

Sale of Town Land – Relevant Charter/Ordinance Language

Charter

204.12 Sell, exchange or donate, surplus property of the Town, both real and personal. Except as provided by ordinance, any sale shall be preceded by a competitive bidding process with publication and invitations to bid at least 30 days prior to the opening of the bids. The Council may, at its discretion, accept or reject any such bid or bids.

Ordinance

Sec. 16-43. Disposal of surplus property.

(a) *Real property.* Upon order of the town council, town owned real property which is unfit or unnecessary for town use shall be sold, exchanged or donated by the town manager on such conditions as the council may prescribe. If such properties are offered for sale, it shall be by a competitive bidding process with publication and invitations to bid at least thirty (30) days prior to the opening of the bids unless the council, by order:

- (1) Waives competitive bidding and sets forth unusual circumstances justifying such waiver;
- (2) Authorizes sale by public auctions;
- (3) Authorizes sale by a competitive negotiation process identifying the criteria, in addition to price, which may be considered in selecting a proposal; or
- (4) Authorizes sale or transfer of interests in real property, acquired by the town by virtue of nonpayment of taxes, to the tax payer or the taxpayer's successor in interest.

Nothing herein shall limit or modify the discretion of the council, acting in the best interests of the town, to reject any sale or offer to purchase.

(b) *Personal property.* The town manager or the manager's designee shall oversee the disposal of personal property which the manager determines to be surplus and which has a value of ten thousand dollars (\$10,000.00) or less. The manager shall determine the appropriate means of disposal, including:

- (1) Competitive bid;
- (2) Public auction;
- (3) Negotiated sale or trade;
- (4) For items valued at less than one hundred dollars (\$100.00), sale at the town's transfer station resale facility; and
- (5) By discarding the personal property if the town manager determines that it is in the best interests of the town or that the property is valued at less than five dollars (\$5.00).

Personal property with a value in excess of ten thousand dollars (\$10,000.00) shall be disposed of in accordance with the direction of the town council.

(Ord. of 10-26-98)