

PROPERTY MANAGEMENT

Article 1. General Provisions

2.33A.010 Purpose of provisions.

Pursuant to public notice and hearing, and in accordance with RCW 36.34.005, Clark County hereby establishes the following comprehensive procedures for the management of county real and personal property. This chapter shall be construed in accordance with, and all county property management activities shall be guided by, the following declaration of policy and purpose:

(1) To provide efficient management and protection for all county controlled properties;

(2) To insure the maximum return of all sales, rentals or leases of county controlled properties, except as otherwise provided for herein; and

(3) To dispose of all property which is not required for county purposes.
(Sec. 1 of Ord. No. 1987-03-46)

2.33A.020 Statutory powers and exemptions from state law.

Except to the extent otherwise provided for herein, this chapter supersedes the provisions of RCW Chapter 36.34; PROVIDED, that the county shall retain all powers now or hereinafter granted by RCW Chapter 36.34. (Sec.2 of Ord. No. 1987-03-46)

2.33A.030 Definitions.

(1) "Board" means the Board of County Commissioners of Clark County.

(2) "County" means Clark County, State of Washington.

(3) "Worthless property" means that county property whose value at its site is less than its probable fair market value, less the cost of transporting it to the most advantageous place of disposal, as determined by the Property Manager or the custodial office or department. (Sec. 3 of Ord. No. 1987-03-46)

Article II. Administrative

2.33A.040 Property Manager.

There is hereby established the position of Property Manager who shall be appointed by and serve at the pleasure of the Board. The Property Manager shall perform those duties delegated to such position under this chapter. (Sec. 4 of Ord. No. 1987-03-46)

2.33A.050 Property Management Committee.

There is hereby established a property management committee, to be composed of the Property Manager, one representative of the Parks Department, and one representative of the Public Works Department. The Property Manager shall serve as the chair of the committee. The Committee may adopt rules for the conduct of its business, shall establish regular meeting times, and shall provide advice and recommendation to the county executive board. (Sec. 5 of Ord. No. 1987-03-46)

2.33A.060 Inventory of real property.

The Property Manager shall maintain, with the assistance of the controlling departments, a perpetual inventory of all property, including tax title property, owned or leased by the County, except for road rights-of-way, showing at a minimum the method of acquisition, departmental custodianship, estimated value, special characteristics, improvements, and present and potential uses. (Sec. 6 of Ord. No. 1987-03-46)

Article III. Property Acquisition Procedures

2.33A.070 Personal property-Acquisition.

Personal property may be acquired by purchase or lease in accordance with the provisions of RCW 36.32.240 through 36.32.270, RCW 36.82.130, CCC 2.37.010, and other applicable laws and ordinances. (Sec. 7 of Ord. No. 1987-03-46)

2.33A.080 Personal property-Purchase.

(1) All property acquired for county purposes shall be acquired in accordance with the provisions of:

(a) The "Relocation Assistance Real Property Acquisition Policy," Chapter 8.26, Revised Code of Washington; and

(b) The Clark County Department of Public Works " Uniform Policy on Real Property Acquisition" dated September 30, 1975, and the "Uniform Relocation Assistance Policy," dated September 30, 1975; and, when applicable,

(c) The "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970," Public Law 91-646, enacted January 2, 1971, 91st Congress.

(2) Except as provided for in Section 2.33A.090, county purchases of real property shall be subject to acceptance by the Board. (Sec. 8 of Ord. No. 1987-03-46)

2.33A.090 Real estate property-Purchase-Director of Public Works authority.

(1) The Director of Public Works is authorized to accept on behalf of Clark County the following conveyances of interest in real property to Clark County:

(a) Conveyances not involving the direct expenditure of county funds made to satisfy conditions of short plat, conditional use permit, site plan or other county land use approval; PROVIDED, that acceptance of plat dedications shall be processed in accordance with RCW 58.17.165 through 58.17.170;

(b) Conveyances of real property for county road projects, road improvement districts, stormwater control, sanitary sewer rights-of-way, park projects, critical/sensitive lands and planned acquisitions'incentive programs approved by the board; PROVIDED:

(i) The purchase price, if any, does not exceed twenty-five thousand dollars (\$25,000), and

(ii) The purchase price, if any, does not exceed the appraised value of the interest being acquired, and

(iii) Sufficient funds for the acquisition have been budgeted.

