.2 Leases

3.2.1 Airport staff will initiate, market, and negotiate all ground and building leases and amendments thereof, involving all Airport real property. Airport staff will coordinate drafting, review and approval of ground leases with RPD in order to ensure compliance with all federal and state laws, the FAA, and all local laws as well as these procedures, as applicable.

3.2.2 Airport staff will initiate the County contract review process which includes RPD review and oversight. Airport staff will initiate the County Assignment Tracking System (CATS) process and will work with RPD to jointly address, reconcile and implement any necessary changes as a result of contract review process.

3.2.3 Once finalized, the completed lease will be forwarded by Airport staff for execution to the prospective tenant; Airport staff will prepare the agenda package for BCC approval and execution.

3.2.4 Airport staff will distribute executed originals and copies as appropriate.

3.2.5 RPD will input all Airport leases into the County RPD Tracking system and will monitor upcoming lease renewals, rent redeterminations, and insurance certificates.

3.2.6 All Airport lease files will be located and maintained at Airport with copies to be provided to RPD.

3.3 Alternative Airport Lease Procedures

In addition to the procedures herein and in accordance with Florida law; Airport Staff may directly negotiate a lease of real property of an airport facility through the County Request For Negotiations (RFN) process as adopted by the BCC:

3.4 Other Written Instruments:

3.4.1 Airport staff, with RPD's assistance and review as needed, will draft other written instruments as may be required under the lease, including but not limited to, Lessor and/or subordination agreements, estoppel certificates, attornments, sublease approvals, assignments, etc., in order to ensure compliance with all federal and state law, local laws, these procedures and to further ensure lease compliance. An executed copy of same will be provide to RPD to ensure coordination of action and avoidance of any conflicts with other lessees, licensees and/or permittees.

SECTION 4: REAL ESTATE TRANSACTIONS INVOLVING PCEDA

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, for all real property transactions relating to the Pinellas County Economic Development Authority (hereinafter PCEDA).

2.0 SCOPE

The procedures below shall apply to all STAR Center written real estate instruments, including but not limited to: acquisitions and sales of full fee, acquisition and sales of less than full fee, easements, temporary constructions easements, rights of entry, access permits, release of property interests, leasing with PCEDA as landlord or as tenant, and any other PCEDA professional real estate support as requested.

3.0 PROCEDURE

3.1 Acquisition and Disposition

All PCEDA sales and/or disposition of real property will be done in accordance with Florida law.

3.2 Leases

3.2.1 STAR Center or other PCEDA staff will provide RPD with a completed Space Inquiry Form, which will describe the type of instrument and the terms thereof, as negotiated by the STAR Center or other PCEDA staff. This information will include, but not be limited to, the name of the prospective tenant, type of business, amount and type of space required, dates, rates, renewal options and rental redetermination terms.

3.2.2 The Space Inquiry Form will also note any special conditions; such as, a description of hazardous materials, special requirements related to security, operations, parking, roof access, extra-ordinary utility usage.

3.2.3 RPD and STAR Center or other PCEDA staff will jointly resolve any questions related to any prospective tenancy.

3.2.4 RPD will input project information in to County RPD Tracking System.

3.3 Preparing the Instrument

3.3.1 As may be applicable, RPD will utilize standard County documents in the drafting of instruments on behalf of the PCEDA and said instruments may include references and/or exhibits to, but not limited to, the following:

- Department of Energy (DOE) contract for sale and limiting conditions of liability for contamination
- STAR Center General Operating Procedures (GOP)
- Environmental permits
- Requirement to submit information per STAR Center facility permits.

3.3.2 RPD will draft the instrument and any related exhibits for internal RPD review and once RPD review is completed, the instrument and any exhibits thereto will be provided to STAR Center staff for their review and RPD and Star Center staff will jointly resolve any questions arising from this review.

3.3.3 RPD will process the instrument through the appropriate contract review process, and RPD will initiate the CATS process and make any necessary changes as a result of contract review.

3.3.4 Once finalized, the complete instrument will be forwarded to PCEDA staff for execution by third party and will return executed original and copies to RPD for County approval and execution.

