

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1996 - 302

| CLEARANCES | Date | Date Received in Council Office | Agenda Date | Assigned To |
|------------------------------------|-----------|--|-------------|--------------|
| Orig. Dept.: <i>County Council</i> | 8/21/1996 | RECEIVED AUG 21 1996 WHATCOM COUNTY COUNCIL | 9/3/1996 | Introduction |
| Division Head: | | | | |
| Dept. Head: | | | | |
| Prosecutor: | | | | |
| /Budget: | | | | |
| Executive: | | | | |

SUBJECT:

Amending Chapter 1.10 and repealing Chapter 2.72 re: surplus property

ATTACHMENTS

Proposed ordinance.

SUMMARY STATEMENT:

| | | |
|----------------------------|--|-----------------|
| Related County Contract #: | Should the Clerk schedule a hearing? (Y/N) | Requested Date: |
|----------------------------|--|-----------------|

The proposed ordinance would clarify processes regarding the disposition of property. The current "automatic" reservation of mineral rights would be replaced and the decision would be on a case-by-case basis. A major review of county-owned properties would occur every five years in conjunction with comprehensive plan reviews. Independent appraisals would be performed on all properties whose value likely exceeds \$15,000. Procedures relating to brokers and recovery of costs are clarified.

RECOMMENDED MOTION (for final action):

I move to approve the ordinance.

COUNCIL ACTION TAKEN

1996 - 302 Introduction 9/3/96
 9/17/96: Amended and Adopted 7 - 0. Ord. #96-036

Related File Numbers:

Ordinance or Resolution Number (this item only):

Ord. # 96-036

SPONSORED BY: IMHOF

PROPOSED BY: STAFF

INTRODUCTION DATE: 9/3/96

ORDINANCE NO. 96-036

AMENDING WCC CHAPTER 1.10 ESTABLISHING PROCEDURES FOR THE SALE OR
CONVEYANCE OF COUNTY OWNED PROPERTY
AND REPEAL OF WCC CHAPTER 2.72

WHEREAS, guidance is needed to revise procedures regarding the sale or transfer of property owned by the County; and

WHEREAS, it is the desire of the County to insure that publicly-owned properties are maintained only to the extent necessary to service the immediate and foreseeable needs of the people of Whatcom County within the 20 year planning horizon required by the state; and

WHEREAS, **WCC 1.10.310 Authority to dispose of county real property** contains language allowing the County to reserve mineral and/or resource rights in the sale of property while, at the same time, **WCC 2.72 Reservation of mineral rights in sale or conveyance of property** requires the County to reserve mineral and/or resource rights, thereby creating a duplicative and pre-judgmental approach to the question of sale of mineral and/or resource rights that may inhibit the sales of surplus property; and

WHEREAS, the transfer of unneeded properties to other ownership will reduce County costs and add to the revenue base of the County;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Chapter 2.72 of the Whatcom County Code is repealed in its entirety as shown in attachment A, and Chapter 1.10 is amended as shown in attachment B.

ADOPTED this 17 day of September, 1996.

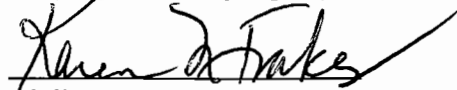
ATTEST:


Dana Brown-Davis, Council Clerk

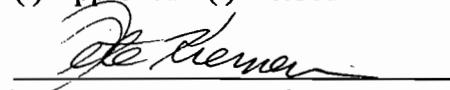
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


L. Ward Nelson, Chair

APPROVED as to form:


Civil Deputy Prosecutor

Approved Vetoed


Pete Kremen, Executive
Date: 9-18-96

ATTACHMENT A

Chapter 2.72

~~RESERVATION OF MINERAL RIGHTS IN SALE OR CONVEYANCE OF
PROPERTY~~

Sections:

~~2.72.010 — Limitations of state provisions.~~

~~2.72.020 — Sale of land with mineral rights subject to council approval.~~

~~2.72.030 — Conveyance of land with mineral rights subject to council approval.~~

~~2.72.010 — Limitations of state provisions:~~

~~The county shall sell such property under the limitations and restrictions provided for under the provisions of RCW 36.34.010, reserving the mineral rights including oil, gases, coals, ores, minerals, gravel, timber and fossils of every name and kind or description which may be in or upon said lands or any part thereof, and the right to explore or sell same for such oil, gases, coals, ores, minerals, gravel, timber and fossils as the council may determine would be the most beneficial to the county. (Ord. 81-77 (part)).~~

~~2.72.020 — Sale of land with mineral rights subject to council approval:~~

~~No county lands, including real, personal, mixed, or tax title lands, shall be sold with the mineral rights without express consent of the county council. (Ord. 81-77 (part)).~~