(2) The Director shall note acceptance on the face of the instrument of conveyance in substantially the form set forth below and thereafter shall promptly cause such instrument to be recorded with the Clark County Auditor:

Accepted on behalf of Clark County
under the authority of CCC Chapter _____

Director of Public Works
Clark County, Washington

(3) The Director shall report to the Board at least monthly regarding conveyances accepted pursuant to this section. Such report shall include a general description of each parcel acquired, the land use approval or project with which such acquisition is associated, and the purchase price, if any. (Sec. 9 of Ord. No. 1987-03-46; amended by Sec. 1 of Ord. 1992-04-61; amended by Sec. 1 of Ord. 1992-04-61)

2.33A.100 Real property--Lease conditions.

(1) If any officer or department shall need any real property which need can be most economically satisfied by leasing property not belonging to the County, it shall advise the Property Manager of its particular needs and the uses which will be made of the property. The Property Manager shall first investigate county properties which might be available for such needs and purposes. If such cannot be satisfied with county property, the Property Manager shall locate and investigate properties which are adaptable to such needs and uses that are available for leasing. The Property Manager shall submit a report to the head of the office or department with respect to the property or properties which can be leased for such use. The report shall include an analysis of rentals and the Property Manager's conclusion of the fair market rental value of the property or properties available for leasing as well as terms and conditions upon which such property or properties can be leased.

(2) If the head of the office or department concerned concurs with the report and any recommendations therein, the report and recommendations shall be submitted to the Board, with the recommendation of the head of the office or department concerned. The Board may approve the leasing of any real property on terms reported and recommended to it.

(3) The Property Manager shall list on a calendar all expiration or renewal dates for leases or permits under which the County uses property owned by others. The Manager shall have the responsibility to notify well in advance the office or department affected, and the Board, so that appropriate action can be taken prior to expiration of the lease or permit. (Sec. 10 of Ord. No. 1987-03-46)

Article IV. Disposition of Property

2.33A.110 Disposition--Authorized when.

(1) Whenever it is for the best interests of the county and the people thereof that any part or parcel of property, whether real, personal or mixed, belonging to the County, including tax title land, should be sold or leased, the County shall sell or lease such property under the limitations and restrictions and in the manner provided in the chapter.

(2) In making such sales, the County may sell any timber, mineral or other resources on any land owned by the County separate and apart from the land in the same manner and upon the same terms and conditions as provided in this chapter for the sale of real property. However, any such timber, mineral or other resources may be sold as personal property, in the manner provided by this chapter. (Sec. 11 of Ord. No. 1987-03-46)

2.33A.120 Surplus property disposition--Board approval considerations.

(1) Whenever, in the opinion of the Property Manager, any county real or personal property is surplus to the needs of the County, the Property Manager shall so advise the Board, making appropriate recommendation for the possible use, sale, lease or other disposition of such property. The Property Manager shall consult the Property Management Committee and the office or department last using such property before so advising the Board. Possible uses to be considered by the Property Manager shall include:

- (a) Potential uses by other county offices and departments;
- (b) Exchange or trade-in for publicly or privately owned property needed by the County;
- (c) Sale or lease to other governmental agencies;

- (d) Lease to nongovernmental parties;
 - (e) Retention by the County if a parcel is within an environmentally sensitive area, a floodplain, a slide hazard property or another area whose public ownership is in the public interest;
 - (f) Sale at public auction.
- (2) If the Board concludes that the property is surplus to the foreseeable needs of the County, the Board may authorize the sale or other disposition of such property as provided for in this chapter. (Sec. 12 of Ord. No. 1987-03-46)

2.33A.130 Notice of sale or lease.