3.3.5 One fully executed original will be provided to Board Records and copies will be distributed accordingly.

3.4 Contract Management

3.4.1 RPD will continuously maintain PCEDA real property files in the County RPD tracking system.

3.4.2 RPD will monitor upcoming PCEDA lease renewals and rental redeterminations and obtain insurance certificates, as required, and continuously maintain same.

3.4.3 All PCEDA real property files will be physically located and maintained at RPD.

SECTION 5: LICENSES AND PERMITS - (County as Licensor or Permitter)

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, for granting temporary or revocable licenses or permits to allow access to, or use of, County-owned property where conveyance of a property interest is not appropriate.

2.0 SCOPE

The procedures below apply to the use of licenses or permits where the County may grant access to, or use of County owned property except for those requests handled by BDRS and transactions involving Airport property utilized for aeronautical activities.

3.0 PROCEDURE

3.1 General Licenses and Permits

3.1.1 When a request for use or access to County-owned property is received, RPD will work with the County Entity with Custodial Management Responsibility, to determine if the request is in the County's best interest and serves a public purpose. The County may elect to enter into a license or permit where it is neither necessary nor prudent to convey or transfer an interest in County property. These written instruments shall be structured to be temporary, for an indefinite term, or for a term certain, but in any event shall be revocable at will at the County's sole discretion. As required by Risk Management, the County will require insurance and indemnification to protect County interest. No license or permit hereunder shall be binding upon the County until same is executed by the requesting party and by the County Administrator or his/her designee.

3.2 Residential Licenses

3.2.1 Upon request of the County Entity with Custodial Management Responsibility, RPD will draft licenses for residential use of County owned residences located in County parks and/or environmental lands. Such requests from the requesting County Entity shall include 1) the name(s) of the person(s) selected to occupy the residence under the license; 2) the location of the residence; and 3) the services and responsibilities to be provided by licensee, including, but not limited to, maintenance obligations and/or repair, on-site security and any other specific requirements of the licensee. RPD shall then draft the license and its terms and shall determine the license fee and the frequency of payment of same based on fair market rental value less the value of the aforementioned services, responsibilities and /or requirements of the proposed licensee.

SECTION 6: SALE OF SURPLUS REAL PROPERTY AND SURPLUS REAL PROPERTY INTERESTS (County Grantor)

PART 6.1 SALE OF SURPLUS REAL PROPERTY

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, relating to the disposition of County owned real property identified by the BCC as no longer having a current or anticipated future County need or use, (hereinafter “Surplus property”).

2.0 SCOPE

The procedures below apply to the sale, transfer, exchange or disposition of any and all BCC identified Surplus County real property.

3.0 PROCEDURE

3.1 Identification of Potential Surplus Property

- 3.1.1 When a County owned parcel is identified as potentially Surplus by the County Entity with the Custodial Management Responsibility, such County Entity will offer a recommendation, in writing, to the REM, to initiate these procedures for the declaring and/or disposition of the Surplus property.
- 3.1.2 RPD will then analyze the potential uses for the real property recommended as potential Surplus. This analysis shall include review by all appropriate County Entities for their respective needs or any possible future need.
- 3.1.3 If no County need or use is found, and the real property does not appear to be appropriate to hold for potential future use, RPD shall recommend that the BCC declare the property Surplus and authorize its sale, transfer, exchange or disposition.
- 3.1.4 The County Administrator or his designee will review each staff recommendation to sell County real property, prior to submitting a memo to the BCC.
- 3.1.5 Appropriate RPD staff shall prepare an estimate of value for the Surplus property in accordance with the Standard Valuation Procedures.

