

IMPACT STATEMENT

Legislation title: Accept report on New Surplus Property Policy for Our Utility Bureaus

Contact name: Sonia Schmanski

Contact phone: 3-3592

Presenter name: David Shaff, Eli Callison

Purpose of proposed legislation and background information:

The Bureau of Environmental Services and Water Bureau have developed a new surplus property policy to guide the disposal of unnecessary properties. The new policy includes an increased level of public notification and opportunities for community involvement. The Council briefing will include an overview of the new policy, examples of how it is working in practice, and a preview of surplus properties in the queue.

Financial and budgetary impacts:

This new policy increases public notification when the City's utility bureaus identify and dispose of unneeded properties. No financial impact is anticipated.

Community impacts and community involvement:

This new policy is the result of community feedback about the City's process for disposing of surplus property. In 2013, the Multnomah Neighborhood Association (MNA) raised a concern about the process that led to a 2012 contract for the sale of a parcel in Southwest Portland. Commissioner Fish agreed with many of their concerns about the inadequacy of the existing City policy. He worked with BES and PWB to develop a new policy responding to the neighborhood's concerns, and incorporated many of the suggestions offered by the MNA. This policy increases opportunities for community involvement when the City's utility bureaus identify properties as no longer needed and move to dispose of them.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
 NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**Surplus Property Identification, Disposition
and Notification Process**

**Bureau of Environmental Services
Portland Water Bureau**

- 1) After an internal evaluation, Bureau of Environmental Services (BES) or Portland Water Bureau (PWB) staff determines that the subject real property is no longer needed for their respective utility's purposes.
- 2) The Bureau Director evaluates the staff recommendation and agrees with the determination.
- 3) The Commissioner-in-Charge evaluates the staff recommendation and concurs with the Director's determination that the property is surplus.
- 4) Once the Commissioner-in-Charge has concurred that a property is surplus, city bureaus and Council offices will be notified in writing that BES or PWB has identified a property as surplus and that the property is available to City agencies for acquisition. Each City bureau will be asked to respond in writing to BES or PWB, indicating whether or not the bureau is interested in purchasing the property. BES or PWB will document each response (or non-response).
- 5) Unless a City bureau has asked for additional time to consider whether it wishes to acquire the property in question, ten business days after notifying City agencies, BES or PWB will commence a public notice period which shall include each of the following steps simultaneously:
 - a) The bureau will notify METRO, the county in which the property is located, the State of Oregon, and ODOT Rail Division as required by OAR 741-040-0030, that the property may be available for purchase if no city agency is interested in acquiring the property.
 - b) The bureau will notify by email or mail the Neighborhood Coalition, the Neighborhood Association (including the Land Use Representative of the Association if one is identified in the Office of Neighborhood Involvement Directory) and the Business Association for the area in which the property is located of the bureau's intent to dispose of the property, either by sale to a City bureau or another public entity or through a public sale if no public entity chooses to purchase the property.

- c) The bureau will list the property as surplus on its website on a *Surplus Property* web page that will be updated as appropriate. It shall include information such as why the property is no longer needed by BES or PWB, the current status of the property (e.g., offered to other agencies or for sale); the property's size and proposed asking price; a description of any infrastructure on the site; any appraisals conducted on the property, and a potential sale date if a public agency has indicated a desire to purchase the property. Contact information for the bureau's Property Manager or his or her designee will also be listed.
 - d) The bureau will place an informational sign on the property in a reasonably visible location. The sign shall notify the public that the property has been identified as surplus and is available for acquisition and that it will be listed for sale to the public if not acquired by a public agency. The sign will be posted for a minimum of 45 days; however, a neighborhood association may request the sign be posted up to an additional 45 days. Contact information for the bureau's Surplus Property web page will be listed.
 - e) A printed public notice (advertisement) will be placed in at least one community newspaper that reaches residents in the area in which the property is located no later than 30 days after the sign is posted.
- 6) If, after the informational sign has been posted for 45 days (or longer if requested by a neighborhood association as provided above), no public agency has expressed interest in acquiring the property, the bureau will prepare a non-emergency Ordinance to be placed on the Regular Council Agenda. The Ordinance will ask Council to declare the property surplus and authorize the bureau to proceed with a public sale. The ordinance will provide the following information:
- a) A description of the property or interest to be sold;
 - b) The reasons the City Council considers it necessary or convenient to dispose of the property;
 - c) The nature and general terms of the proposed sale; and
 - d) An appraisal or other evidence of the market value of the property.
- 7) Upon the effective date of a Council ordinance authorizing sale, the bureau may proceed to sell the property, with or without a real estate agent, for an asking price determined to be reasonable by the Bureau's Property Manager, taking into account,

among other things, any appraisal, market conditions, and the condition of the property.

- a) The Surplus Property web page of the bureau will be updated with sales information.
 - b) The bureau will place a For Sale sign on the property and no offers will be accepted by the bureau until at least 30 days after the For Sale sign is posted.
 - c) The property will be listed with the Regional Multiple List Service (RMLS™).
 - d) Unless otherwise directed in the Council Ordinance, the Bureau Director and Chief Engineer may accept any offer they consider reasonable, taking into account, among other things, any appraisal, market conditions, and the condition of the property.
- 8) For any properties already authorized for sale by the City Council, the bureau shall, prior to sale, conduct the proposed notice process in paragraph 5 and, if appropriate, proceed to sale pursuant to paragraph 7.
 - 9) This is a pilot program in BES and PWB, meaning that not all possible circumstances may have been foreseen. If, during the implementation of this pilot program, the director of either bureau determines that reasonable alterations are necessary in order successfully to notice and consummate the sale of property, he or she may make necessary alterations with the approval of the Commissioner-in-Charge.
 - 10) Except as otherwise directed by the Commissioner in Charge or the City Council in a particular instance, this policy shall guide the identification and disposition of potentially surplus properties managed by the Bureau of Environmental Services or the Portland Water Bureau.