(1) The Property Manager shall cause notice of the sale or lease of surplus county property, describing the property, the time and place where the property may be inspected in the case of personal property, the terms of sale, and the time, place and manner of sale or lease, to be published once each week for two successive weeks in a newspaper of the County, the last date of publication being at least ten (10) days before the date of sale or lease; PROVIDED, that for personal property having an estimated value of less than five hundred dollars (\$500), notice of sale may be given by posting in the manner provided for in Section 2.37.010.

(2) Any notice of sale of real property shall include both its legal description and street address, if any, and the terms of sale if the sale is for other than cash. (Sec. 13 of Ord. No. 1987-03-46)

2.33A.140 Sale or lease--Highest responsible bidder.

(1) All sales or leases of county property shall be made to the highest responsible bidder at public sale, except where different provisions are made in this chapter.

(2) On sales for cash, the highest bidder shall be deemed responsible. In determining the highest responsible bidder for other sales and for leases, the Property Manager may consider the price and terms bid, the character, integrity, reputation and financial responsibility of the bidder, and previous experience, if any, of the County with the bidder. (Sec. 14 of Ord. No. 1987-03-46)

2.33A.150 Sale or lease--Board approval required when.

The Board shall approve all sales of real property and all leases of real property for a term in excess of one (1) year. (Sec. 15 of Ord. No. 1987-03-46)

2.33A.160 Leases--Length of term and other conditions.

The County may lease real property for a term of years and upon such terms and conditions as may be deemed in the best interests of the public and the County. No lease shall be for a longer term in any one instance than ten (10) years; PROVIDED, that when the Board determines it to be in the best public interest, real property necessary to the support or expansion of an adjacent facility may be leased to the lessee of the adjacent facility for a term to expire simultaneously with the term of the lease of the adjacent facility, but not to exceed thirty-five (35) years; PROVIDED further, that when the Board determines it to be in the best public interest, where the property to be leased is improved or is to be improved, and the value of the improvement is or will be at least equal to the value of the property to be leased, the County may lease such property for a term not to exceed thirtyfive (35)years, PROVIDED further, that where the property to be leased is to be used for major airport, industrial or commercial or county fair purposes, requiring extensive improvements, the County may lease such property for a term equal to the estimated useful life of the improvements, but not to exceed fifty (50) years. (Sec. 16 of Ord. No. 1987-03-46)

2.33A.170 Sales on other than cash basis.

If real property is offered for sale on other than a cash basis, the terms must be stated in the notice. (Sec. 17 of Ord. No. 1987-03-46)

2.33A.180 Exempted transactions designated.

The following transactions are exempted from the provisions of Sections 2.33A.130 through 2.33A.170:

(1) Worthless Property. Where personal property is determined to be worthless by the Property Manager, such property may be disposed of by the Property Manager or the department involved in the most cost-efficient manner. The property may be donated to the public at large, provided a record of the name and address of the recipient and the property disposed of is kept and forwarded to the Property Manager; PROVIDED, that in no event shall the property be given to any county employee or relative of a county employee.

(2) Intergovernmental Transactions. The Board may sell or lease county property to another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed adequate by the Board.

(3) Private Exchange. The Board may authorize the exchange of surplus county real property for privately owned real property, subject to the provisions of this subsection; PROVIDED, that the exchange of tax title lands shall be governed by RCW 36.35.050. The value of the real property to be exchanged by the County and the value of the real property to be received by the County shall be determined by qualified independent appraiser(s), except that on-staff appraisers may be utilized where the property value does not exceed one hundred thousand dollars (\$100,000). Unless the value of the real property to be exchanged is more than five (5) times the value of the real property to be received, the Board may approve the exchange and specify whether the difference in value, if any, shall be paid in cash at closing or be paid pursuant to an appropriate real estate contract or deed of trust.

(4) Trade-Ins.

(a) The County may trade in property belonging to the County when purchasing other property. If the County elects to trade in property, it shall include in its call for bids on the property to be purchased a notice that the County has for sale or trade-in property of a specified type, description and quantity which will be sold or traded in on the same day and hour that the bids on the property to be purchased are opened. Any bidder may include in its offer to sell, an offer to accept the designated county property in trade by setting forth in the bid the amount of such allowance.

