



## Legislation Details (With Text)

**File #:** 170536. **Version:** 1 **Name:**  
**Type:** Resolution **Status:** Adopted  
**File created:** 11/6/2017 **In control:** City Manager  
**On agenda:** 12/7/2017 **Final action:** 12/7/2017  
**Title:** Request to Declare as Surplus and Dispose of City Owned Property (B)

This item is a request to the City Commission for a Resolution declaring 0.5 acres of city-owned property as surplus, waiving the City's requirement to competitively dispose of the subject property, and authorizing disposition.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 170536A\_Flatwood Surplus\_Legal Description\_20171207.pdf, 2. 170536B\_Flatwoods Surplus\_Warranty Deed\_20171207.pdf, 3. 170536C\_Flatwood Surplus\_Resolution\_20171207.pdf, 4. 170536\_final Resolution\_20171207.pdf, 5. 170536\_Special Warranty Deed\_20180403

| Date      | Ver. | Action By       | Action   | Result |
|-----------|------|-----------------|--|--------|
| 12/7/2017 | 1    | City Commission | Adopted (Resolution) and Approved the Recommendation | Pass   |

### Request to Declare as Surplus and Dispose of City Owned Property (B)

**This item is a request to the City Commission for a Resolution declaring 0.5 acres of city-owned property as surplus, waiving the City's requirement to competitively dispose of the subject property, and authorizing disposition.**

In August 2002, the City acquired from CSX Transportation, Inc., by Special Warranty Deed (OR Book 2526, Page 560) the vacant property known as Tax Parcel 08198-000-000, which includes Tax Parcel 08198-007-000, located at 2001 NE 39th Avenue. CSX granted the parcel to the City at a cost of \$201,000 for a multi-parcel acquisition of 77.05 acres. No grant money was used for the acquisition. The City maintains the property as a nature park. The City has received a request from an abutting property owner to declare as surplus and to purchase an approximately 0.5-acre portion of Tax Parcel 08198-000-000. Negotiations have settled on a total sum of \$10,000 for the portion of the property requested.

The property alone is not conducive to development due to its size, shape, and location. Disposition would resolve a long-standing encroachment. Staff believes that it would be in the City's best interest to declare the approximately 0.5 acre portion of this property as surplus and return this property to the tax roll by selling the property to the abutting property owner. A utility and drainage easement will be retained over the southern and eastern portion of the surplus parcel.

Sale proceeds of \$10,000 and funding in the amount of \$100 for administrative costs are available in the Greenspace Acquisition and Community Improvement Fund.

The City Commission: 1) adopt the Resolution declaring the subject property as surplus and waiving the City's requirement to competitively dispose of the subject property; 2) authorize the City Manager to execute a

Purchase and Sale Agreement to sell the subject property to the abutting property owner; subject to approval by the City Attorney as to form and legality; 3) authorize the City Manager to prepare a Special Warranty Deed, retaining a utility and drainage easement over the southern and eastern portion of the subject property, subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest, the Special Warranty Deed conveying the subject property, subject to approval by the City Attorney as to form and legality.