New Ordinance
Handed out at
Agenda Session
11-29-11.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL §34.27 OF THE CODE OF FAYETTEVILLE AND TO ENACT A REPLACEMENT §34.27 **SALE OF MUNICIPALLY OWNED REAL PROPERTY** OF THE CODE OF FAYETTEVILLE AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, §34.27 of the Code of Fayetteville was enacted on January 2, 2002 in an attempt to ensure that the citizens of Fayetteville would receive the highest possible amount of money for a parcel of City property if the City Council determined to sell such City property because it no longer served a municipal purpose; and

WHEREAS, the number of notices, publications, appraisals, City Council hearings and public bidding process made this selling process so cumbersome, long and expensive that the ordinance was amended by the City Council in 2002, 2004 and 2005 to provide numerous exemptions from §34.27's requirements for various types of land sales; and

WHEREAS, in the decade of its existence, the full process specified in §34.27 for the sale of City property to a private entity has occurred only once, took months to accomplish and resulted in only a single bidder who purchased the property at the minimum set price for the City land; and

WHEREAS, state law specifically authorizes that only the City Council can sell City land by passing a Resolution or can exchange land with another city by passing an Ordinance, thus ensuring that the City Council will always have the final say in any proposed City land sale or exchange.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals §34.27 of the Code of Fayetteville and enacts a replacement §34.27 **Sale of Municipally Owned Real Property** of the Code of Fayetteville as shown below:

"§34.27 Sale of Municipally Owned Real Property

(A) The City may sell real property only after the City Council has passed a Resolution expressly authorizing such sale. The City Council shall determine whether the property should be rezoned prior to its sale.

(B) Such City Council Resolution shall contain a specific finding by the City Council that the subject real property is no longer needed for municipal purposes.

(C) Public Notice shall be given not less than fifteen (15) days before the City Council may consider a Resolution to approve a sale of City real property (except rights of way or easements for public utilities) by the following means:

    (1) First class mail to all adjacent property owners; and

    (2) Prominently displayed signs announcing that the City Council is considering the sale of the real property at the City Council Meeting with the appropriate date and time of the meeting.

(D) The City may exchange real and personal property with other cities or Washington County only after authorization by ordinance passed by the City Council. The City Council through such ordinance may place limits on the uses that will be allowed of such property as part of the exchange of property agreement."

    Section 2: **Emergency Clause.** That the City Council of the City of Fayetteville, Arkansas hereby finds that this change in the manner in which the City Council can sell city property is essential in expediting the conveyance of a water and sewer easement to the Springdale Water and Sewer Commission in a timely manner and declares that this ordinance is necessary to preserve the public health and therefore an emergency is hereby declared to exist so that this ordinance shall be in full force and effect from the date of its passage and approval.

    PASSED and **APPROVED** this 6th day of December, 2011.

APPROVED: ATTEST:

By: _____   By: _____
    LIONELD JORDAN, Mayor   **SONDRA E. SMITH**, City Clerk/Treasurer