- 3.2 For a parcel identified as potential surplus to be sold, transferred, exchanged or otherwise disposed of, the following actions are required:
- 3.2.1 BCC must declare the Parcel as Surplus
 - 3.2.2 BCC determines the parcel's disposition: sale, exchange or transfer
 - 3.2.3 BCC establishes the base bid or minimum sale price, as applicable
 - 3.2.4 BCC determines whether to waive mineral rights is received if requested.
 - 3.2.5 BCC authorizes advertisement of the sale of potential Surplus, as applicable
- 3.3 Sale, Transfer or Exchange of County Surplus Parcels
- 3.3.1 The BCC may, in accordance with appropriate Florida law, determine that a Parcel they have declared Surplus can be sold, transferred, exchanged or otherwise disposed of by:
 - competitive bid
 - private sale to adjacent property owners
 - exchange
 - transfer to another County Entity
 - deed to the Economic Development Authority, who may the sell the property
 - deed to the Housing Finance Authority
 - deed to a municipality or other qualified organizations
 - 3.3.2 The County will not provide evidence of marketability of title for the conveyed County-owned Parcels except when authorized by the REM Director.
 - 3.3.4 When appropriate, a County Deed will be prepared in accordance with Section 125.411, Florida Statutes.
 - 3.3.5 RPD shall record or ensure the recordation of the deed after the closing is completed.
 - 3.3.6 An action of the BCC declaring a Parcel as Surplus and authorizing its disposal shall remain effective, until 1) its disposal, 2) it is subsequently determined by RPD that the Parcel is needed for County purposes, or 3) RPD staff determines that market conditions have changed such that the value approved by the BCC for disposal has changed (as determined in accordance with the valuation procedures established herein) making consideration of the reestablishment of the base bid, or minimum sale price by the BCC, as appropriate.

3.4 Donations of Surplus Parcels and Structures

- 3.4.1 Donations of Surplus Parcels and Structures shall be in accordance with Florida Statutes and the Pinellas County Code, as applicable, which also shall be used to determine “Qualifying Organizations.”
- 3.4.2 Each request from a Qualifying Organization for donation of structures, residences, and real property, shall be submitted in writing to the REM for the BCC consideration and action.
- 3.4.3 The Qualifying Organization requesting donation may petition the BCC through REM, pursuant to Section 270.11, Florida Statutes, for the release of County-reserved mineral rights on real property donated by the County to the Qualifying Organization.
- 3.4.4 The RPD shall query all other County Entities for their potential use.
- 3.4.5 REM shall notify the Qualifying Organization requesting the donation of the BCC’s action as to their request and to further advise as to any attendant conditions such as insurance, indemnification, or time requirements. The Qualifying Organization shall not occupy property or remove structures before the issuance of a Bill of Sale and/or County Deed (as applicable).
- 3.4.6 All properties shall be donated in an “as is” condition, with no warranties or representations as to condition.
- 3.4.7 The County will not provide evidence of marketability of title for the former County-owned properties unless authorized by the REM Director. Any desired title insurance may be purchased at the expense of the Qualifying Organization.
- 3.4.8 After REM receives evidence that all conditions of the donation have been met, a County Deed and/or Bill of Sale, as appropriate, shall be executed by the Chair of the BCC or his or her designee for each conveyance. The grantee shall be responsible for payment of documentary stamps if any are required. The County will record the documents.
- 3.4.9 Personal property acquired by the County as a result of a real property acquisition will be disposed of in accordance with County policy or procedures, and state law.

**PART 6.2 SALE OF LESS THAN FULL FEE - EASEMENT
(County as Grantor)
MODIFICATION, RELEASE, ASSIGNMENTS, TRANSFER OR
TERMINATION OF A PART OR WHOLE PORTION OF EASEMENT
HELD BY THE COUNTY**

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, relating to the disposition of a County owned real property interest (less than full fee) identified by the BCC as no longer having a current or anticipated future County need or use, (hereinafter “Surplus Easement”).

2.0 SCOPE

The procedures below apply to the sale, modification, release, assignments, transfer, or termination of any and all BCC identified Surplus County owned real property interest (less than full fee).

3.0 PROCEDURE

3.1 Identification of Surplus Easements

3.1.1 The property owner, whose property is encumbered by the potentially Surplus easement must request in writing a release of the whole or a portion of the easement directed to RPD. The owner must state the reason for the request. The property owner is responsible to submit a sketch and legal for the portion or the whole that is requested to be released or terminated.

3.1.2 When a County-owned easement is identified as a potentially Surplus Easement by the County Entity with Custodial Management Responsibility, it will offer a recommendation in writing to RPD to initiate procedures to declare the County-owned easement a Surplus Easement. The County Entity must include a sketch and legal of the portion or the whole that is requested to be released, amended, or terminated.

3.2 RPD will analyze the continued County use or need for the easement that has been recommended to be declared a Surplus Easement. This analysis shall include review by all appropriate County Entities for their respective needs or any anticipated County need.

3.3 If no current or anticipated County need is found, RPD shall advise the County Administrator, or his designee to declare all or a portion of the easement surplus and authorize modification, release, assignment, transfer, or termination.

