

**APPROVED**  
**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING**  
**CITY HALL 8<sup>TH</sup> FLOOR**  
**COMMISSION CONFERENCE ROOM**  
**THURSDAY, JANUARY 21, 2010 – 10:00 A.M.**

**COMMITTEE MEMBERS PRESENT**

Mike Fayyaz, Acting Chair, Assistant City Engineer, Public Services  
Robert Dunkel, City Attorney's Office  
Carol Ingold, Parks & Recreation Supervisor  
Tony Irvine, Survey (dep. 10:26-10:29, 10:38-10:41)  
Mike Maloney, Planning & Zoning  
Yvonne Redding, Planning  
Tom Terrell, Public Works

**STAFF**

Victor Volpi, Liaison, Senior Real Estate Officer  
Antoinette Butler, Project Engineer  
Jennifer Picinich, Recording Secretary, Prototype, Inc.

**CALL TO ORDER**

Mr. Fayyaz called the meeting to order at 10:03 a.m. and stated this was a committee of City Staff serving as an advisory panel to the City Manager and City Commission on matters related to City right-of-way and City properties.

Everyone present introduced themselves for the record.

**ITEM ONE:**                    **APPROVAL OF DECEMBER 17, 2009 MINUTES**

Motion made by Mr. Darmanin, seconded by Ms. Ingold, to approve the minutes of the December 17, 2009 minutes. In a voice vote, the motion passed unanimously.

Ms. Ingold stated that the Fire Department mails in their comments regarding the minutes. She inquired if the Fire Department is a part of the Committee and if so, when they have no comment or suggestions, does their response count as a vote.

Mr. Volpi responded that the Fire Department, the Parking Division and the Police Department, among others, receive a copy of the agenda and are sent the backup for the meeting. If they have any comments, they provide the response to Mr. Volpi and he relates the comments to the Committee. If the departments have input, they would attend the meeting.

Mr. Fayyaz suggested that if there are comments or suggestions from the departments that receive the agenda, the comments should be read into the record during the meeting. He added that if the comments were lengthy, they could be attached to the minutes.

Ms. Ingold inquired if their input counted toward a quorum. Mr. Volpi responded no.

**ITEM TWO:**                      **SURPLUS PROPERTIES**

- ADDRESS:
- 1) 1143 NW 4th Avenue
  - 2) NW 7th St (North side) just east of NW 17th Avenue
  - 3) 1105 NW 1st Avenue
  - 4) 1409 SW 3rd Avenue

Mr. Volpi stated there were four properties under Agenda Item Two. He explained that the City owns approximately 50 small strips of vacant land that escheated from Broward County. These parcels are under 6,000 sq. ft. and are usually of no use to the City because they are “not buildable.” They can create a maintenance problem and the City would like to put these properties back on the tax rolls. The first three properties will be proposed sale to the highest bidder.

Mr. Volpi added that the only reason the properties were before the Committee was due to the abutting property owners having voiced their interest in the bidding. The fourth property was a proposed donation since both abutting property owners are the same non-profit organization. He added that the fourth property would probably also go for bid, even though it is non-profit, because the City Charter does not “speak to giving stuff away to non-profits.” Mr. Volpi concluded that the properties were being presented to the Committee for their positive recommendation to surplus all four properties.

Mr. Dunkel explained that the Charter makes no distinction between for-profit and not-for-profit with regard to the disposition of real estate. The Charter does make a distinction between for-profit and not-for-profit with regard to the leasing plan.

Mr. Volpi stated that because of the Charter “there is a certain way to do things that is long and involved.” The reason the approximate 50 properties do not come before the Committee all at once, or one at a time, is because “when they tried that” a lot of the abutting property owners expressed they did not want the properties. Mr. Volpi did not recommend bidding out the property. He recounted the Flowers property situation that took years until Mrs. Flowers stated she would not bid. The second property took years to line up and there had been no

response. Mr. Volpi explained that he does not usually get proactive about these properties, but the four properties had been shown interest, and therefore he was recommending that the Committee give positive recommendation to put the properties back on the tax rolls and into the hands of property owners.

