

Chapter 3.36

SALE OF CITY-OWNED REAL PROPERTY

Sections:

- 3.36.010 General Applicability.**
- 3.36.020 Declaration of Intent to Sell Real Property.**
- 3.36.030 Notice of Public Sale.**
- 3.36.040 Requirements for Sale by Competitive Proposals and Negotiation.**
- 3.36.050 Requirements for Competitive Sale by a Real Estate Broker.**
- 3.36.060 Sale Without Publication.**
- 3.36.070 Conveyance of Land for Public Purposes.**
- 3.36.080 Approval of Final Sale.**

3.36.010 General Applicability.

The City may sell any real property owned by it in a manner set forth in this Chapter and in accordance with Government Code Sections 37350, et seq., as amended. The City Council shall determine which method described in this Chapter shall be used to sell each parcel of City- owned real property. (Ord. 808 §1, 2013)

3.36.020 Declaration of Intent to Sell Real Property.

The City Council may declare, by resolution, its intention to dispose of City-owned real property pursuant to the procedures set forth in Section 3.36.040, 3.36.050, 3.36.060 or 3.36.070 if it finds that the property is no longer needed for the purpose acquired and that said property or title thereto is not needed for any other public purpose of the City. If Council determines that the property may be sold, it shall authorize the City Administrator to sell the property for a price equal to or greater than the minimum price established by a current appraisal made by a qualified real estate appraiser. However, notwithstanding the foregoing, no appraisal shall be

required when the City Administrator reasonably determines that a property's estimated value is less than \$5,000. The resolution of intent to authorize sale shall contain the following:

- A. The reason for the sale of the property;
- B. A description of the property to be sold;
- C. A finding that the property is no longer needed for the purpose acquired or for any other public purpose;
- D. A statement of the value of such property established by an appraisal made by a qualified real estate appraiser or a statement that the estimated value is less than \$5,000; and
- E. Designation of the competitive sales process to be used for sale of the property. (Ord. 808 §1, 2013)

3.36.030 Notice of Public Sale.

Sale shall only be made after publication in the official newspaper on two (2) or more occasions, the first of which shall be at least ten (10) days before the time at which bids or proposals are due. (Ord. 808 §1, 2013)

3.36.040 Requirements for Sale by Competitive Proposals and Negotiation.

The following procedure shall be used when the City Council authorizes sale of City- owned real property by bids or auction. Such sales shall be awarded to the highest and best bidder. Bids shall be accepted until the time specified in the notice of public sale. The City Administrator, or his or her designee, shall tabulate all bids received pursuant to this Section and shall present them to the City Council and the Council shall make the award. The City Council, in its discretion, may reject any and all bids presented and may re-advertise the property for sale. (Ord. 808 §1, 2013)

3.36.050 Requirements for Competitive Sale by a Real Estate Broker.

The following procedure shall be used when City Council authorizes sale of City-owned real property through the use of a duly licensed real estate broker. The broker must be selected in accordance with the

City's policies for hiring of consultants and applicable state and local laws pertaining to conflicts of interest, and the broker must comply with notice of public sale requirements. The broker shall work with the City Administrator to advertise the property for sale, accept offers for the property, and negotiate with potential buyers in order to increase the final sales price, to reduce proposal contingencies, and to ensure sufficient financial resources to complete the sale. The City Council may, in its discretion, reject any and all offers and may re- advertise the property for sale. (Ord. 808 §1, 2013)

3.36.060 Sale Without Publication.

Sales of real property may be made without advertising if the City Council, by a resolution adopted by at least three (3) affirmative votes, determines by such vote that to advertise the property for sale would be to no avail and would cause unnecessary expense and delay or would not be in the best interest of the City. If Council so

determines, it may authorize the property to be sold by direct negotiation, exchange, sale, conveyance to government bodies, public utilities or nonprofit organizations, or by other appropriate method, as authorized in the resolution of intent to sell City-owned real property. (Ord. 808 §1, 2013)

3.36.070 Conveyance of Land for Public Purposes.

The City Council may, by resolution, convey real property owned by the City to any public body or agency without cost to such body or agency when it finds that the land will be used for a valid public purpose and that such conveyance is in the best interest of the City. (Ord. 808 §1, 2013)

3.36.080 City Council Approval of Final Sale.

Any offer for the purchase of City-owned real property shall be accepted or declined by resolution of the City Council by an affirmative vote of three. (Ord. 808 §1, 2013)