

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 03-06-18

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL 2018- 065

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to hire, through a competitive
2 process, a real estate agent to market surplus City property; and
3 authorizing the City Manager, or his designee, to sign real estate
4 contracts submitted by the real estate agent hired under the authority
5 of this Ordinance.
6 _____
7

8 WHEREAS, City Charter Section 2.16(10) empowers City Council to sell real
9 property; and
10

11 WHEREAS, City Charter Section 3.3(7) authorizes the City Manager to perform
12 duties required of him by City Council; and
13

14 WHEREAS, Rev. Mo. Stat. Section 442.060 provides that City Council may
15 authorize the City Manager to sign real estate conveyances in a specific case or in any
16 class of cases; and
17

18 WHEREAS, the City has a revolving inventory of surplus properties declared to
19 be such after review by the City's Land Inventory Committee; and
20

21 WHEREAS, City Council requires the sale of surplus City properties from time to
22 time; and
23

24 WHEREAS, a real estate agent can market property consistently and
25 continuously; and
26

27 WHEREAS, the City has had difficulty marketing surplus properties over time;
28 and
29

30 WHEREAS, City Council usually approves the sale of individual real estate
31 parcels one parcel at a time; and
32

33 WHEREAS, of practical necessity, City Council requires the marketing of the
34 City's inventory of surplus properties as a group; and
35

36 WHEREAS, City Council requires the City Manager to sign conveyances for the
37 sale of City properties as a group.
38

39 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
40 SPRINGFIELD, MISSOURI, as follows, that:
41

42 Section 1 – The City Manager, or his designee, is hereby authorized, through a
43 “Request for Proposals” competitive process, to hire a real estate agent to market
44 surplus City owned real property.
45

46 Section 2 – The City Manager, or his designee, is hereby authorized to sign
47 surplus City real estate contracts submitted to the City by such real estate agent and
48 approved as to form by the City Attorney.
49

50 Section 3 – Any sale authorized by this Ordinance shall not require a separate
51 authorizing ordinance.
52

53 Section 4 – The City Manager is authorized to sign deeds of conveyance in a
54 form substantially similar to the document attached hereto as “Exhibit A” and
55 incorporated herein by this reference.
56

57 Section 5 – This Ordinance shall be in full force and effect from and after
58 passage.
59

60 Passed at meeting: _____
61

62 _____
63 Mayor
64

65 Attest: _____, City Clerk
66
67

68 Filed as Ordinance: _____
69

70 Approved as to form: Duke M. Donald, Assistant City Attorney
71
72

73 Approved for Council action: Greg Burt, City Manager
74

EXPLANATION TO COUNCIL BILL 2018 -065

FILED: 03-06-18

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: To authorize the City Manager, or his designee, to hire, through a competitive process, a real estate agent to market surplus City property; and to authorize the City Manager, or his designee, to sign real estate contracts submitted by the real estate agent hired under the authority of this Ordinance.

BACKGROUND INFORMATION: The City has an accumulation of surplus real property. Twice each year, the City attempts to sell such property after a bidding procedure City staff conducts. For several years the City has been unable to sell a number of surplus properties. A real estate agent can market property consistently and continuously.

Normally, City Council authorizes the sale of real estate parcels one at a time. However, as a practical matter, it is better to group accumulated surplus real property for marketing and sale. It is also practical to allow the City Manager to approve sales, and sign deeds conveying these surplus real properties without further Council action.

Submitted by:



Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Greg Burris, City Manager

Exhibit A

SPECIAL WARRANTY DEED

THIS DEED is made on the ____ day of _____, 2018, by and between the City of Springfield, Missouri, Grantor, and _____, Grantee, at _____.

WITNESSETH, that the Grantor, for valuable consideration, to it paid by the Grantee (the receipt of which is hereby acknowledged) does by these presents, **SELL** and **CONVEY** unto Grantee, and Grantee’s successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:

(Legal Description of property)

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto the Grantee and unto Grantee’s successors and assigns forever; the Grantor, hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by it, except as herein provided; and that it will warrant and defend the title to said premises unto the Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming under it, except as herein provided.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year above written.

SEAL

THE CITY OF SPRINGFIELD, MISSOURI

By: _____

Greg Burris, City Manager

Attest:

Anita J. Cotter, City Clerk

STATE OF MISSOURI)
)
COUNTY OF GREENE)

ACKNOWLEDGMENT

On this ____ day of _____, 2018, before me personally appeared _____, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this ____ day of _____, 2018.

Notary Public

My term of office expires: _____