ORDINANCE 160

AN ORDINANCE PROVIDING FOR THE DECLARATION OF SURPLUS REAL PROPERTY IN THE CITY OF LAKEWOOD, TENNESSEE AND PROVIDING A PROCEDURE FOR THE COMPENSATION AND DISPOSAL OF SURPLUS REAL PROPERTY.

BE IT ORDAINED BY the Board of Commissioners of the City of Lakewood, Davidson County, Tennessee as follows:

I.

The Board of Commissioners of the City of Lakewood have the authority to declare any real property owned by the City of Lakewood as surplus property.

II.

The declaration of surplus property shall be made upon the initiation by either a City Commissioner for the City or by a private citizen who owns in fee simple property adjoining the real property which that citizen wishes declared surplus.

III.

After a request by an adjoining property owner that real property be declared surplus, the Board of Commissioners after due deliberation, will either declare the property as potentially surplus property or shall make a declaration that the property is not surplus. If the City Commission should declare that the property is not surplus real property, no further action shall be taken.

IV.

If the City Commission should declare the real property as potentially surplus property, the adjoining property owner shall at his own expense have an appraisal conducted on the property he desires to be declared surplus and the appraisal is to be submitted to the City Commission. The appraisal is to be conducted by an appraiser with professional designations, with the appraiser to be approved by the City Manager.

V.

Upon submission to the City Commission of the appraisal of the property, the City Commission shall have the right to require the property to be surveyed or other studies conducted as deemed necessary by the City Commission at the expense of the adjoining property owner.

VI.

The City Commission shall consider the need of the property for any present or future public purpose and shall further consider the appraised value of the property and if the City Commission feels that no public purpose would be served by the City retaining ownership of the property and that the appraised value is fair and equitable to all citizens, the City Commission will declare the property as surplus property and that the property be sold at the fair appraised value to the adjoining property owners. The declaration of surplus property shall be by ordinance, and final reading of the ordinance shall not be approved until after a public hearing is conducted before the City Commission after being advertised once in a newspaper of local circulation for a period of a minimum of ten (10) days prior to the public hearing.

VII.

Once the real property is declared as surplus, the property shall be offered for sale by the City to the adjoining real property owners based upon each adjoining property owner's linear footage relationship to the surplus property. As part of the purchase price, each adjoining property owner who wishes to purchase a portion of the surplus property shall be required to pay a pro-rata share of the original appraisal and other expenses incurred by the initiating party to the City for reimbursement to the initiating party.

VIII.

Each adjoining property owner shall have one hundred twenty (120) days from the date of final passage of the ordinance declaring the property surplus real property in which to exercise the right to purchase a pro-rata share. Each adjoining property owner, if he can be identified, shall be notified by certified mail within ten (10) days of the final approval. If an adjoining property owner does not exercise this option to purchase, the property shall be offered to the remaining property owners on a pro-rated basis in accordance to their linear footage to the total of the surplus property.

IX.

All decisions to be made under this ordinance by the City Commission shall be discretionary and the City Commission shall not be bound by either its original declaration of surplus property nor by the appraisal submitted.

X.

If any portion of this ordinance shall be declared invalid or unconstitutional, then the invalidity of that provision shall not effect the remainder.

XI.

This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

Harold W. Schaim
MAYOR

Melanne D. Stromatt
CITY RECORDER

Louis W. Oliverio
APPROVED AS TO FORM:
CITY ATTORNEY

FIRST READING: Sept. 17, 1987
SECOND READING: Oct. 1ST, 1987
THIRD READING: Oct. 15, 1987