

ORDINANCE NO. 398

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO. 311 OF THE CITY ORDINANCES OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, RELATING TO THE CONVEYANCE, SALE, LEASE OR DISPOSAL OF PERSONAL OR REAL PROPERTY BELONGING TO THE CITY OF BEULAH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEULAH, MERCER COUNTY, NORTH DAKOTA, AS FOLLOWS:

That Ordinance No. 311 of the City Ordinances of the City of Beulah, North Dakota, is hereby amended and re-enacted as follows:

1. Conveyance, Sale, Lease, or Disposal of Personal Property:

Personal property to be disposed of which is estimated by the governing body of the City of Beulah to be a value of less than Two Thousand Five Hundred Dollars (\$2,500.00) may be sold at private sale upon resolution passed by a majority of all the members of the governing body. Personal property estimated by the governing body to be of a value of Two Thousand Five Hundred Dollars (\$2,500.00) or more may be sold only at public sale upon resolution passed by a majority of the members of the city council; and for such sale of property a notice containing a description of the property to be sold and designating the place where and the day and hour when the sale will be held, shall be published in the official city newspaper once each week for two (2) consecutive weeks with the last publication being at least ten (10) days in advance of the date set for the

sale. Such notice shall specify whether the bids are to be received at auction or as sealed bids as determined by the governing body, and the property advertised shall be sold to the highest bidder if his bid is deemed sufficient by a majority of the members of the city council. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this section governing the conveyance, sale, lease, or disposal of personal property; this section shall not apply, insofar as it is in conflict with the State Law. Sale of abandoned or unclaimed personal property shall be as provided in Section 40-05-02(20) of the North Dakota Century Code.

2. Conveyance, Sale, Lease or Disposal of Real Property.

Real property to be disposed of which is estimated by the city council of the City of Beulah to be of a value of less than Two Thousand Five Hundred Dollars (\$2,500.00) may, at the discretion of the city council, be sold at private sale upon resolution passed by a majority of the members of the governing body voting thereon. Real property to be disposed of which is estimated by the city council of the City of Beulah to be of a value of Two Thousand Five Hundred Dollars (\$2,500.00) or more may, at the discretion of the city council, be sold at private sale upon resolution passed

by a majority of the of the members of the governing body voting thereon, unless said transfer is made by listing said property with a licensed real estate broker pursuant to Section 3 of this Ordinance. Offers for the purchase or lease of real property belonging to the municipality, whether or not an advertisement thereof has been made, shall be directed to the city council and submitted to the City Auditor, who shall present any and all such offers to the city council at it's next regularly scheduled meeting. This alternative method of disposition of real property as adopted by the city council by and through its home rule authority allows for disposition of real property without the public notice and bidding requirements of Sections 40-11-04 NDCC and 40-11-04.1 NDCC.

This Ordinance shall not apply insofar as it is in conflict with the below described Chapters and Sections of the North Dakota Century Code:

- A. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-02-06 NDCC. Said lease shall further be in compliance with regulations and directives of appropriate federal agencies.
- B. Conveyance of right of way for any state highway shall be as provided in Section 24-01-46 NDCC.

- C. Leasing of oil and gas lands shall be as provided in Sections 38-09-02 through 38-09-04 and Sections 38-09-14 through 38-09-20 NDCC.
 - D. Conveyance of property to a municipal parking authority shall be as provided in Section 40-61-05 NDCC.
 - E. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08 NDCC.
 - F. Granting of concessions for cafes, restaurants, and confectionaries on public buildings and grounds shall be as provided in Chapter 48-09 NDCC.
 - G. Granting or right of way for a railway, telephone line, electric light system, or a gas or oil pipeline system shall be as provided in Section 49-09-16 NDCC.
3. Transfer of real property by nonexclusive listing agreements.

As an alternative to the procedure established under Section 2, of this Ordinance, the city council of the City of Beulah may by resolution describe the real property of the city which is to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the city reserves the right to reject any and all offers determined to be insufficient. After adoption of the resolution, the governing body of the

city may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements.

4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

5. In the event that any section of this Ordinance is held invalid by a Court of competent jurisdiction, the invalidity shall extend only to the section affected, and any and all other sections of this Ordinance shall continue in full force and effect.

This Ordinance shall be in full force and effect from and after its final passage and approval.

DATED this 2nd day of July, 2012.


DARRELL BJERKE, Mayor

ATTEST:


LINDA A. WIEDRICH
City Auditor

Introduction and First Reading: June 18, 2012

Second Reading: July 2, 2012

Final Passage: July 2, 2012