3.4 In the event that the Surplus Easement was purchased for value, RPD shall require the payment of value for the modification, release, assignment, or termination of

the easement. Notwithstanding the foregoing, the County may in its discretion require payment for the modification, release, assignment, or termination of an easement. The easement value will be established in accordance with the valuation procedures herein relating to full fee acquisition.

- 3.5 The BCC or as may be delegated to the County Administrator will approve all such transactions.

SECTION 7: ACCEPTANCE AND/OR REJECTION OF INTERESTS IN REAL PROPERTY CONVEYED/DEEDED TO THE COUNTY

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, relating to the acceptance and/or rejection on an interest in real property.

2.0 SCOPE

The procedures below apply to the acceptance or disclaimer of any interest in property deeded to the County without the specific knowledge, or permission of the County Administrator or his or her designee.

3.0 PROCEDURE

Once an interest in property is identified as having been deeded to the County, with or without specific knowledge or permission of the County, the deed shall be sent to REM who will then determine (1) potential use or need of the interest in property by County Entities and (2) coordinate due diligence of the interest in property to ascertain any encumbrances, liens, and the environmental and/or geotechnical condition of the Parcel.

If an interest in property is determined to be needed or desired by the County and the due diligence reveals no negative fiscal impact or liability to the County, then the RPD, in consultation with the County Attorney's Office, shall prepare a resolution accepting same and shall notify the Property Appraiser's Office and all other applicable County Entities of such acceptance.

If the interest in property is neither needed nor desired by the County for any reason, the RPD, in consultation with the County Attorney's Office, shall prepare a resolution rejecting same and shall further prepare a Disclaimer of Real Property Interest and Renunciation of Deed for execution by the Chairman of the Board of County Commissioners and recording in the Official Records of Pinellas County. Once said Disclaimer is executed, a copy of same shall be provided to the Property Appraiser's Office.

SECTION 8: RELEASE OF INTERESTS IN REAL PROPERTY BY PETITION TO VACATE

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, relating to the release of interests in real property.

2.0 SCOPE

The procedures below apply to all releases of interests in real property, as requested by County Entities or citizens.

3.0 PROCEDURE

3.1 Release of interests in real property subject to Sections 177.101, or 336.09 through §336.12, Florida Statutes, as applicable and as may be amended from time to time will be handled accordingly.

3.1.1 All such releases shall utilize the appropriate RPD Application form and process for the filing of such a petition.

3.1.2 All fees for release of interests in real property covered above shall be established by BCC resolution.

3.2 In addition to the statutory notice requirements under Florida law, the County will endeavor to ensure provision of the following additional non-statutorily required “courtesy notice” as follows:

3.2.1 As practicable, a posting of a “Notice of Petition to Vacate” sign and/or placard on the subject property; and

3.2.2 A written courtesy notice as to the pending petition to vacate will be mailed to all property owners whose drainage or access is directly affected by a petition, and property owners adjoining the property or interest to be vacated and any property owners adjoining those property owners, but in no event shall the courtesy notice requirement exceed two hundred (200) feet from the outside boundaries of the subject property or interest to be vacated, or in cases of a plat or right of way dedicated by plat, the courtesy notice provided shall not exceed the boundaries of the plat. The failure to provide any Courtesy Notice as set forth above shall not prevent or affect any BCC consideration, review and or action as to these matters.

SECTION 9: SELECTION OF PROFESSIONAL SERVICES

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable, relating to the engagement of appropriate professionals or qualified appraisers as required for the conduct of County real estate business or for other purposes as required by Florida Statutes or the Pinellas County Code.

2.0 SCOPE

For the scope of this procedure, an “Appropriate Professional” is a person who holds professional designations to perform services required for real property transactions, or an organization employing such persons. Appropriate Professionals include, but are not limited to, licensed real estate professionals, including qualified appraisers, land surveyors, land planners, property title research professionals, environmental civil or structural engineers, certified public accountants, and other consultants as the project may require. The professional herein shall affirm that they have no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder and shall further affirm not to employ any person having such interests during the term of engagement with the County.

