

conducted by the city upon the request of a private individual, title company or other source, and said fee shall be paid in advance.

[Section 2.850 amended by Ord. 1488 adopted August 8, 2002.]

SURPLUS REAL PROPERTY SALES

2.875 Qualification--Classification.

Real property qualifying for the procedure established by sections 2.875 to 2.900 is classified as follows:

(1) Substandard Undeveloped Property. Parcels with no structures thereon which are not of minimum buildable size for the zone in which located;

(2) Standard Undeveloped Property. Parcels with no structures thereon which are of minimum or greater buildable size for the zone in which located;

(3) Developed Property. Parcels of any size with structures thereon.

(4) Special-case Property. Parcels that, notwithstanding subsections (1), (2) and (3) of this section, were acquired by the city for capital improvement as defined by this code and were purchased subject to an agreement for the manner in which any surplus would be disposed.

2.880 Disposal of Substandard Undeveloped Property.

(1) Whenever a particular parcel or parcels is proposed for sale by the city, or a purchase inquiry is made, and the property is classified as substandard undeveloped property, the matter shall be set on the regular council agenda, but no public hearing is required. Notice shall be given, however, of the agenda item to all property owners within two hundred fifty feet of the parcel and to any parties who have inquired about purchase. The council shall determine whether it will offer the property for sale and what the minimum acceptable terms of the sale shall be.

(2) If the council directs that a property is to be offered for sale, the city manager shall request bids on the property following

prescribed procedures. The minimum acceptable terms of sale shall specify that all bids are to be accompanied by a deposit in the amount of \$500 or five percent of the bid amount, whichever is larger. If the city does not accept the bid, the deposit shall be refunded. If the city accepts the bid and the purchaser neglects or refuses to comply with any terms of the sale or to make all required payments promptly, the deposit shall be forfeited by the purchaser as liquidated damages, not excluding other remedies, and disposed of in accordance with the manner approved by the city council. If no acceptable bids are received on a particular parcel and it is classified as substandard undeveloped property, the parcel will not be listed but shall remain available for sale through the city for a period of one year on the same minimum terms as established under subsection (1) of this section.

(3) After expiration of the period set out in subsection (2) of this section, the property shall be removed from the market. Any decision to sell a piece of property once it has been removed from the market shall require that the entire procedure set forth in sections 2.875 to 2.900 be repeated.

2.885 Disposal of Standard Undeveloped Property and Developed Property.

(1) Whenever a particular parcel or parcels is proposed for sale by the city or a purchase inquiry is made and the property is classified as standard undeveloped property or developed property, the matter shall be set for a hearing before the council.

(2) Notice of said hearing shall be published in a newspaper of general circulation in the city at least once and not later than one week prior to the hearing and shall describe the property proposed for sale.

(3) An appraisal may be made prior to sale for any parcel classified as standard undeveloped property or developed property, including any structure thereon. In the discretion of the council, such appraisal shall be available at or prior to the hearing or shall

be ordered after the hearing is concluded, if the council determines a sale is appropriate.

(4) Public testimony shall be solicited at the hearing to determine if a sale of any parcel is in the public interest.

(5) After the hearing, the council shall determine whether it will offer the property for sale and what the minimum acceptable price shall be.

(6) If an offer to sell is authorized by the council, a notice soliciting sealed bids shall be published at least once in a newspaper of general circulation in the city. One publication shall be made at least two weeks prior to the bid deadline date. The notice shall describe the property to be sold, the minimum acceptable terms of sale, the person designated to receive bids, the last date and time that bids will be received, and the date, time and place the bids will be opened. The minimum acceptable terms of sale shall specify that all bids are to be accompanied by a deposit in the amount of \$500 or five percent of the bid amount, whichever is larger. If the city does not accept the bid, the deposit shall be refunded. If the city accepts the bid and the purchaser neglects or refuses to comply with any terms of the sale or to make all required payments promptly, the deposit shall be forfeited by the purchaser as liquidated damages, not excluding other remedies, and disposed of in accordance with the manner approved by the city council.

(7) If one or more bids are received at or above the minimum acceptable terms, the council shall accept the highest qualified bid and direct the city manager to complete the sale.

