

Ordinance No. 32-07

An ordinance amending Mason County Code Chapter 3.40, Article V, Ordinance No. 84-04,
Mason County Property Management and Property Disposal

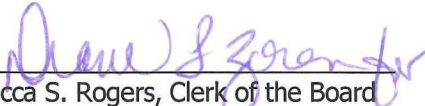
Whereas, RCW 36.34.005 allows Counties to adopt alternative procedures for the
comprehensive management of County property, and

Whereas, staff has recommended the existing procedures be amended to expand the
methods used to sell surplus property and revise the process so it is easier to follow,

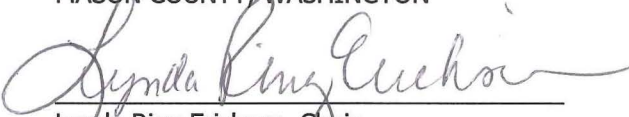
Therefore be it resolved by the Mason County Board of Commissioners to adopt the
amendments to Chapter 3.40, Article V of the Mason County Code as depicted in Exhibit A
to this ordinance.

Adopted and dated this 20th day of March, 2007.

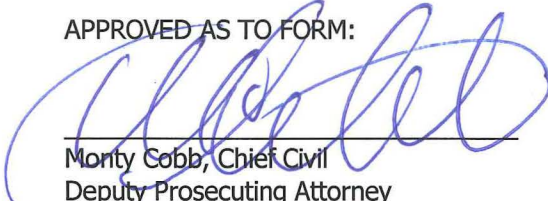
ATTEST:


Rebecca S. Rogers, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:


Monty Cobb, Chief Civil
Deputy Prosecuting Attorney


Tim Sheldon, Commissioner


Ross Gallagher, Commissioner

Title 3 REVENUE AND FINANCE

Chapter 3.40 MANAGEMENT AND DISPOSITION OF PROPERTY

Article V Real Property

3.40.260 Real property management.

(a) Property Manager. There is hereby established the position of property manager, who shall be appointed by and serve at the pleasure of the board. The property manager shall perform those duties delegated to such position under this chapter. The duties and functions of the property manager may be assigned and/or delegated to an existing employee of the county and such duties and functions may be jointly held by more than one employee. A full description of the duties and responsibilities of the property manager shall be prepared by the director of human resources and approved by the board. Such duties and responsibilities shall include, but not be limited to:

(1) Custodianship of all records relating to real property owned by the county and related to real property transactions.

(2) Maintenance, with the assistance of the controlling departments, of a perpetual inventory of all property, including tax title property, owned or leased by the county, except for road rights-of-way, showing at a minimum the method of acquisition, departmental custodianship, acquisition cost, current assessed value, special characteristics, improvements, and present and potential uses.

(3) Real property asset management including negotiation and processing of real property transactions; timely disposition of surplus real property; negotiation, issuance and oversight of leases, licenses and permits; overview of the real property inventory to insure, in coordination with department directors and managers, that county-owned property is properly used, managed, maintained and protected for maximum utility, useful life, enhancement of value and safety of employees and the public.

(b) Property Management Committee. There is hereby established a property management committee, to be composed of the property manager, one representative of the planning department, one representative of the public works department and one representative of the health department. The offices of the treasurer and assessor may be represented on the committee at the option of the assessor and treasurer. The property manager shall serve as the chair of the committee, unless he or she delegates. The committee may adopt rules for the conduct of its business, shall establish meeting times, shall record minutes of its meetings and shall provide advice and recommendations to the county board of commissioners. (Ord. 84-04 Exh. A (part), 2004)

3.40.270 Real property--acquisition and authority.

(a) The director of community development, the county engineer, if county road funds are to be used, and the director of parks & trails are authorized to accept on behalf of Mason County the following conveyances of interests in real property to Mason County:

(1) Conveyance not involving the direct expenditure of county funds made to satisfy conditions of short plat, conditional use permit, site plan or other county land use approval; provided, that acceptance of plat dedications shall be processed in accordance with RCW 58.17.165 through 58.17.170;

(2) Conveyances of real property for county road projects, road improvement districts, stormwater control, sanitary sewer rights-of-way, park projects, critical/sensitive lands and planned acquisitions/incentive programs approved by the board.