Mr. Fayyaz inquired if the adjoining property owners were the only people who could bid. Mr. Volpi replied that anyone could bid.

Mr. Irvine inquired who the non-profit owner was and whether the City Commission must accept the highest bid or could the City Commission accept another bid if doing so were in the better interest of the City.

Mr. Dunkel responded that there was some language in the Charter that does not make the mathematics the sole determining factor for accepting a bid. He stated that because it is an unbuildable lot, those on the other side of town would not bid on the lot, as it would have no value to them. He added that the adjacent or abutting property owners would have interest because they could add the property to their lot. Absent that, he explained, you would have to go to the Board of Adjustment to get a variance. He suggested the Committee look at each property carefully while considering the different variables.

Mr. Volpi stated the non-profit organization is Broward Housing Solutions.

Mr. Terrell inquired if the non-profit organization operates out of the two pieces of property or "do they just own them." Mr. Dunkel advised that the Committee should find out. Mr. Fayyaz stated that it was the Committee's decision whether or not the property should be processed. Then the City Commission would decide if they want to sell or donate the property. Mr. Irvine agreed and stated the ownership would not affect his vote, but he wanted it put into the record. He wanted to clarify that "non-profit and charitable are not synonymous."

Mr. Volpi added the organization is also called Broward County Community Development Organization.

Mr. Darmanin inquired if the Committee would handle each property separately and place a motion for each individual property. The members agreed to do so. He stated that the second property had storm drains crossing the property and some utility issues.

Mr. Dunkel stated that sometimes these properties could be turned into "pocket parks." If so, he inquired if Parks and Recreation would have the money to maintain the pocket parks or could the local neighborhood association be asked

to maintain them. Ms. Ingold added that the City should consider saving small green areas, particularly those with trees.

Mr. Irvine thought the Parks Department might want to consider the first property since the maintenance would be straightforward.

Mr. Brad Laird, the property owner of 1143 NW 4<sup>th</sup> Avenue, stated that for eight years he had been trying to purchase the first item, Lot 1, through the City. He explained that the adjacent property is homesteaded, he has planted trees on the property, and he does not plan to move. Mr. Irvine commented that if Mr. Laird added the lot to his property, it would result in the same visual effect as a pocket park.

Ms. Redding pointed out that a corner set-back is larger than the set-back for a regular side yard.

Mr. Dunkel stated that the City Auditor had reported to the City Commission that the City has 600 properties he recommended sending to the PROW Committee to review and recommend action within 45 days. Mr. Dunkel stated the Committee should cover a certain number of properties at each meeting and examine each property with "due diligence". He stated the packet for each property should include the following for consideration:

- Property Appraiser's record
- copy of the plat
- aerial photos
- street level photos which show improvements made that are covered by trees in the aerial photos
- lot dimensions
- zoning
- copy of the Instrument of Title showing how the City obtained the property
- value according to Real Estate relative to the value according to the property assessor
- information regarding abutting property owners that have contacted the City

Ms. Ingold added:

- utility conflict
- value to parks or neighborhood services

Mr. Irvine stated that some of the parcels are part of right-of-way or adjacent to those rights-of-way. He thought those should be triaged and taken off the list as they may be of more interest to the City.

Mr. Dunkel stated that the Committee could make recommendations regarding the value of the property, but the City Commission could put a different value on the property. He added that the City Auditor recommended appraisals, which would “cost a lot of money to have done for each property.”

**Motion** made by Mr. Irvine, seconded by Mr. Darmanin, regarding lot 1, block 135 of Progresso, Property number one, that the Committee recommend that the City Commission surplus this property and put it up for bid for public sale. In a voice vote, the **motion** passed unanimously.

Regarding property number two, NW 7<sup>th</sup> Street, Mr. Dunkel suggested obtaining street level photos due to possible encroachments. Mr. Darmanin had a concern regarding the storm drain line that appeared to run across the property according to the drawing. He asked that the motion be crafted to retain an easement for the storm drain line or ask that the storm drain line be relocated. Mr. Irvine stepped out to get more information regarding the property.

