

RESOLUTION NO. 2016-18

A RESOLUTION amending Resolution No. 2009-02 establishing procedures for the surplus and sale process for real property owned by the City of Bainbridge Island.

WHEREAS, on March 11, 2009, the City Council passed Resolution No. 2009-02 establishing procedures for the surplus and sale process for real property owned by the City; and

WHEREAS, on August 11, 2015, the City Council passed Resolution No. 2015-15 amending Resolution No. 2009-02; and

WHEREAS, the City of Bainbridge Island desires to further revise these procedures;

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

1. Amendment

Resolution No. 2009-02 is revised to read as follows:

A. City Real Property Inventory. ~~The Director of Public Works~~ City manager or designee shall establish and maintain an inventory and map of City-owned property. References in this Resolution to “City-owned property” are meant to include any real property owned by the City or any of its utilities or other special-purpose funds. The inventory will include the following information:

1. Property name;
2. Street address (if available);
3. Kitsap Assessor’s Office Property Tax Parcel Number;
4. Use of property;

5. Listing of restrictions, covenants or other limiting attributes;
6. Status of property (active or inactive);
7. Any planned future use;
8. City fund that currently owns the property;
9. Estimated land and improvement value; and
10. Restrictions on property use or sale (if applicable).

~~B. — Establishment of Real Property Review Committee. A real property review committee (the “Committee”) is hereby established which shall advise the City Council with respect to the disposal of real property owned by the City. The Committee shall be composed of the City Manager, the Finance Director, the Public Works Director and the City Attorney.~~

B.C. Annual Review of City Real Property Holdings. The Committee City manager or designee shall annually review all of the City’s current real property holdings with regard to the following:

1. If the current use is appropriate and necessary;
2. If the property could be used for another City purpose consistent with its original purchasing fund responsibility restrictions, if any;
3. If the property could be used for another City purpose outside of the responsibility of original purchasing fund restrictions, if any;
4. If the property appears to be surplus to the City’s needs;
5. Whether there is evidence of potential interest by anyone in purchasing the property; and

6. Whether there is an interest by the Board of the Metropolitan Parks & Recreation District, or by any other Bainbridge Island taxing district, in acquiring ~~having the property transferred to that District.~~

~~C.D.~~ Annual written report. ~~Following its review, not less than once per calendar year the Committee~~ City manager or designee shall prepare an annual written report containing an update on previously surplussed property and recommendations as to whether any additional City real property should be declared surplus by the City Council. The report shall contain the following information with regard to any property ~~that the Committee is recommending to be declared~~ recommended for surplus:

1. Description of the location and size of the property;
2. Description of the circumstances under which the property was obtained;
3. Description of the funds used to acquire the property and any restrictions on the property's use or disposal;
4. ~~Recommendation as to which fund the proceeds from its sale should be credited;~~
- ~~5~~4. Description of what municipal use the property has been put to in the past, if any, and what use, if any, for which it might be held;
- ~~6~~5. ~~The date of any and each prior appraisal of the property, and the value determined by each such appraisal;~~
- ~~7~~5. Estimation of value (pre-appraisal) of the property;
- ~~8~~6. Whether an appraisal is recommended and the type of appraisal;

97. Whether the property is only usable by abutting owners or is of general marketability;
108. Whether special consideration ought to be given to some other public agency that has a use for the property;
119. Whether the property should be sold at auction, by sealed bid, by request for proposal (RFP), or by negotiation;
1210. Recommendation as to whether any special covenants or restrictions; should be imposed in conjunction with sale of the property; and
1311. If owned by a City utility, recommendation as to whether the property should be sold or transferred to the City's General Fund prior to being conveyed or sold to a third party.

The written report shall be submitted to the City Council in connection with the City's Mid-Year Financial Report no later than April 30 of each calendar year.

D.E. Surplus Real Property Declaration. City real property may be declared surplus by the City Council after the following procedures have been completed:

1. The City Council shall hold a public hearing as part of its process to consider whether to declare any real property surplus to the needs of the City. In accordance with RCW Chapter 39.33, notice of said hearing shall be published in the City's official website (or, if legally necessary, in the City's newspaper of record) not less than ten (10) days nor more than twenty-five (25) days prior to the hearing. In

addition, a news release pertaining to the public hearing shall be posted on the city website.

2. Following conclusion of the public hearing, the City Council shall determine whether the property shall be declared surplus. If such determination is made, City Council shall pass a resolution declaring the property surplus and shall also make the following determinations:

- (a) Whether the property should be transferred to another Bainbridge Island taxing district;
- (b) Whether the property should be sold by sealed bid, at auction, by request for proposal (RFP), or through negotiated sale; (including listing with a real estate broker); and
- (c) Whether special covenants or restrictions should be imposed as a condition of the sale.

E.F. Sale Procedures for Surplus Real Property. The following procedures and requirements shall apply to real property sold as surplus by the City:

1. Determination of Market Value. After a property has been declared surplus and prior to its sale or transfer, the city shall order one of the following three types of appraisals based on the ~~Committee's~~ estimate of the property value.

