

ORDINANCE 2024-26

**AN ORDINANCE OF THE WALTON COUNTY BOARD OF COUNTY COMMISSIONERS DECLARING, AMENDING, IN PART, ORDINANCES 2012-16 AND 2021-22 RELATED TO REAL PROPERTY TRANSACTIONS, SPECIFICALLY AMENDING SECTION 2-82(b) TO CLARIFY NEGOTIATION PROCEDURES TO BE UTILIZED FOR ACQUISITION OF REAL PROPERTY BY WALTON COUNTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Walton County has previously adopted Ordinance 2012-16 to establish a uniform method of handling real property transactions, and subsequently amended that Ordinance and Section in Ordinance 2021-22, and;

**WHEREAS**, the County desires to further clarify and explicitly state the negotiation procedures and authority possessed by the County Administrator after an initial contract is reach and ratified, and;

**WHEREAS**, the County desires to continue to balance the goals and objectives related to transparency and consistency that led to the adoption of Ordinances 2012-16 and 2021-22, but additionally desires to make the process of real property acquisitions more efficient and effective, and;

**WHEREAS**, the County has determined that it is in the best interest of the County and the public to make changes to its existing policies related to real property acquisitions as contained herein,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA:**

**Section 1.** The foregoing whereas clauses are hereby adopted as legislative findings and statements of intent.

**Section 2.** Ordinances 2012-16 and 2021-22 are hereby amended, in part, to revise Chapter 2 “Administration”, Article III “Finance”, Division 3 “Real Property Transactions”, Section 2-82, Subsection (b), to now read, in its entirety, as follows:

**Sec. 2-82. - Board Procedures for Property Acquisitions.**

(b) Real Property that has met the requirements set forth in subsection (1) above shall be eligible to be placed under a contract to purchase, with the County Administrator authorized to sign said contract, contingent on Board approval and ratification. The contract to be approved and ratified by the Board of County Commissioners shall include all substantive and material terms of the agreement, and no further negotiation of those terms, nor inclusion of new or additional terms, shall be made by the County Administrator, unless and except as may be approved by the Board of County Commissioners in a public board meeting following receipt of all due diligence documentations under the provisions of Division. Any contract entered into for the acquisition of real property shall contain or satisfy, at a minimum, the following conditions:

- a. The contract is contingent on appraisal(s) of the real property meeting or exceeding the purchase price listed in the contract. An affirmative vote of four Commissioners shall be required to purchase property for an amount that exceeds the appraised value of the property or average appraised value when multiple appraisals are required.
- b. Satisfactory completion of any and all environmental audit, inspections, surveys, and title work.

- c. A complete recitation of all costs associated with the property acquisition determined to be necessary being approved by the Board of County Commissioners.
- d. A statement identifying the Seller, including all persons or principals thereto or otherwise holding an interest in the real property.
- e. A statement clearly identifying all persons or entities receiving compensation on the Seller's side of the transaction, and any commission or fees paid to any real estate professional representing the County.
- f. A provision that no earnest money paid by the County shall be forfeited unless all conditions above, along with any other conditions expressly approved and ratified by the Board of County Commissioners, have been satisfied, and the Board has approved the closing documents presented to it thereafter and authorized closing to occur.

[Ed. Note: the subsection is presented in conformity with the codified version of the Code of Ordinances, however, subsection (b) was identified in Ordinance 2021-22 by the corresponding alphanumeric designation as subsection (2), as are the subclauses mirrored alphanumerically. The changes in this draft document are presented in redline/strikethrough format for clarity]

**Section 3.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 4.** This Ordinance shall become effective immediately upon adoption, as provided by law.

Passed and duly adopted in regular session by the Board of County Commissioners of  
Walton County, Florida, this 27<sup>th</sup> day of Aug 2024.



**BOARD OF COUNTY COMMISSIONERS  
OF WALTON COUNTY, FLORIDA**

Attest

*Siretta A. Land*  
for Alex Alford, Clerk of Circuit Court  
and County Comptroller

*Tony Anderson*  
Chairman of the Board