

**ORDINANCE NO. 12-5578**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA, CITY CODE BE AMENDED BY REVISING ARTICLE 22-900; PROVIDING THE METHOD FOR THE SALE, EXCHANGE OR DONATION OF CITY-OWNED REAL PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

**Section 1.** That Article 22-900 of the Billings, Montana City Code be amended so that such Article shall read as follows:

**"ARTICLE 22-900. SALE, EXCHANGE OR DONATION DISPOSAL OR LEASE OF CITY REAL PROPERTY**

**Sec. 22-901. State law superseded.**

Pursuant to the city's self-government powers, Section 7-8-4201, MCA, of the state law dealing with the disposal, donation, lease or sale of city property is hereby superseded.

**Sec. 22-902. Sale, Exchange or donation disposal or lease of city real property.**

(1) Subject to the provisions of subsections (1a) and (2b) below, the eCity eCouncil may sell, exchange or donate dispose of, or lease any real property belonging to the city, including property held in trust for a specific purpose, by a resolution passed by six (6) of the eCity eCouncil members present. The City Council shall advertise for competitive bids on any real property prior to sale, exchange or donation. **The City Council shall have the authority and discretion to select the bid that is in the best interest of the City, conditionally accept a bid or it may reject any and all bids.** Other local, state or federal governmental entities expressing interest shall be exempt from competitive bidding, and the City Council may sell, exchange or donate specific real property to such governmental entities without a competitive bidding process. However, the Council shall proceed as provided in subsections (a) and (b) and approve the Resolution described above when considering the sale, exchange or donation to another governmental entity.

In its discretion, the City Council may consider and impose deed restrictions relating to the use or subsequent sale of the property as a condition of the sale, exchange or donation of land.

Prior to selling, ~~exchanging or donating~~ leasing or disposing of said real property, the city administrator or his/her designee shall:

- (1) (a) Publish notice in the legal newspaper of the city of the intention to sell, ~~exchange or donate~~ such property and requesting competitive bids prior to the sale, exchange or donation lease or dispose of such lands, giving the public the opportunity to be heard regarding such action. Said notice shall be published no less than fifteen (15) days in advance of the date of the public hearing.
- (2) (b) Notify, by mail, all property owners within three hundred (300) feet of the exterior boundaries of the real property subject to sale, exchange lease or disposal donation fifteen (15) calendar days in advance of the time, date, place of the public hearing and the existing and proposed use.

(2) Leases of city-owned real property shall be excluded from this section and will be approved in the same manner as all other contracts submitted to the city for approval.

(3) The City Administrator is hereby authorized to establish procedures to implement this section including establishment of **sale criteria or conditions**, a minimum sale price or exchange value **and shall have discretion to develop individualized marketing plans to maximize land value and promote City land use policies. The City Administrator is authorized to** the preparation of all appropriate documents for signature by the Mayor.

**Section 2. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 3. REPEALER.** All resolutions, ordinances, and sections of the Billings, Montana City Code inconsistent herewith are hereby repealed.

**Section 4. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 27th day of August 2012.

PASSED, ADOPTED and APPROVED on second reading this 10<sup>th</sup> day of September 2012.

CITY OF BILLINGS



By Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin  
Cari Martin, City Clerk