(b) In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted. The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract. The county shall consider offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county.

(5) Emergency. In the event of an emergency, when the interest or property of the county would suffer material injury or damage by disposition in accordance with the foregoing provisions, the board, upon declaring the existence of such an emergency, may authorized the property manager to sell or lease such property upon such terms and procedures as to the board may appear to be in the public interest.

(6) Unmarketable Parcels. A parcel of surplus real property, which in and of itself would have little utilitarian value because of its size or shape, may be offered and sold to owners of adjoining properties by private negotiation.

(7) Limited-Use Parcels--Covenant Restrictions. Where restrictive covenants, dedication limitations, grant conditions or other legally enforceable restraints limit use of surplus property to a specific public purpose, such property may be conveyed upon such terms and conditions as may be necessary to fulfill such restraint.

(8) Limited-Use Parcels--Restrictive Characteristics. Property determined to be surplus to the immediate needs of the county, but which because of its location, configuration or other characteristic is especially and uniquely suitable for a particular quasi-public use requiring special legal, financial or technical qualifications, all as determined by the board, may be sold or leased through a public request for proposal process.

(9) Public Purpose Leases. The board may enter into rental agreements for the use of county property with bona fide nonprofit organizations wherein the organization is to make improvements or provide services to further a recognized county purpose. The agreement may be for less than fair market rental so long as the general public is not unreasonably restricted from access to the improvements or services so provided.

(10) Short-Term Rentals. The property manager or the custodial officer or department may permit use of county facilities by a third party for up to seventy-two (72) hours upon such terms as may be mutually agreed upon; PROVIDED, that such use furthers a county purpose.

(11) Established Rental Value. Where the fair market rental value of county real property has been established by the property manager in the case of rentals of less than one thousand five hundred dollars (\$1,500) per month, or by a member of the American Institute of Real Estate Appraisers, or a professional appraiser having similar ethical and professional qualifications, in the case of rentals of one thousand five hundred dollars (1,500) or more per month, in accordance with accepted appraisal methods and standards, such property may be leased by private negotiation at no less than the value so established.

(12) Watchman's Property. Leases that include watchman's responsibility for adjoining county-owned property may be leased by private negotiation.

(13) Real Estate Broker Services. Notwithstanding any other provisions set forth in this chapter, if in the judgment of the board of county commissioners the sale of real property of the county would be facilitated and a greater value realized through the use of the services of licensed real estate brokers or by such other method as is determined to most likely result in the receipt of full value for such property, a contract for such services may be negotiated and concluded; PROVIDED, that a minimum sales price for such property shall be set by a member of the American Institute of Real Estate Appraisers or professional appraiser having similar ethics and professional qualifications.

(14) Relocation Sales. The board may authorize the direct sale by private negotiation of county-owned residences to a person being relocated by a county project; PROVIDED, that the sale price for such property shall not be less than its appraised value as determined by a member of the Institute of Real Estate Appraisers or professional appraiser having similar ethical and professional standards.

(15) Public Purpose Sales. The board may convey title to county real property to a bona fide nonprofit corporation to be improved and utilized in perpetuity to further a recognized county purpose; PROVIDED, the conveyance document(s) shall contain appropriate contract provisions and/or deed or deed of trust restrictions and covenants relating to timing of improvements, disposition of revenue, accessibility by the general public, nondiscrimination, compliance with laws, removal of liens, and reversion of title. (Sec. 18 of Ord. 1987-03-46; amended by Sec. 1 of Ord. 1988-10-18; amended by Res. 1991-07-39; amended by Ord. 1993-04-30)

2.33A.190 Director's authority to enter into reconstruction agreements.

The Director of Public Works is authorized, on behalf of Clark County, to enter into reconstruction agreements consisting of those items agreed upon by Clark County and real property owners that require repair or replacement of their property (e.g., landscaping, trees, shrubs, fences, etc.) damaged as a result of county construction projects; PROVIDED, the costs of reconstruction do not exceed ten thousand dollars (\$10,000). (Sec. 2 of Ord. 1992-04-61)