

COUNCIL POLICY

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BACKGROUND

From time to time, public interest, convenience, and necessity require the City to sell parcels of land which have become surplus to the City's needs. The City Charter does not limit or provide for the disposition of City property in any special manner.

PURPOSE

It is desirable that the City have a standard policy for the orderly disposal of surplus land in accordance with the goals and policies of the General Plan, Housing Element, State and Local laws. Therefore, the City of Santa Rosa adopts the following policy for sale of surplus land.

PROCEDURE

- A. All proposals for sale of surplus property shall be approved by the City Manager and submitted to staff of the Department of Community Development to determine whether or not the property is capable of independent development in concert with standards of the General Plan and Zoning Ordinance.
- B. If the property is determined to be incapable of independent development, the proposal will be reviewed by the City Council, who will make necessary findings and authorize staff to dispose of the property as specified in Section 8 below.
- C. If the property is determined to be capable of independent development, it will be referred to the Housing Authority pursuant to Government Code 54222 and the Planning Commission for its review and recommendation.
- D. The reports and recommendation of the Housing Authority and Planning Commission will be forwarded to the Council for a determination regarding the property's status as surplus, consistency with the General Plan and authorization to staff to offer the property for sale. The City Council may hold a public hearing regarding the property's disposition.
- E. All surplus property shall be appraised before it is offered for sale. Property offered for sale by means of an auction or sealed bid shall be offered at a minimum acceptable bid, as established by the Right of Way Agent. The minimum acceptable bid shall be at least 75% of the appraised value. An independent appraisal shall be obtained for properties estimated to have a market value greater than \$100,000.
- F. Property which is readily marketable and unrestricted in its sale potential may be sold to the highest bidder at public auction either by oral or sealed bid, provided that the highest bid equals or exceeds the minimum published price. The terms and conditions of sale shall be determined by the Right of Way Agent and shall be stated in the Notice of Sale. The property may be sold for cash within

Adopted by Resolution No. 12605
Modified by Resolution No. 16990
Modified by Resolution No. 15917
Modified by Resolution No. 14098
Adopted by Resolution No. 11242

Dated: July 12, 1977
Dated: October 9, 1984
Dated: November 23, 1982
Dated: October 2, 1979
Dated: January 14, 1975

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60 days from the date of acceptance of the bid or financed by the City for a term not exceeding 10 years with a cash deposit of at least 30% of the sales price within 60 days from the date of acceptance of the bid. Notice of the sale by bid shall be published in a newspaper of general circulation at least ten days prior to the opening of bids. If sealed bids are requested, each bid shall be accompanied with a deposit in the form of a certified or cashier's check made payable to the City in an amount equal to at least ten percent of the bid amount. After sealed bids are opened, oral bids will be permitted from those persons who can meet the ten percent deposit requirement that applies to sealed bids. Any oral bid must be at least ten percent higher than the highest sealed bid.

In the event the bidder whose bid is accepted fails to pay the additional money due to abide by other terms and conditions in the Notice of Sale, the bidder's deposit shall be forfeited to the City and the property may be offered for sale to the next highest bidder.

- G. If no bids are received or no bids are deemed acceptable (the City reserving the right to reject any and all bids), then the Right of Way Agent shall reanalyze the appraisal and minimum bid before the property is again offered for sale.
- H. Land declared to be surplus which is not readily marketable because its odd shape makes it unsuitable for development by itself or which lacks area to meet the minimum space requirements for building in the particular zone in which it is located, or which is landlocked, or which is otherwise substantially lacking in sales potential, may be offered for sale to adjoining landowners. If only one landowner adjoins the surplus land, the property may be sold by negotiation with that landowner provided the purchase price agreed upon is reasonable in relation to the appraised value. If more than one landowner adjoins the surplus land, the property may be sold by a private auction either by oral or sealed bid to the adjoining landowner who submitted the highest bid. Sales of this type of property shall be for cash within 60 days from the date of acceptance of the offer or bid. Notice of sale shall be sent by first-class mail to the adjoining landowners whose name and address appears on the last County assessment roll notice.

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