~~2.72.030 — Conveyance of land with mineral rights subject to council approval:~~

~~No conveyance of land to the United States, the state of Washington, or any municipality, as provided for in RCW Chapter 36.34, shall be made with mineral rights without the express consent of the county council. (Ord. 81-77 (part)).~~

ATTACHMENT B

1 **Chapter 1.10 (part) PROCEDURES FOR MANAGEMENT AND DISPOSITION OF**
2 **COUNTY-OWNED PERSONAL AND REAL PROPERTY**

3
4 **1.10.270 Duty to inventory and to declare real property surplus.**

5 Each county department having custodianship over county real property shall, in
6 conjunction with the five year comprehensive plan review process and no later than a date
7 established by the property management committee annually submit to the county
8 treasurer a current inventory of all its county-owned real property showing cost, if known,
9 method of acquisition, present estimated market value, special characteristics, and
10 improvements affecting its economic value, potential uses, and current use. New
11 acquisitions shall be reported to the Treasurer within 30 days of the acquisition date. The
12 county treasurer will keep a comprehensive list of the county's real property.

13
14 County departments having custodianship of real property shall state the present use of
15 each parcel on its inventory and whether all or part thereof is being used. For parcels or
16 portions of parcels not in use, said departments shall state the future probability of use and
17 estimated date of usage. These statements shall be in writing and forwarded to the county
18 treasurer no later than a date established by the property management committee each
19 calendar year. Upon receipt of the above information, the county treasurer shall present
20 same to the property management committee.

21
22 The property management committee, along with the appropriate departmental custodian,
23 shall review and make recommendations to the county executive regarding the status of
24 each lot, tract, parcel or other interest included in the real property inventory. The county
25 executive shall submit said recommendations, including a map showing the general location
26 of the property along with the determination of market value and the department shall
27 include a listing of all costs incurred in the property for all properties recommended to be
28 sold or exchanged, with or without comment, to the county council for final action.

29 Recommendations may be for any one of the following actions:

- 30
31 A. Retain the property for its present use;
32 B. Retain the property and change the manner of county use;
33 C. Declare the property surplus and sell it;
34 D. Transfer property to another county department;
35 E. Exchange property for privately or publicly owned lands that better meet county
36 land needs;
37 F. Sell or lease property to nongovernmental parties;
38 G. Sell or lease property to other governmental agencies.

39
40 **1.10.290 Property management committee - Duty to determine estimated market**
41 **value of all real property and tax title property recommended for sale.**

ATTACHMENT B

1 The property management committee shall obtain and provide to the county council an
2 estimated market value for all county real and tax title property recommended for sale to
3 the county council. ~~The county may contract with independent appraisers to obtain the~~
4 ~~estimated market values.~~ In determining the market value, the committee shall first
5 examine property tax records to determine if the property has been assessed by the County
6 within the last five years. If the property has not been assessed within the last five years, the
7 County Assessor shall prepare an assessment of the property within 30 days of a request by
8 the property management committee.

9
10 Once a property tax search or assessment by the County Assessor has been completed, the
11 property management committee shall follow these guidelines:

12 a) If the value is \$15,000 or less, the County Assessor's value shall be used as the
13 market value.

14 b) If the value is over \$15,000, an independent certified appraiser shall be hired to
15 establish the market value of the property.

16 17 **1.10.360 Bids from real estate brokers to negotiate sales or lease of county real and** 18 **tax title property.**

19 Where the county elects under Section 1.10.340E or F.1, to negotiate the sale of county real
20 property, or elects under Section 1.10.400 to negotiate the lease of county real or tax title
21 property, the county treasurer may select a real estate broker from the county's annual RFP
22 list to facilitate negotiated sales or leases of the property. ~~Such listing with a broker shall be~~
23 ~~for no more than six months from the date of the last attempted public auction. After the~~
24 ~~expiration of the listing, the county shall reschedule the property for public auction at such~~
25 ~~future time as deemed appropriate by the county treasurer or as specified by resolution of~~
26 ~~the county council.~~

27 28 **1.10.380 Disposition of proceeds of sales.**

29 The Whatcom County treasurer is authorized to establish such funds and accounts as may
30 be necessary to deposit sale or lease proceeds until final disposition. The proceeds derived
31 from the sale or lease or other use of tax title property shall be distributed in accordance
32 with state law, provided that the county ~~departments responsible for conducting sales or~~
33 ~~leases shall be reimbursed from the proceeds of the sale or lease for costs of title searches,~~
34 ~~advertising, postage, and fees and other expenses incurred in appraising, maintaining,~~
35 ~~repairing or selling the subject property, including a pro-rata share of indirect~~
36 ~~administrative costs as computed under normal County accounting procedures.~~