PROPERTY DISPOSITION ORDINANCE OF OCONEE COUNTY, GEORGIA

AN ORDINANCE REGULATING THE DISPOSITION OF REAL OR PERSONAL PROPERTY OWNED BY OCONEE COUNTY AND FOR OTHER PURPOSES THERETO.

ENACTMENT CLAUSE

For the purpose of promoting the health, safety and general welfare of the present and future inhabitants of the unincorporated areas of Oconee County and to provide for an orderly and proper disposal of real and personal property, the Board of Commissioners does hereby ordain and enact into law the following:

ARTICLE ONE: GENERAL PROVISIONS

Section 1. Title. This Ordinance shall be known and may be cited as the Property Disposition Ordinance.

Section 2. Definitions. All terms used herein shall have the definitions ascribed to them in Title 36, Chapter 9, and Title 32, Chapter 7, both of the Official Code of Georgia Annotated.

ARTICLE TWO: SALE OF SURPLUS REAL PROPERTY GENERALLY

Section 1. Public sale required. Disposition of real property owned by the County shall be conducted by public sale or exchange in accordance with O.C.G.A. § 36-9-3, or as otherwise provided by state law.

Section 2. Exceptions to public sale. The following transactions shall not be governed by Section 1:

A. A redemption of real property acquired by county under tax deed.

B. A grant of easement or license.

C. A grant or conveyance of right-of-way or for other transportation purchases.

D. A conveyance to any other unit of government.

E. A conveyance of recreational set-aside property to a homeowner's association in the manner permitted by state law.

F. A lease that constitutes a usufruct under state law.

G. Sale of parcels of small or narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances or land use plans, or as streets, whether owned in fee or used by easement. Such parcels may be sold to abutting property owners where such sales and conveyances facilitate the enjoyment of the highest and best use of the abutting owner's property without first submitting the sale or conveyance to the process of an auction or the solicitation of sealed bids; provided, however, that each abutting property owner shall be notified of the availability of the property and shall have the opportunity to purchase said property at a price and upon terms negotiated between the property owner and the County.

Section 3. Procedures. Except as otherwise specifically provided by state law, the County shall not dispose of any real property unless the Board of Commissioners has declared such real property to be unserviceable. Other than dispositions governed by subsection (a) or by specified provisions of state law, any disposition may be made at public or private sale, upon such terms as the Board of Commissioners shall deem to be in the county's best interest.

ARTICLE THREE: SALE OF SURPLUS REAL PROPERTY BY REAL ESTATE BROKER

Real property, specifically properties which are remnants of land from total takes on Oconee County road projects, may be disposed of by sale by real estate broker in accordance with Georgia law Section O.C.G.A. § 32-7-4 et seq.

Section 1. Requirements for real estate brokers. Real estate brokers must be licensed in accordance with Georgia law Section O.C.G.A. § 43-40-1 et seq.

Section 2. Declaration of surplus property. Property is declared surplus by the Board of Commissioners in a regularly scheduled meeting.

Section 3. Notification to former or subsequent owner. The former or subsequent owner is notified in writing of intent to sell, as he/she has the first right to purchase the property at the fair market value price. If the former or subsequent owner waives this right, then adjoining property owners are notified that the property will be sold by real estate broker or by competitive sealed bid.

Section 4. Selection of broker. The broker shall be selected competitively, by a sealed proposal process.

Section 5. Advertising and listing of property. Commencing at the time of the listing of the property as provided in O.C.G.A. § 32-7-4, the County shall publicly advertise once a week for two weeks in the legal organ of the County the property and

the name of the broker handling the property. Property shall be listed for a period of at least three months. Property cannot be sold for less than fair market value excluding commission fee. If property does not sell during the listing time, the County may renegotiate the commission to a lower fee, extend the exclusive agreement with the real estate broker or recommend to the Board of Commissioners that disposal be by competitive sealed bid or public auction.

Section 6. Approval of sale. All sales of properties shall be approved by the Board of Commissioners at a regular scheduled public meeting.

ARTICLE FOUR: DISPOSITION OF PERSONAL PROPERTY

Section 1. Declaration of unserviceability. The County Finance Director shall determine whether a particular item or category of personal property can no longer be used advantageously by the county and has therefore become unserviceable. The County Finance Director may establish criteria establishing unserviceability for categories of personal property which may become unserviceable on a regular, frequently recurring basis, and may determine whether a particular commodity meets the criteria of unserviceability for its category.

Section 2. Disposition. Unserviceable personal property may be sold by any means deemed most advantageous to the County under the particular circumstances as determined by the County Finance Director. A sale to a private person shall be for the highest net purchase price reasonably obtainable by the County. A sale to another unit of government shall be for a fair and reasonable purchase price that need not be as high as the purchase price obtainable from a private person. All sales for personal property items where the depreciated value is $10,000.00 or less shall be approved by the County Finance Director. The Board of Commissioners shall approve sales for personal property where the depreciated value exceeds $10,000.00.

SECTION FIVE: LEASES OF COUNTY OWNED REAL PROPERTY

The Board of Commissioners may offer to lease county-owned real property if:

A. The real property is not in the best interest of the County but the real property is not currently being used.

B. The real property has been newly acquired but not immediately put to use by the county, and may reasonably be leased on a month-to-month or short-term basis.

A lessee's interest under any lease executed under this section shall constitute a usufruct only.

ARTICLE FIVE: MISCELLANEOUS

Section 1. Severability. In the event any section, subsection, sentence, clause or phrase of this Ordinance is declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect any other section, subsection, sentence, clause or phrase, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.

Section 2. Repeal of Conflicting Ordinances. All ordinances, resolutions and parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed.

Section 3. Effective Date. The provisions of this Ordinance shall be effective and in force upon the date of its adoption, the public welfare demanding it.

Approved by the Oconee County Board of Commissioners after a first reading on the 30th day of July, 2019, and final action adopting and approving same on the 6th day of August, 2019.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____
John Daniell, Chairman

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Mark Thomas, Commissioner Post 1

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Chuck Horton, Commissioner Post 2

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William E. Wilkes, Commissioner Post 3

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Mark Saxon, Commissioner Post 4

Attest:

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Kathy Hayes, County Clerk