For the purposes of this procedure, a “Qualified Appraiser” is a person who is a State Certified Appraiser as defined by Section 475.01, Florida Statutes and who holds a professional designation from a recognized appraisal organization as defined in Section 253.025 (6)(b), Florida Statutes. Qualified Appraisers will be selected from the Master List of pre-qualified appraisers established in accordance with Section 9, 3.2.2 of this procedure. Qualified Appraisers listed on State of Florida agency approved lists, or which have an existing State or Federal Government annual contract are approved for use by REM.

3.0 PROCEDURE

3.1 Selection of Appropriate Professionals

- 3.1.1 REM will select and contract with Appropriate Professionals in accordance with applicable law and will be tasked under existing annual contract(s) through the Purchasing Department (utilizing CCNA procedures where necessary or applicable), or other contracts authorized by the Purchasing Department such as those listed on State of Florida contract lists, or Federal Government contract lists.
- 3.1.2 Selection for tasking of an Appropriate Professional will be made by REM who will solicit quotes in response to a scope of work which includes a time requirement. REM will evaluate submitted quotes, giving consideration to the following categories: existing contracts, service fees,

responsiveness to time requirements, responsiveness to scope of work, and past experiences of REM with the Appropriate Professional.

3.1.2.1 In accordance with County purchasing procedures, the selection and engagement of an Appropriate Professional will be made under an existing annual contract, or by contract or letter agreement containing a not-to-exceed amount within the following ranges:

- RPD Manager, when fees for services are less than \$15,000.
- REM Director, when fees for services are between \$15,000 up to and including \$25,000.
- Purchasing Director when fees for services are between \$25,000 up to and including \$100,000.
- County Administrator when the fees for services are over \$100,000 up to and including \$250,000.
- Purchasing Procedures, other County policy and state law shall govern the selection and contracting in excess of \$250,000.

3.2 Selection and Engagement of Qualified Appraisers

3.2.1 For the purposes of this procedure, a “Qualified Appraiser” is a person who is a State Certified Appraiser as defined by Section 475.01, Florida Statutes and who holds a professional designation from a recognized appraisal organization as defined in Section 253.025(6)(b), Florida Statutes. Qualified Appraisers will be selected from the master list of pre-qualified appraisers established in accordance with Section 9, Paragraph 3.2.2 of this procedure. Qualified Appraisers listed on State of Florida agency approved lists, or have an existing State or Federal Government annual contract are approved for use.

3.2.2 A Master List of Qualified Appraisers will be established to expedite the process of contracting for appraisal services as follows:

3.2.2.1 Every three to five (3-5) years, an advertisement for Qualified Appraisers will be made inviting interested appraisers to submit their qualifications for consideration for inclusion on the Master List. Appraisers currently on the Master List or those having expressed an interest may also be notified of the re-advertisement by letter or other communications.

3.2.2.2 Applicants or firms submitting applications will provide information on the employees, partners or principals who will

prepare appraisal reports for the County. Applications will include, at a minimum, the following information:

- Proof of any professional designations and affiliations claimed.
- Proof of certification by the State of Florida.
- Details of relevant education and training:
 - Name of course or degree program
 - Name and address of conferring institution or organization
 - Date of completion
- Details of significant appraisal projects:
 - Location and type of properties appraised
 - Distinguishing or noteworthy factors in the appraisal
- Statement of qualification as an expert witness for court testimony, if applicable.
- A copy of a recently prepared appraisal report
- Details of business operation (applicable to firms of the appraisers submitting applications)
 - Name and address of business
 - Number of years in business
 - Percentage of business activity involved in real property appraisal
- Names and contact information for three or more prior or existing clients

3.2.2.3 Applications for inclusion on the Master List of Qualified Appraisers will be reviewed and evaluated by a Selection Workgroup consisting of the following persons:

- RPD Manager
- REM Director
- Other selected County Entities staff

3.2.2.4 The Selection Workgroup will review applications, and select the applicants meeting the best interests of the County for inclusion on the REM Master List of Qualified Appraisers. Selection to the REM Master List of Qualified Appraisers does not guarantee engagement of services. Each tasking shall be made as appropriate to meet the needs of the County.

3.2.3 The County's Master List of Qualified Appraisers shall be used to obtain appraisal services as follows:

- REM will solicit fee quotes from Qualified Appraisers to accomplish an REM stated scope of work including time requirements.

