

A RESOLUTION OF THE LEBANON CITY COUNCIL CREATING A PROCEDURE TO SELL A CLASS OF REAL PROPERTY PER ORS 221.727 OWNED BY THE CITY) **Resolution No. 29**
)
) **for 2010**
)

WHEREAS, pursuant to ORS 221.725 provides that a city council may adopt a procedure of the sale of individual parcels of a class of city-owned real properties under a single program established with the city of the sale of that class of properties; and

WHEREAS, on the 14th day of July, 2010 the City Council did consider and declare certain real properties as surplus, no longer needed by the city, a listing of which is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the city has caused, after appropriate notice, to conduct a public hearing on July 28, 2010 concerning a proposed procedure to sell such real properties as a class; and

WHEREAS, the City Council has considered information, evidence and recommendations provided by staff to the Council; and

WHEREAS, the City Council hereby determines that it is in the city's best interest to adopt a procedure to sell the individual parcels of the class of city-owned real properties, or any interest therein, of those properties listed on Exhibit "A", under the single program established by this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The City Council hereby adopts the following program to sell the real properties which are listed as surplus real properties on Exhibit "A", which is attached to this Resolution. ORS 221.725 authorizes the city to create a program for the sale of individual city-owned real properties which are in a class as an alternative method to the method set forth in ORS 221.725 for the sale of city-owned real property. Lebanon Municipal Code Chapter 3.16 was adopted to provide the city with a procedure to sell individual properties consistent with the procedure set forth in ORS 221.725. The procedure adopted by the City Council in this resolution is authorized by state statute as an alternate to the provisions set forth in LMC 3.16. Therefore, the City Council finds that the program adopted herein is consistent with state and city law.

Section 2. The Lebanon City Manager may employ the services of a local real estate agent or agents for the purpose of marketing and selling the real properties included in this program and shall be authorized to enter into agreements with one or more real estate agents for the purpose of marketing some or all of the real properties in this program. The City Council finds that such agreements are personal service contracts and that the City Manager may employ the provisions of the Lebanon Municipal Code, Section 3.04.070, in procuring the services of a real estate agent or agents to assist in the sale of the real properties.

Section 3. The City Manager shall be authorized to enter into an agreement or agreements for the sale of any individual parcel of real property located within this class, or any interest thereof, upon terms that are advantageous to the interests of the city. Such terms may include cash, land sale contract or other method of purchase. The City Manager shall be further authorized to set and agree to a sales price for each parcel within the class. Without further permission of the city council, the sales price for any individual parcel of real estate shall not be less than sixty percent (60%) of the real market value of the parcel as determined by the most recent appraised value established by the Linn County Tax Assessor. Such agreements may be entered into by the City Manager without any further action of the City Council. However, nothing herein is intended to prevent the City Manager from seeking advice or the consent of the Council in the sale or closing of any sale of these real properties. Furthermore, the City Manager may agree to conditions, easements or other limitations of sale which are in the best interest of the City.

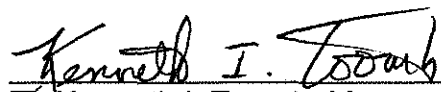
Section 4. The City Manager is authorized to procure the services of a title insurance company for the purpose of assisting and closing real estate sales pursuant to this program. He may also seek the assistance and advice of the City Attorney and others to assist in this program.

Section 5. The City Manager is authorized to sign any and all documents required to list real properties for sale, to set any prices on such property, to sign any land sale contract on behalf of the City or any deed required to finalize any sale of the real property which is the subject of this program.

Section 6. For the purpose of this program, the term "City Manager" includes any individual designated by the City Manager for the performance of such duty.

Section 7. This Resolution shall be effective immediately upon its passage.

Passed by a vote of 4 for and 0 against by the Lebanon City Council on this 28th day of July, 2010.



 Kenneth I. Toomb, Mayor
 Bob Elliott, Council President

ATTEST:



Linda Kaser, City Clerk / Recorder

EXHIBIT "A"

SURPLUS PROPERTY

MAP#	PARCEL	AREA (ACRES)	LOCATION	ASSESSOR RMV*
12S-2W-1	1000	10.16	33176 Brewster Rd.	\$51,800
12S-2W-1	1100	7.17	North of 33176 Brewster Rd.	\$36,550
12S-2W-1	1200	7.56	North of 33176 Brewster Rd.	\$38,540
12S-2W-1	1300	9.30	North of 33176 Brewster Rd.	\$47,410
12S-2W-22AB	1400	0.41	2774 Birch St.	\$54,400
12S-2W-10CA	8700	0.08	North of W. Ash	\$8,300
12S-2W-09DA	1308	5.60	Oak Street - North of Airport Rd.	\$530,000
12S-2W-23B	7900	0.40	View Lane (Outside City)	\$39,400
12S-2W-11CC	8300	0.12	"A" Street – West of Williams Street	\$24,280
12S-2W-11BA	1703	0.25	End of E. Olive St.	\$3,840

* RMV = Real Market Value