Estimated Property Value	Recommended Report Format	Review Suggested
Up to \$100,000	Limited/Restricted	No
\$100,001 to \$500,000	Limited/Summary	No
\$500,001 to \$3,000,000	Complete/Summary	Yes
\$3,000,001 and above	Complete/Self-Contained	Yes

~~Any~~The appraiser or reviewer hired by the City must be licensed by the State of Washington as a “state certified general appraiser.”

2. SEPA Review. The sale and/or transfer of any surplus real property that is subject to an authorized public use shall be contingent upon completion of a SEPA review process and the expiration of the SEPA appeal period.

3. Processes for sale of real property.

(a) Disposition by Sealed Bid. Where a property is sold by sealed bids, the prevailing bidder must enter into a purchase and sale agreement and make a deposit in the amount agreed by the parties within the time specified by the City. ~~any and all bids submitted must be accompanied by a bid deposit in the form of a cashier check payable to the City of Bainbridge Island in an amount equal to ten percent (10%) of the bid amount. Such deposit accompanying the successful bid shall be deposited into escrow until closing on the purchase of the property, and payment of the remaining amount of the purchase price shall be made within thirty (30) days, unless~~

otherwise agreed by the parties. In the event the purchaser is unable to pay the remaining amount within the required time, the earnest money deposit shall become non-refundable and may be retained by the City as liquidated damages.

(b) Disposition by Auction. Where property is sold at auction, the prevailing bidder must immediately tender a cash deposit or certified check for deposit into escrow as earnest money to the City of Bainbridge Island in an amount agreed by the parties equal to ten percent (10%) of the bid amount.

Payment of the remaining amount of the purchase price shall be made within thirty (30) days, unless otherwise agreed by the parties. In the event the purchaser is unable to pay the remaining amount within the required time, the earnest money deposit shall become non-refundable and may be retained by the City as liquidated damages.

(c) Disposition by Request for Proposal. ~~(including listing with a licensed real estate broker.)~~ Where property is sold through a process that includes a request for proposals (RFP), a specification document (including criteria for evaluation of applicant proposals) shall be made available to any person or entity which the City determines would be a qualified applicant. Acceptance or rejection of responses to a Request for Proposal shall be in the sole discretion of the City

Council. If a responsive proposal is accepted by the Council, the development process will proceed as follows:

(i) ENA Stage. Once the City selects a Developer, it and the Developer will then execute an Exclusive Negotiating Agreement (ENA).

(ii) DDA Stage. Once the ENA has been negotiated and approved by the Council, a Disposition and Development Agreement (DDA) will be negotiated between the parties and presented to the Council for approval. All legal rights and obligations between the selected Developer(s), if any, and the City will come into existence only when a DDA is fully executed by the parties and then approved by the Council. The legal rights and obligations of each party shall be only those rights and obligations which are set forth in the DDA and any other documents specifically referred to in that DDA and executed by the parties.

(iii) Construction Stage. Once all the DDA conditions precedent to property transfer have been met, the City will transfer the site to the Developer, and construction will ~~being~~ begin within a short time thereafter, as mutually agreed upon by the City and the Developer.

(d) Disposition by Negotiated Sale or Sale through a Real Estate Broker. Where property is sold by negotiated sale or through a real estate broker, the purchaser shall deposit earnest money into escrow in an amount agreed by the

~~parties equal to ten percent (10%) of the purchase price~~
within three (3) business days of execution of a purchase and
sale agreement for the purchase of the Subject Property.
Payment of the remaining balance of the purchase price shall
be made within thirty (30) days, unless otherwise specified
in the purchase and sale agreement. In the event the
purchaser is unable to pay the remaining amount within the
required time, the earnest money deposit shall become non-
refundable and may be retained by the City as liquidated
damages.

4. Notification of Sale of Surplus Real Property. Notice of sale of surplus property shall be given in accordance with RCW 39.33.020.
- ~~5. All requests to purchase City property shall be directed to the Finance Director with a copy to the City Attorney.~~
- ~~5.6.~~ Form of Conveyance. All conveyances shall be made by quit claim deed.
- ~~6.7.~~ Closing Costs. Closing including, but not limited to, title insurance, recordation costs, and escrow fees shall be allocated as agreed by the parties. Each party shall bear its own brokerage costs, if any.

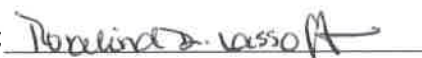
~~F.G.~~ Intergovernmental Transfers. Intergovernmental transfers of real property shall be made in accordance with RCW Chapter 39.33, RCW Section 43.09.210 and/or any other applicable statutes.

PASSED by the City Council this 23rd day of August, 2016.

APPROVED by the Mayor this 23rd day of August, 2016.

By: 
Val Tollefson, Mayor

ATTEST/AUTHENTICATE:

By: 
Rosalind D. Lassoff, CMC
City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

July 31, 2016
August 23, 2016
2016-18