- REM will evaluate the fee quotes received from Qualified Appraisers in response to the REM scope of work and time requirement. REM will evaluate giving consideration to the following categories: service fees, responsiveness to time requirements, and responsiveness to scope of work.

3.2.4 Selection of a Qualified Appraiser will be made by:

- RPD when the fees for services are less than \$15,000.
- REM, Director when the fees for services are \$15,000 up to and including \$25,000.
- Purchasing Director when fees for services are between \$25,000 up to and including \$100,000.
- County Administrator when the fees for services are over \$25,000 up to and including \$250,000.
- Purchasing Procedures, other County policy and state law shall govern the selection and contracting in excess of \$250,000.

3.3 Appropriate Professionals Selected by Other Party to a County Real Property Transaction

- 3.3.1 Negotiations prior to consummation of an REM transaction may include other parties' right to select supporting Appropriate Professionals assistance. Accordingly, as part of negotiations, the County may elect to pay for such reasonable Appropriate Professionals assistance to other parties, or in some instances, Florida Statutes may require the County to pay for such Appropriate Professionals assistance, regardless of whether or not the transaction is finalized.

SECTION 10: REAL PROPERTY CUSTODIAL MANAGEMENT

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable to County Entities in their responsibility to manage assigned Real Property.

2.0 SCOPE

This procedure herein applies to the custodial management responsibilities of all County Real Property.

3.0 PROCEDURE

Assignment or Determination of Custodial Management Responsibility.

3.1 Acquisitions – The County Entity requesting or initiating the acquisition of real property shall be assigned the property’s Custodial Management Responsibility upon the completion of the acquisition of same, unless otherwise as provided by agreement or as determined by the County Administrator or his or her designee.

3.2 Reassignment –

3.2.1 If the County Entity with Custodial Management Responsibility determines that particular real property is no longer instrumental to the mission of such County Entity, then the County Entity may so advise and apply to REM for reassignment of Custodial Management Responsibility. The reassignment of Custodial Management Responsibility shall not be effective until a separate County Entity has been assigned same by the County Administrator or the property is sold to another entity pursuant to the procedures relating to Surplus real property contained herein. No other transfer of Custodial Management Responsibility shall be effective.

3.2.2 REM shall inquire of other appropriate County Entities to determine whether or not the real property is usable in the mission of any other County Entity. If so, REM shall reassign in writing Custodial Management Responsibility to such County Entity. If no other County Entity has present or future potential use for the real property, then REM shall commence with the Surplus real property procedures.

SECTION 11: TRANSFER OF REAL PROPERTY BETWEEN GENERAL FUND ENTITIES AND ENTERPRISE FUND ENTITIES

1.0 PURPOSE

The purpose of the procedures herein is to ensure consistency, uniformity and compliance with federal, Florida and local laws, as may be applicable and to provide guidelines as to transfers between General Fund Entities and Enterprise Fund Entities.

2.0 SCOPE

This procedure herein applies to transfers of County-owned real property between general fund entities and enterprise fund entities.

3.0 PROCEDURE

3.1 The County Administrator shall review each request for transfer of County-owned real property between General Fund Entities and Enterprise Fund Entities.

3.2 Following preliminary County Administrator approval, the transfer request shall be referred to REM for coordination of the transfer.

3.3 An estimate or appraisal of the value of the property shall be obtained as follows:

- Appropriate RPD Qualified Staff shall prepare an estimate of the property value in accordance with the Standard Valuation Procedures herein relating to full fee acquisition.
- If the value of the property exceeds \$100,000, as estimated in accordance with the valuation procedures cited above, the Just/Market Value of the property, as defined and established by the Property Appraiser, shall be considered the value for County purposes. However, if the REM Department Director deems it necessary, an independent certified appraisal may be obtained to establish the property value for County purposes. The costs of any such independent certified appraisal shall be split and paid in equal shares by each of the funds involved unless otherwise directed by the County Administrator or his designee.

3.4 The transfer shall be submitted to the BCC, or as applicable, the County Administrator for approval and subsequently recorded in the appropriate enterprise fund and account group at the estimated or appraised value.