(4) Vacations of roads pursuant to Chapter 36.87 RCW. (Ord. 84-04 Exh. A (part), 2004)

3.40.350 Title transfer.

In no case shall title be transferred until the purchase price has been paid. (Ord. 84-04 Exh. A (part), 2004)

3.40.360 Disposition of proceeds of sale.

The Mason County treasurer is authorized to establish such funds and accounts as may be necessary to deposit sales proceeds until final disposition. After reimbursement of appropriate funds, excess funds from the sale of real property shall be deposited into the appropriate fund by the Mason County Treasurer. (Ord. 84-04 Exh. A (part), 2004)

(b) The, director of community development, the county engineer and the director of parks & trails shall report, in writing, to the property manager conveyances accepted pursuant to this section as they occur. Such report shall include a general description of each parcel acquired, the land use approval or project with which such acquisition is associated, and the purchase price, if any. (Ord. 84-04 Exh. A (part), 2004)

3.40.280 Real property disposition--When authorized.

(a) Whenever it is for the best interests of the county and the people thereof that any part or parcel of real property, belonging to the county, including tax title land, should be sold or leased, the county shall sell or lease such property under the limitations and restrictions and in the manner provided in the chapter.

(b) In making such sales, the county may sell any timber, mineral or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this chapter for the sale of real property. However, any such timber, mineral or other resources may be sold as personal property, in the manner provided by this chapter. (Ord. 84-04 Exh. A (part), 2004)

3.40.290 Surplus property disposition--Board approval considerations.

(a) Whenever, in the opinion of the property manager, any county real property is surplus to the needs of the county, the property manager shall so advise the board, making appropriate recommendation for the possible use, sale, lease or other disposition of such property including recommended price, lease rate and other terms.

(b) The property manager shall consult the department last using such property, other departments with potential need and the property management committee before so advising the board. Consideration shall be given to retention by the county if a parcel is within an environmentally sensitive area, a floodplain, a slide hazard property or another area whose public ownership is in the public interest.

(c) Methods of disposition to be considered by the property manager shall include those specified in section 3.34.320 of this chapter.

(d) If the board concludes that any real property is surplus to the needs of the county, the board may, at a public hearing, authorize by resolution the sale or other disposition of such property as provided for in this chapter and shall authorize the sale price, lease rate and any other terms of the disposition. No further action by the board shall be required if, as determined by the property management committee by majority vote, the final disposition is substantially on the terms authorized and the price or lease rate are within ten percent of that authorized by the board. (Ord. 84-04 Exh. A (part), 2004)

3.40.300 Appraisal required.

(a) For sale of property currently assessed at more than One Hundred Thousand Dollars, the property manager shall have the property appraised by a state-licensed appraiser who is listed on the Public Works Consultant Roster or a competitively selected appraiser listed on the Washington State Department of Transportation Approved Appraiser List. For sale of property currently assessed at less than \$100,000, an appraisal may be provided by the county assessor.

(b) For lease of property currently assessed at more than One Hundred Thousand Dollars, the property manager shall have the property appraised and an opinion of lease rate provided by a state-licensed appraiser who is listed on the Public Works Consultant Roster or a competitively selected appraiser listed on the Washington State Department of Transportation Approved Appraiser List. For lease of property currently assessed at less than One Hundred Thousand Dollars, an opinion of lease rate may be provided

by the county assessor or a state-licensed real estate broker in the business of managing and leasing similar property.

3.40.310 Notice of real property sale.

(a) Notice of the sale of surplus county real property, which describes the property, its legal description, assessor's parcel number, street address if any, the terms of sale, and the time, place and manner of sale, shall be published once each week for four successive weeks in a newspaper of the county, the last date of publication being at least five days before the date of sale. (Ord. 84-04 Exh. A (part), 2004)

(b) The property manager may elect to provide notice, in addition to that required by 3.40.310(a), by any other means available, such as listing on the county's web site and posting signage on the property.

3.40.320 Sale--Methods authorized

(a) Sale of surplus real property may be by any of the methods described in this section. The property manager and the property management committee shall select the method or combination of methods that, in their judgement, will be most effective and achieve the price and terms authorized. Preference shall be given to a method or combination of methods that first offers the property to the general public.

(b) The following methods of disposition are authorized:

(1) Sale to the public by sealed bid following notice of the sale as prescribed in section 3.40.300 of this article.

