

# TOWN OF MALABAR

COUNCIL SPECIAL MEETING  
WEDNESDAY, JUNE 30, 2021  
6:30 P.M.

MALABAR TOWN HALL  
2725 MALABAR ROAD  
MALABAR, FLORIDA

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## AGENDA

1. CALL TO ORDER, PRAYER AND PLEDGE

2. ROLL CALL

3. ACTION:

Approval/Acceptance of Final Auction Sale

- 2540 Johnston Avenue, Malabar, FL 32950

4. ADJOURNMENT

If any individual decides to appeal any decision made by this Council with respect to any matter considered at this meeting, a verbatim transcript may be required and the individual may need to insure that a verbatim transcript of the proceeding is made (FS 286.0105). The Town does not provide this service.

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town Clerk at 727-7764 at least 48 hours in advance of this meeting.

# TOWN OF MALABAR

## SPECIAL COUNCIL MEETING

**AGENDA ITEM NO: 3.a**  
**Meeting Date: June 30, 2021**

**Prepared By: Lisa Morrell, Interim Town Manager**

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**SUBJECT: Approval/Acceptance of Final Auction Sale - 2540 JOHNSTON AVE**

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### **BACKGROUND/HISTORY:**

Per the May 17, 2021 Regular Town Council Meeting, Town council designated a 3.4 acre parcel, owned by the Town of Malabar, located at 2540 Johnston, Avenue, Malabar Florida, 32950, with Brevard County Property Appraiser's Parcel Identification number of 28-38-31-26-5-1 deemed as surplus in accordance with Florida State Statute Chapter 275.05 entitled TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS.

Town Council approved utilizing an online auction service, GovDeals, to publicly offer the surplus to the public with a starting bid of \$100,000. Council also sought to advertise this listing to more local markets, the property was listed on the Town's website, social media and GovDeals was able to use the Multiple Listing Service (MLS) for US real estate for sale.

The auction was posted for four weeks and closed at 4:12 pm on Monday June 28, 2021, with a final bid of \$195,000 with 56 online bidders. Town Council requested the the final sale amount to be approved by the Town Council

### **ATTACHMENTS:**

### **FINANCIAL IMPACT:**

Recognizing a one-time revenue increase of \$195,000 to the Park Fund balance for FY2021.

### **ACTION OPTIONS:**

Motion to accept the final auction bid of \$195,000 for the sale of surplus vacant parcel, owned by the Town of Malabar, located at 2540 Johnston, Avenue, Malabar Florida, 32950 (parcel id 28-38-31-26-5-1) with online real estate auction services vendor, GovDeals..

Search Auctions



[Advanced Search](#)



## Vacant Land Parcel located at 2540 Johnston Avenue, Malabar, FL 32950

**Auction Closed**

High Bidder: **\*\*\*\*5**

Sold Amount: **\$195,000.00**

Admin Fee ( [Fee Info](#) ): **\$9,750.00**

Total Price: **\$204,750.00**

[View Bid History](#)

[Terms and Conditions](#)

**7,072** visitors

Condition

Category

Inventory ID

Used/See Description

Real Estate / Land Parcels

28-38-31-26-5-1

Vacant Land located at 2540 Johnston Avenue, Malabar, FL 32950

The Town of Malabar Town Council Members offers the following real property for auction:

ADDRESS:2540 Johnston Avenue, Malabar, FL 32950; PARCEL ID 28-38-31-26-5-1; ACREAGE 3.4 LEGAL DESCRIPTION: JOHN J POLLAKS SUBD LOTS 1 TO 24 BLK 5

This property is owned by the Town of Malabar, a political subdivision of the State of Florida, acquired by Deed, in accordance with the laws of the State of Florida. This Property is offered for sale "AS IS, WHERE IS." The Town of Malabar makes no warranty, guarantee or representation of any kind, expressed or implied, as to the marketability or chain of title to the property, legal access to the property, zoning, road frontage, water/sewer/electric availability, environmental conditions, or physical attributes of the property. The buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect, or consequential.

The opening bid reflects the Town Council's approved value of the property and is the minimum the Town can accept for this property. Code liens, if any, will be added to the property's minimum bid and special assessments may also apply. It is strongly recommended that you inspect the property and complete a title search before bidding. Additionally, any or all photographs or other representations are for informational purposes only and may not or do not factually represent the current day; due to date differences, vegetation growth and so forth. All dimensions are approximate.

Town of Malabar, Florida reserves the right, in its sole discretion, to remove parcels from the sale and to reject any or all bids submitted. The winning bidder is responsible for: Documentary tax on the Deed (.70 per \$100), recording fees (approximately \$18.50), and auction fee (5% of sales price). The auction company (GovDeals.com) will contact the winning bidder with the recording cost, and auction fee amounts and other Deed transfer information.