APPENDIX A

REM- RPD Procedures

GLOSSARY - ACRONYMS

ASC - Accounting Systems Coordinator

ASTM – E-1527 – American Standard Testing Measures

BCC - Board of County Commissioners

BOARD - Board of County Commissioners

BDRS – Building Design Review Services

BFSS – Business Finance Support Section

CAC - Contract Administrator Coordinator

CAS – Contracts Administration Section

CATS – County Assignment tracking System

CIP – Capital Improvement Program

CMA – Comparable Market Analysis

CPI – Consumer Price Index

County - Pinellas County Government

DOE – Department of Energy

ESA – Environmental Site Assessment

FAA – Federal Aviation Administration

PCEDA – Pinellas County Economic Development Authority

REM – Real Estate Management Department

RES - Real Estate Specialist

ROE – Right of Entry

ROW – Right of Way

RPD - Real Property Division

RT – Records Technician

SOS - Senior Office Specialist

SRE – Senior Real Estate Specialist

STR – Section, Township, and Range

TCE – Temporary Construction Easement

WebX – Application Xtender

APPENDIX B

DEFINITIONS

Acquisition in Advance of Eminent Domain:

Acquisitions conducted to support an identified Capital Improvement Project, after the holding of a Public Meeting on the project, but in advance of a BCC resolution of necessity authorizing eminent domain, are referred to as Advanced Acquisitions. While the legal threshold of necessity for a public purpose may not have been determined by the BCC, as required by law, the holding of the Public Meeting on the project, during conceptual phases, for legislative planning purposes, has the potential impact of putting all property in the project area under the perceived “threat of eminent domain.” Citizens perceiving eminent domain in effect will be expecting the benefits of eminent domain. The BCC Real Estate Practices Policy and these REM Procedures allows for such benefits to be negotiated by RPD, as necessary, to reach an agreement and closing

Airport: Management and staff working within the administrative offices of the Clearwater/St. Petersburg International Airport.

Appropriate Professional:

A person who holds professional designations to perform services required for real property transactions, or an organization employing such persons. Appropriate Professionals include, but are not limited to, licensed real estate professionals, including qualified appraisers, land surveyors, land planners, property title research professionals, environmental engineering professionals, structural engineers, and other consultants as the project may require.

Avigation Easement:

An easement located in the air above the ground of a defined size and shape to support the airport or aviation needs.

CATS (County Assignment Tracking System):

Used by all County departments to track formal assignments, contract reviews, board packets, and other.

CIP: A six year plan, which identifies capital projects, provides a planning schedule, and identifies options for financing the plan.

Closing Check:

A check presented during the real estate settlement that represents the balance owed on the purchase price.

Comparative Market Analysis (CMA):

See Staff Appraisal or Staff Comparative Market Analysis (CMA) – An opinion of value report, developed by a Qualified County Staff, for the use of Pinellas County Government only, following the professional standards set out by the Uniform Standards of Professional Appraisal Practice (USPAP), The Appraisal Standards Board of The Appraisal Foundation and as allowed by Florida Statutes Section 475 Part I & II.

Constitutional Officers:

All Pinellas County Offices headed by an elected official as recognized in the Pinellas County Charter or the Florida Constitution.

Contract Review Process:

The process and protocol directed by the County Administrator’s office and presented in County Administrator’s publication titled: “Guidelines for Preparing Agenda and Delegated items For the Pinellas County Board of County Commissioners”.

County Entity Project Manager:

The county employee assigned and authorized the overall management responsibility for a county project. The person in charge of the project and responsible for the project success of being completed on time and on budget.

CPI:

Consumer Price Index published by the Bureau of Labor Statistics, United States Department of Labor. One of several methods for establishing periodic rental adjustments.

Custodial Management Responsibility:

A department under the County Administrator or a Constitutional Office that requested the acquisition and use of real property or was assigned the use of real property. That department has the custodial responsibility for the property that includes but is not limited to the following: security of the property, clean and reasonable maintenance of the property (mowing, tree, bush trimming and removal).

Departments -

- Airport:** The St. Petersburg – Clearwater International Airport
- BDRS:** Department of Building and Development Review Services
- CEL:** Department of Culture Education and Leisure
- PW:** Department of Public Works

Enterprise Fund:

A fund whose source of revenue is derived from fees for services rendered.

Emergency:

An event causing disruption of essential County operations, or when there exists a threat to public health, welfare and safety, or when the immediate protection and preservation of public or private property is required.