(2) Listing with a licensed real estate broker. A contract for such services may be negotiated and concluded; provided that a minimum sales price for such property shall be set by an appraisal in the manner described in section 3.40.300 of this article.

(3) Public outcry auction conducted by the treasure's office or the property manager. A real estate auction company may be hired to conduct such auction.

(4) Sale or lease to, or exchange with, another governmental agency by negotiation and upon such terms as may be agreed to and for such consideration as may be deemed adequate by the board.

(5) Exchange for privately owned property; provided, that the exchange of tax title lands shall be governed by RCW 36.35 et. seq. The value of the real property to be exchanged by the county and the value of the real property to be received by the county shall be determined by appraisal in the manner described in section 3.40.300 of this article. Unless the value of the real property to be exchanged is more than five times the value of the real property to be received, the board may approve the exchange and specify whether the difference in value, if any, shall be paid in cash at closing or be paid pursuant to an appropriate real estate contract or deed of trust. Any exchange for privately owned property must be made in accordance with RCW 36.34.330.

(6) Lease to non-governmental agencies or entities, non-profit organizations or private individuals in accordance with Article VI of this Chapter.

(7) Sale or lease to any entity by direct negotiation and without a public offering, when the board determines it is in the best interest of the county.

(8) Unmarketable Parcels. A parcel of surplus real property having little utilitarian value because of its size or shape may be offered and sold to owners of adjoining properties by direct negotiation.

(9) Limited-Use Parcels--Covenant Restrictions. Where restrictive covenants, dedication limitations, grant conditions or other legally enforceable restraints, including such restraints placed upon property by the county, limit use of surplus property to a specific public purpose, such property may be conveyed by negotiation upon such terms and conditions as are consistent with such restraint and based upon an appraisal in the manner described in section 3.40.300 of this article.

(10) Limited-Use Parcels--Restrictive Characteristics. Where surplus property, because of its location, configuration or other characteristic, is especially and uniquely suitable for a particular quasi-public use requiring special legal, financial or technical qualifications, all as determined by the board, it may be sold or leased through a public request for proposal process.

(11) Public Purpose Leases. The board may enter into lease agreements for the use of county property with bona fide nonprofit organizations wherein the organization is to make improvements or provide services to further a recognized county purpose. The agreement may be for less than fair market rental so long as the general public is not unreasonably restricted from access to the improvements or services so provided.

(12) Short-Term Rentals. The property manager or the custodial officer or department may permit use of county facilities by a third party for up to seventy-two hours upon such terms as may be mutually agreed upon; provided, that such use furthers a county purpose.

(13) Public Purpose Sales. The board may convey title to county real property to a bona fide nonprofit corporation to be improved and utilized in perpetuity to further a recognized county purpose; provided, the conveyance document(s) shall contain appropriate contract provisions and/or deed or deed of trust restrictions and covenants relating to timing of improvements, disposition of revenue, accessibility by the general public, nondiscrimination, compliance with laws, removal of liens, and reversion of title.

(14) Emergency. In the event of an emergency, when the interest or property of the county would suffer material injury or damage by disposition in accordance with the foregoing provisions, the board, upon declaring the existence of such an emergency, may authorize the property manager to sell or lease such property upon such terms and procedures as to the board may appear to be in the public interest.

3.40.330 Sale--Best terms, highest responsible bidder.

(a) All sales of county property shall be made to the highest responsible bidder at public sale, except where different provisions are made in this chapter.

(b) On sales for cash, the highest bidder shall be deemed responsible. In determining the highest responsible bidder for other sales and for leases, the property manager may consider the price and terms bid, the financial responsibility of the bidder, and previous experience, if any, of the county with the bidder. (Ord. 84-04 Exh. A (part), 2004)

3.40.340 Exempted transactions designated.

The following transactions are exempted from the provisions of Sections MCC 3.40.150, MCC 3.40.270 through 3.40.310, and MCC 3.40.360 through 3.40.380:

(1) Mineral Rights. The sale or lease of mineral rights for extraction of aggregate on county property as a portion of a larger project to prepare such property for future public use may be by request for proposals.

(2) Acquisition, disposition and exchanges associated county road projects which were previously authorized by the board.

(3) The disposal of easements.