

ORDINANCE NO.

ORDINANCE TO AMEND

WHEREAS, City Ordinances prescribe a procedure for the sale of surplus real property owned by the City for fair market value;

WHEREAS, the Council desires to amend the procedure for the sale of surplus real property owned by the City to provide a more comprehensive and efficient procedure.

NOW, THEREFORE BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL that: current Section 2-291(A) of the City's Code of Ordinances is hereby deleted and replaced with the following provisions:

Section 1. Section 2-291(A) of the City's Code of Ordinances is hereby deleted and replaced with the following provisions:

A. Sale of real property for market value.

1. The city real estate manager shall place a value on all properties being considered for sale in the manner herein determined.. On all properties having an estimated and probable value of \$10,000.00 or less the city real estate manager shall place a value on all such properties without obtaining an independent appraisal unless the real estate manager determines that an independent valuation is needed, in which event the services of a qualified independent real estate appraiser may be obtained. On all properties having an estimated and probable value greater than \$10,000.00 the value for sale purposes shall be determined by one or more qualified independent real estate appraisers as the real estate manager shall determine.

2..After a valuation has been placed on the property by the city real estate manager, he or she shall be authorized to advertise for bids to purchase said property, which advertisement shall specify the purchase price, terms of the sale and potential uses of said property consistent with uses of surrounding properties. The advertisement shall reserve the right to reject any and all bids submitted by prospective purchasers. All bids submitted by prospective purchasers shall specify the purchase price, terms of the sale and intended uses of said property and shall also include earnest money in good and sufficient funds, which may be forfeited for failure to follow through with the purchase of the property, if approved by the City Council.

3. For any properties proposed to be sold for market value pursuant to this sub-section, the real estate manager shall make a recommendation to the City Council for the sale of any such properties, which shall be presented to the City Council at least seven (7) days before being considered by the Council as an agenda item. The Council may expedite its consideration in the event it determines that an expedited hearing is desirable.

4. The City Council shall approve the sale of all properties proposed to be sold for market value by resolution; provided, however that the City Council may in its legislative discretion reject any proposed sale or order re-bidding the sale of any property. The City Council's approval of the sale of any property for fair market value shall be final.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:
KEMP CONRAD

CHAIRMAN
Council Chairman