Excess Easement:

A County owned real property interest (less than full fee) identified by the BCC as no longer having a current or anticipated future County need or use. (Also see Surplus Easement)

FAA:

Federal Aviation Administration, an agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civilian aviation in the U.S.

Forms Library:

Contains contracts, instruments, and other documents essential to RPD operations. The forms are built on a flexible framework and provide guidance to staff in meeting the requirements of each project

GOP's:

General Operating Procedures for tenants of the STAR Center

Instrument:

A written legal document, created to establish the rights and liabilities of the parties to it.

Landlord:

Entity County seeks to lease from.

Parcel:

A defined piece of real estate, usually resulting from the division of a large area of land.

PCEDA's STAR Center:

The Young – Rainey STAR (Science, Technology and Research) is a commercial, high technology center, owned and operated by the government of Pinellas County as a joint public and private enterprise supporting start-up business in high technology and advanced research.

Public Meeting:

Any publicly noticed presentation by County Staff to the public relating to a proposed capital improvement project identified within the six-year CIP Work Plan

Qualified Appraiser:

A person who is a State Certified Appraiser as defined by Section 475.01, Florida Statutes and who holds a professional designation from a recognized appraisal organization as defined in Section 253.025 (6)(b), Florida Statutes.

Qualified County Staff or Qualified Staff:

An individual employed full time by Pinellas County Government who is assigned to the Department of Real Estate Management, Real Property Division, who by reason of their professional training and experience is assigned as a Real Estate Specialist, Senior Real Estate, Real Estate Coordinator or Real Property Manager.

Qualifying Organization:

Any entity as defined in accordance with Section 125.38 Florida Statutes, and the Pinellas County Code.

REM: Real Estate Management Department.

RPD: Real Property Division

RPD Notice to Proceed:

Projects identified in the County's current CIP Six Year Plan which contain an identified and funded acquisition line, a written RPD Notice to Proceed memorandum is required and shall be routed through the Requesting Department Director and the appropriate County Administrator's Office staff to the REM. This request for real estate acquisition will also identify the property by tax parcel ID number and/or the street address as well as the source of the funding for the acquisition or efforts in preparation for acquisition. Additionally, the RPD Notice to Proceed memorandum will have attached a signed and sealed survey sketch and description.

RPD Qualified Staff:

An individual employed full time by Pinellas County Government who is assigned to the Department of Real Estate Management, Real Property Division, who by reason of their professional training and experience is assigned as a Real Estate Specialist, Senior Real Estate, Real Estate Coordinator or Real Property Manager.

RPD Tasking Memo:

A detailed written memorandum, routed through the Requesting Department Director and through the appropriate County Administrator's Office staff to the REM. The request for real estate acquisition will identify the property by tax parcel ID number and/or the street address as well as the source of the funding for the acquisition or efforts in preparation for acquisition. The planned use of the property shall be identified in the RPD Tasking Memo provided by the County Entity, and as applicable, shall further identify any particular investigation necessary to ascertain the suitability for such planned use.

RPD Tracking System:

The computer program/ software by which the Real Property Division tracks and maintains accountability of at the county's leases, property

transactions, and property the county owns.

Sales Comparative Value (SCV):

Determined by the Pinellas County Property Appraiser's office. Defined as the preliminary value indication based on the sales comparison approach to value only.

Space Inquiry Form:

A memo from the STAR Center with the terms and conditions of negotiations to facilitate RPD in constructing a draft lease.

Staff Appraisal or Staff Comparative Market Analysis (CMA):

An opinion of value report, developed by a Qualified County Staff, for the use of Pinellas County Government only, following the professional standards set out by the Uniform Standards of Professional Appraisal Practice (USPAP), The Appraisal Standards Board of The Appraisal Foundation and as allowed by Florida Statutes Section 475 Part I and II.

Standard Valuation Procedures:

The procedures outlined within Section 2, Part 2.1, and Subsections 3.2.2 - 3.2.5 inclusive.

Successful Bidder:

Individual or group that has been awarded the right to enter into a lease or property sales contract.

Surplus Easement:

A County owned real property interest (less than full fee) identified by the BCC as no longer having a current or anticipated future County need or use.

Surplus Property:

County owned real property identified by the BCC as no longer having a current or anticipated future County need or use.