

**CITY OF NEGAUNEE, MICHIGAN
CITY COUNCIL
POLICY**

Policy Number: 2011-06	Revision Date:
Date Adopted: September 8, 2011	
Department: City Wide	

SUBJECT:

Disposal of Assets (Real Property)

PURPOSE:

The intent of this policy is to create a uniform written process that when any real property shall be disposed of in accordance with the following procedure and to assist the City of Negaunee in receiving the best possible price when disposing of surplus / real property.

DEFINITION:

For purposes of this Policy, the term, “real property” shall mean land and all buildings and appurtenant improvements erected upon such land. The term, “surplus property” shall mean any real property that has been determined to no longer serve a current nor will it serve any foreseeable future use to the city.

POLICY:

The City Manager or his/her designee shall oversee the sale of City real property. Any sale of real property shall be negotiated by the City Manager with the assistance of the City Attorney in receiving the best possible price when disposing of surplus / real property while being vigilant in protecting the city’s interest.

When the question for the possibility for City owned property to be sold:

- 1) Staff will consider the request in that; should the real property of interest be determined surplus property and if so, should there be any special considerations?
- 2) If staff feels that the real property in question is to be considered surplus property, it is recommended to the Planning Commission for consideration.

- 3) **If the Planning Commission concurs with staff's recommendation, it is passed to the City Council.**
- 4) **City Council will review staff and planning commission's recommendations for concurrence.**
- 5) **Upon Council's concurrence and with the *vacation of the land, staff will continue with the disposal of the real / surplus property.**
- 6) **A fair market value will be determined. This can be performed by various methods including but not limited to assessment records, market analysis, appraisal or an offer.**
- 7) **Once a fair market price is set, first refusal shall be offered to contiguous land owners.**
- 8) **After contiguous land owners have either refused or accepted in writing.**
 - a) **If a written offer has been received, the City Manager with the assistance of the City Attorney will negotiate in receiving the best possible price when disposing of surplus / real property and by being vigilant in protecting the city's interest.**
 - b) **If there is no pending written offer, the surplus / real property can be marketed by best practical means in receiving the best possible price when disposing of surplus / real property and by being vigilant in protecting the city's interest.**
- 9) **It is understood that there may be associated cost with the sale of property including but not limited to closing cost, commissions, title insurance, surveys, etc. and shall be negotiated by the City Manager with the assistance of the City Attorney in receiving the best possible price when disposing of surplus / real property and by being vigilant in protecting the city's interest.**
- 10) **The City of Negaunee shall retain all utility easements. All sales will be contingent on the *vacation of the real / surplus property.**
- 11) **A copy of this policy will be provided to the "buyer" and may be considered as an attachment to an offer, counter offer or purchase agreements.**
- 12) **The City Attorney shall review all legal documentation, and/or oversee closing of sale and shall transmit the sale proceeds to the City Treasurer to be placed in the Building Fund Account or as specifically directed by the City Council.**

***Negaunee City Charter.** Section 14.4 Vacations.

When the Council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, it shall by resolution so declare, and in the same resolution appoint a time, not less than four weeks thereafter, when it shall meet and hear objections thereto. Notice of such meeting, with a copy of such resolution, shall be published not less than once a week for four

weeks prior to the time appointed for such meeting in one of the newspapers published or having general circulation in the City of Negaunee. Objections to such proposed action of the Council may be filed with the City Clerk in writing, and if any such objections shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued except by a concurring affirmative vote of five members of the Council.

City Manager

Date Adopted

**Employee Receipt of
Acknowledgment**

Print Name

Date