Any other costs or fees desired or incurred by the winning bidder, for example: private attorney, title insurance, closings, survey, tests or examinations and the like, are the responsibility of the winning bidder.

THE DEED WILL BE PLACED IN THE NAME AND ADDRESS AS IT APPEARS ON YOUR BIDDER CARD. DEEDS WILL BE PROCESSED APPROXIMATELY 60 DAYS AFTER THE WINNER IS NOTIFIED.

Please see the attached PDF to view the most recent information available from the Brevard County Property Appraiser's Office.

The 3.4 acre parcel, owned by the Town of Malabar, located at 2540 Johnston, Avenue, Malabar Florida,32950, with Brevard County Property Appraiser's Parcel Identification number of 28-38-31-26-5-1 deemed as surplus by Town Council was previously used as a public park. The current zoning is RS-10, Single-Family Medium-Density Residential.

RS-10 "Single-Family Medium-Density Residential." The RS-10 district is established to implement comprehensive plan policies for managing traditional single-family residential development on lots not less than 10,000 square feet. This district is established to preserve the stability of existing and future single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that they are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

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**Additional Info:** [BCPAO Tax Account 2851024 Information.pdf](#)

## ?Questions and Answers

Q: Why would you start the bid on this for the same price it is online for? Why would we bid \$100k when we can but it online for 100k?  
[https://www.realtor.com/realestateandhomes-detail/2540-Johnston-Ave\\_Malabar\\_FL\\_32950\\_M93811-30618](https://www.realtor.com/realestateandhomes-detail/2540-Johnston-Ave_Malabar_FL_32950_M93811-30618) (6/2/21 4:03 PM)

A: Thank you for bringing this to our attention, we have contacted Govdeals to report the error of that website advertisement as "for sale" whereas this property is available for "auction". (6/3/21 10:18 AM)

Q: Please advise if the balance due 30-45 days after auction close could be mortgaged. Thank you. (6/18/21 5:26 PM)

A: See payment terms towards the bottom of the auction listing:<https://www.govdeals.com/index.cfm?fa=Main.Item&itemid=2&acctid=20715> (6/21/21 11:07 AM)

Q: what kind zoning (6/20/21 3:51 PM)

A: Per the listing the current zoning of the property is RS-10 "Single-Family Medium-Density Residential." The RS-10 district is established to implement comprehensive plan policies for managing traditional single-family residential development on lots not less than 10,000 square feet. This district is established to preserve the stability of existing and future single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that they are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area. (6/21/21 11:03 AM)

## » Seller Information



**Seller Name** Malabar-Real Estate, FL

**Asset Location** 2725 Malabar Rd  
Malabar, Florida 32950-4427  
[Map to this location](#)

## 🔍 Inspection

The public may access the publicly owned property for visual inspection only. Any other inspections must be coordinated and approved by the Town Manager.

## 💰 Payment

**Wire Transfer**

Wire Transfer is the only payment option for this item. The Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days unless otherwise specified below. The Buyer's Certificate will contain information to schedule completion of the 10% Deposit & Purchase Form. A 10% Bid Deposit (10% of the winning bid amount) must be paid by the Buyer to Town of Malabar, Florida by close of business on the third business day following the auction close date (NO EXCEPTIONS). A 5.0% Buyer's Premium (Auction Fee) will be added to the final bid price of this auction item, and it also must be paid by the Buyer by close of business on the third business day following the auction close date (NO EXCEPTIONS). Both payments will be collected by the Seller. The remainder of the winning bid amount, plus closing costs must be paid by the Buyer at closing (to be held approximately 30-45 days, once both parties have executed the Agreement for Sale and Purchase).br/>Acceptable forms of payment are: U.S. Currency, Certified Cashier's Check, or Money Order only.

## 💰 Additional Fees

**Administrative Fee:** 5.00%

## 🗑️ Removal

Pursuant to Purchase and Sale Agreement and Scheduled Property Closing.

## 💡 Special Instructions

**NOTICE:** If you are the winning bidder and default by failing to adhere to this sellers terms and conditions your account with Liquidity Services WILL BE LOCKED.

**Guaranty Waiver.** All property is offered for sale 'AS IS, WHERE IS.' Malabar-Real Estate, FL makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. Please note that upon removal of the property, all sales are final.

**Description Warranty.** Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the seller shall not exceed the actual purchase price of the property.

Quick Asset Lookup (QAL) #: 20715-2 (GD)



**Help Desk Hours: Monday - Friday, 8 am - 7 pm ET.**  
**Contact us with any questions, comments or concerns.**  
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