Regarding property number three, 1105 NW 1<sup>st</sup> Avenue, Mr. Darmanin stated there were no utility issues. Mr. Dunkel inquired about the ownership 25 ft. north of the parcel. He stated they should indicate whether it is in the CRA boundary when evaluating. It might make sense for the CRA to purchase the northern 25 ft. in order to have a buildable lot. Mr. Volpi stated that the CRA was not adding to their inventories anymore. Mr. Volpi did not know who was the property owner to the north, but could be the property owner interested in the parcel.

Mr. Dunkel thought it was worthwhile for the City to further inquire about acquiring 1105 NW 1<sup>st</sup> Avenue, to make for a buildable lot.

Mr. Dunkel thought assemblage provided greater incentive to purchase. Mr. Irvine suggested “Plan B” being assemblage as he would like to surplus the property, and if the bids are unsatisfactory, recommend that the City then seek to purchase the other unbuildable parcel and put it back on the market.

Ms. Redding stated that once the property owner becomes aware that the City wants to buy the property, the price for the owner’s property would go up. Mr. Irvine agreed and stated the Committee should consider coming back with “Plan B” after putting forward as surplus property. Mr. Volpi stated the owner to the

north has had his property “for awhile” and just found out the City owns the parcel. The owner to the south may also have an interest.

Ms. Ingold stated some of the adjacent property owners might be thinking if they do nothing, the property would still be there. She inquired if there was a way to state that the City might make the property a park to give the property owners more of an incentive to move forward and purchase the parcels.

Ms. Ingold inquired if the neighborhood associations should be “brought in.” Mr. Dunkel thought that was a good idea, as the associations may want to adopt the parcel as a pocket park. Mr. Terrell stated there had been a problem in the past when a neighborhood adopted a right-of-way and later gradually blocked the right-of-way.

**Motion** made by Ms. Redding, seconded by Mr. Darmanin, to place the property [1105 NW 1<sup>st</sup> Avenue] up for bid. In a voice vote, the **motion** passed unanimously.

The Committee returned to discussion of property number two, NW 7th Street. Mr. Irvine stated there was not enough information available [regarding the location of the storm drain line]. Mr. Darmanin stated he was “okay with proceeding and retaining an easement if necessary.”

**Motion** made by Mr. Darmanin, seconded by Mr. Terrell, to recommend the second property [NW 7<sup>th</sup> Street] be placed for bid unless the storm drain is on the property, in which case the item would come back to the Committee for recommendation. In a voice vote, the **motion** passed unanimously.

Regarding the fourth property, 1409 SW 3<sup>rd</sup> Avenue, Mr. Irvine suggested putting the property for sale. Mr. Volpi stated that property owners are usually not interested in purchasing when he approaches them “as they do not want their property taxes to go up.”

**Motion** made by Mr. Darmanin, seconded by Ms. Redding, to surplus the property known as 1409 SW 3<sup>rd</sup> Avenue. In a voice vote, the **motion** passed unanimously.

Mr. Volpi stated there was a lot of work to do within 45 days. He added that the Committee should consider the other people involved, such as Engineering, Fire, the Lease Department and Parking, as they might have input regarding the 600 properties. He suggested the Committee members check with their departments to see if there is interest in any of the properties so that the list could be reduced.

Mr. Fayyaz suggested sending Exhibit B to all of the departments for their review with a timeline of 30 days. Mr. Volpi stated he was asking the Committee “to help make that happen.”

Mr. Darmanin stated he would like to read the City Auditor’s report. Ms. Ingold requested the Committee members be copied on the report. Mr. Fayyaz stated the need to set-up criteria regarding what the Committee would allow. He added that currently the Committee has allowed three of the properties to go forward.

Mr. Dunkel felt the Committee should look at the properties the City does not want and make recommendations. Ms. Redding suggested they categorize the properties and then narrow each list down. Mr. Dunkel felt they needed to “devise a plan of attack” and determine how the Committee would organize the properties in order to get through them.

Mr. Terrell’s interpretation from the Mayor was that the Committee would go back to the City Commission with a report or a timeline. Ms. Ingold suggested that the process be explained in the report.

There being no further business to come before the Committee, the meeting adjourned at 10:57 a.m.

[Minutes prepared by Jennifer Picinich, Prototype, Inc.]