(8) If no acceptable bids are received on a particular parcel, the parcel may be listed for six months with a local real estate broker on a multiple listing basis. A price will be set which is the total of the broker's fee and the minimum price as established under subsection (6) of this section. Brokers shall be selected in accordance with the criteria found at section 2.900. A listing may be renewed for an

additional six-month period.

(9) After expiration of the period set out in subsection (8) of this section, the property shall be removed from the market. Any decision to sell a piece of property once it has been removed from the market shall require that the entire procedure set forth in sections 2.875 to 2.900 be repeated.

2.890 Initial Offering by Sealed Bids.

All properties classified as substandard undeveloped property, standard undeveloped property and developed property authorized for sale shall be initially offered on the basis of sealed bids only.

2.895 Disposal of Special Case Property.

(1) Whenever a particular parcel or parcels is proposed for sale by the city, or a purchase inquiry is made, and the property is classified as special-case property, the matter shall be set on the regular council agenda, but no public hearing is required.

(2) The council shall determine the validity of the agreement for the manner in which the surplus property would be disposed of and whether all preconditions have been satisfied. If the agreement is deemed valid, the property shall be disposed of pursuant to the agreement's terms. If the council concludes that the agreement is not valid, the property shall be disposed of in the manner described under the appropriate alternate class: substandard undeveloped property, standard undeveloped property or developed property.

2.900 Broker Selection. The selection of a real estate broker shall be in accordance with the following procedures:

(1) The city shall publish notice in a newspaper of general circulation in the city inviting proposals for the sale of the real property. The notice shall be published at least one week prior to the meeting at which the council intends to select a broker.

(2) The broker's proposal shall be in writing and it shall address the selection

criteria set forth in subsection (3) of this section.

(3) The council shall consider the following factors in the selection of a broker:

(a) The broker's record in selling the type of real property being offered by the city for sale and the broker's familiarity with West Linn area market values;

(b) The broker's proposed marketing plan and time lines, signs, advertising, direct mail and/or other methods;

(c) Other factors which the council has stated in the notice of the invitation to submit a proposal.

REAL PROPERTY ACQUISITION AND TRANSFER OF INTEREST

2.901 Acquisition of Real Property.

Dedications of property resulting from development applications and development conditions of approval for rights-of-way and public tracts shall not be considered acquisitions of property by the City for purposes of this section and may be approved by the City Manager or designee. Other land donations and other acquisitions of an interest in real property not delegated above shall be approved by the City Council.

[Added by Ordinance No. 1475 adopted August 22, 2001; amended by Ordinance No. 1546 adopted February 12, 2007.]

2.902 Transfer of an Interest Other Than Fee Title.

The transfer of an interest in real property by the City is not a sale of surplus real property if the City retains title to the property. The City Manager may transfer a temporary easement or other temporary interest in real property less than fee title if the City Manager determines that the transfer is in the public interest and the temporary easement will not extend beyond thirty (30) days. Any temporary easement in excess of thirty (30) days or permanent transfer of an interest other than fee title of City real property requires City Council approval.

[Added by Ordinance No. 1475 adopted August 22, 2001.]

2.903 Procedure for Acquisition and Transfers of Interests in Real Property.

The City Council may approve the acquisition or transfer of real property under Sections 2.901 and 2.902 by motion or resolution.

[Added by Ordinance No. 1475 adopted August 22, 2001.]

2.904 Release of Property Rights on Private Property.

As properties are redeveloped, public utility easements must frequently be modified to facilitate new plats. For release or modification of public utility easements associated with development, the City Manager may, upon agreement by franchise utilities, release or modify property rights held by the City or by the public at large on private properties upon assurance that newly designated and granted easements as required are provided in the course of the development.

[Added by Ordinance No. 1546 adopted February 12, 2007.]

ANNEXATIONS

[Section 2.910 added by Ordinance No. 1419 enacted September 9, 1998; repealed by Ordinance No. 1508 enacted October 6, 2004.]

2.915 Annexation Purpose Statement

(1) The purpose of West Linn Code Sections 2.915 to 2.960 is to establish a two-step process for consideration of annexation requests. The first step involves consideration of the land use aspects of the annexation request. The second step involves consideration of other policy issues and referral to the voters. An annexation to the City shall not be effective unless it is approved by a majority vote among the City's electorate, and is also approved by Metro pursuant to its authority regarding annexations within its boundaries.