



Marion County Board of County Commissioners

Administration

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TO: Mounir Bouyounes, PE, County Administrator

FROM: Tracy Straub, PE, Asst County Administrator

SUBJECT: Property Management with the County Organization

Background:

The Property Management (PM) team provides for all real estate transactions of the Board of County Commissioners (BCC). These efforts include processing right-of-way acquisitions, plats, plat vacations, and road closings; maintaining and disposing of surplus properties; conveying property interest to and from Marion County, including deeds, drainage easements, ingress/egress easements, right-of-way easements; and researching, documenting and maintaining consistency with all such matters related to property transfers.

Previously, the functions of PM were split, separating OCE's real estate transactions from private development processes. Other county departments had no go-to entity when they had similar needs such as land acquisitions or building leases. This resulted in inefficiencies of staff and inconsistencies in procedures and documentation.

In recent years, the PM team has experienced persistent vacancies and high turnover. Finding qualified candidates is challenging because these positions require a rare combination of legal, real estate, title, negotiation and public-sector expertise, making them highly sought after and better compensated in the private sector. This results in lengthy vacancies, while the steep learning curve and a strong, competitive real estate market make retention difficult.

Today's Situation:

PM currently operates as work unit within the Office of the County Engineer (OCE) for two primary reasons. First, OCE is routinely acquiring rights-of-way and easements to fulfill their mission of providing for transportation and drainage infrastructure. Second, a significant portion of the development review process also resides within OCE, and the PM team has the appropriate technical knowledge to provide for establishing plats,

vacating plats, or closing/abandoning roads to support development processes, as well as citizen needs.

The team consists of five (5) staff members – a Property Manager, one Title Research Agent, and three Property Agents. One of the Property Agent positions is within the General Fund; the other positions are within the Transportation Maintenance Fund. Three outside firms have also been retained to assist with OCE's property acquisition efforts. While these consultants provide valuable support, their involvement has not materially reduced internal staff workload. County staff continue to carry primary responsibility for project coordination, negotiations, quality control, statutory compliance, and preparation of Board of County Commissioners agenda items. These functions cannot be delegated and require consistent County oversight. Therefore, internal capacity remains the critical limiting factor in delivering property acquisition services.

PM routinely assists other departments, such as Administration, Community Services, Facilities Management, Fire Rescue, Growth Services for the Community Redevelopment Area (CRA), Municipal Services, Parks and Recreation (including the Marion County Airport), Public Safety Communications (PSC), and Utilities. There is often confusion regarding the extent of PM's role; the following provides some examples:

- Land acquisition by fee or by easement – PM understands what is legally necessary for a local government to acquire property; has worked with the County Attorney's office to create standardized transfer documents considering type of transfer and the parties being negotiated with; understands what contributes to a property's value and how to legally negotiate a value; knows how to coordinate with appraisers, title companies, surveyors, attorneys, the Clerk's office, etc. to facilitate title research and other due diligence, closing documents and closing timelines.
 - When advised what to acquire, PM can take this from start to finish.
 - Departments are responsible for tracking and using the property once transferred to them.
 - Departments need to ensure they understand and abide by the terms and any restrictions of the acquisition or easement they have requested.
- Leases/Rentals (County leasing/renting to or from another entity) – PM has standard templates and understands County's insurance needs; and PM can provide input on standard rates for similar type of facilities.
 - PM manages tower leases including renewals and annual adjustments; has practical experience and knowledge of legal requirements regarding various regulated activities such as those concerning utilities and towers.
 - Some towers are owned by the County and other utilities lease space on the towers. It is unclear who is tracking routine payments.
 - PSC leases space on some towers and PSC is responsible for providing timely payment and notice to PM when lease needs to be adjusted.
 - PM uses a private property management company to manage various rentals associated with OCE's right-of-way acquisitions. This contract is managed by PM.

- Departments (primarily Administration and Parks and Recreation) are responsible for the direct oversight of their leases/rentals, ensuring that the parties are abiding by the conditions and collecting payment. Other departments must let PM know when lease needs to be adjusted.
- Surplus property – PM understands multiple statutory processes associated with surplus property; how surplus property is transferred to the County; and seeks input from other departments on any interest in keeping such property for their use, including first coordinating with Community Services for affordable housing projects.
 - PM manages the process of selling/transferring the property to re-establish it on the tax rolls.
 - Community Services is responsible for tracking and distributing surplus property once deemed appropriate for affordable housing.
 - The BCC is responsible for oversight of properties acquired within the CRA.
 - Departments are responsible for tracking and using the surplus property once transferred to them.

Confusion exists regarding what roll PM plays and when to engage them (timing). Further, since Facilities Management oversees County buildings and associated property, there is confusion regarding their roll and when to involve them. When another department acquires property for building expansion, Facilities Management becomes responsible for that property and is concerned they were not brought into conversation early enough to discuss the project needs and expectations (is the land suitable, who provides maintenance of the property before building construction, etc.).

Recommendations:

PM should remain within OCE and continue providing their current services. As PM is not responsible for County property, it is also recommended that the team be renamed to *Real Estate/Property Services*.

Standard Operating Procedures (SOPs) need to be revised and updated. For example:

- An SOP for land acquisition can provide an estimated workflow and timeline, including when another department needs to bring Facilities Management into the conversation.
- An SOP for leasing county-owned property can clarify PM's role versus the other departments' role.

In some cases, for departments like Parks and Recreation that have numerous leases, a specific Memorandum of Understanding (MOU) can be signed between departments, and their Assistant County Administrators, to ensure everyone's understanding of the roles and responsibilities. MOUs for airport leases and for caretaker leases are appropriate as well.

The name change can occur with adoption of next fiscal year's budget. The SOPs can be drafted within the next 120 days, as well as specific MOUs with Parks and Recreation.

Lastly, given the continued challenges with staff vacancies, turnover, and recruitment, the HR department should be asked to provide an updated analysis of the position descriptions and salaries. As this team has specialized skill sets, it makes sense to keep the budget alignment as is but allow internal billing when more resources are used to support other General Fund departments than what the one Property Agent provides, or when assisting departments funded by other sources than the General Fund.