

SUNRISE, FLORIDA

ORDINANCE NO. 289-09-A

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION;" ARTICLE VII "PUBLIC PROPERTY;" SECTION 2-371 "SALE OF CITY OWNED REAL PROPERTY FOR PRIVATE USE; PUBLIC HEARING REQUIRED" AND SECTION 2-372 "COMMISSION AUTHORIZATION REQUIRED FOR CERTAIN NEGOTIATIONS;" PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this Code amendment will allow the City the flexibility to participate in the open market to acquire and dispose of foreclosed homes to further the Neighborhood Stabilization Program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clause is hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 2-371 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 2-371. Sale of city owned real property for private use; public hearing required.

Prior to the approval of the sale for private use of real property owned by the city, the city commission shall schedule a public hearing with the same notice as second reading of an

ordinance (see Section 166.041, Florida Statutes), to receive public input on the proposed sale. The sale, if approved by the city commission, shall be authorized by passage of an ordinance. No public hearing shall be required if the real property is sold or otherwise transferred to another governmental agency. No public hearing shall be required if the property is being donated to a nonprofit housing organization for the construction of permanent affordable housing in connection with the Neighborhood Stabilization Program.

Section 3. That section 2-372 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 2-372. Commission authorization required for certain negotiations.

(a) The city manager is hereby authorized to participate in informal non-binding negotiations concerning the purchase, sale, exchange or acquisition of land without first obtaining the authorization of the city commission.

(b) However, except for property being purchased or sold in connection with the Neighborhood Stabilization Program ("NSP"), prior approval of the city commission shall be required before the city manager tenders any offer or counter-offer in writing concerning such transaction, and any such offer or counter offer shall be subject to final approval by the city commission. For properties being purchased or sold in connection with the NSP, the city manager may tender any offer or counter-offer in writing without prior city commission approval provided the offer or counter-offer includes a refundable security deposit that does not exceed \$5,000 and provided the offer or counter-offer shall be subject to final approval by the city commission.

(c) When negotiations are completed, the city manager is authorized to sign a proposed contract that includes language making it subject to final approval by formal vote of the city commission.

(d) The city commission has the sole authority to negotiate concerning the annexation of property into the city or the contraction (deannexation) of property out of the city.

The city commission may delegate this authority to the city manager provided that final terms and conditions are subject to formal approval of the city commission, and such other requirements as may be provided by law.

Section 4. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 6. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 27TH DAY OF OCTOBER, 2009.

PASSED AND ADOPTED upon this second reading this 24TH DAY
OF NOVEMBER, 2009.

Mayor Roger B. Wishner

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: ALU
SECOND: SCUOTTO

ALU: YEA
ROSEN: YEA
SCUOTTO: YEA
SOFIELD: YEA
WISHNER: YEA

SECOND READING

MOTION: ROSEN
SECOND: SCUOTTO

ALU: YEA
ROSEN: YEA
SCUOTTO: YEA
SOFIELD: ABSENT
WISHNER: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency.

Stuart R. Michelson