

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 8, 2020
Action Required:	Resolution Adoption
Staff Contacts:	John Blair, City Attorney
Presenters:	John Blair, City Attorney
Title:	Sale of City-Owned Property Policy Amendment

Background:

On January 3, 2005, the Charlottesville City Council adopted a Policy for the Sale of City-Owned Property (hereinafter “Property Policy”). On May 18, 2009, the Charlottesville City Council amended the Property Policy to require a the posting of a sign on property proposed to be sold by the City at least two weeks in advance of the public hearing to consider the sale.

Discussion:

At its August 17, 2020 meeting, the City Council’s agenda contained an item for the possible sale of .13 acres located in Northeast Park.

The prospective purchasers made an offer that complied with the portions of the Property Policy that allowed the offer to be placed on the City Council’s agenda.

At the August 17, 2020 meeting, all City Council members expressed unease with the possibility of selling City park property to a private party. The City Council requested the City Attorney to present a revised Property Policy which will prohibit the staff’s consideration of offers to purchase City park property.

The proposed policy would prohibit the staff’s consideration of offers to purchase City park property without the consent of three Councilors.

If the Council adopts the amendments to the Property Policy, the City will inform the individuals desiring to purchase the .13 acres in Northeast Park that their request will not be considered pursuant to the amended Property Policy.

Attachments:

Proposed Resolution
Amended Property Policy

**RESOLUTION TO AMEND THE
POLICY FOR THE SALE OF CITY-OWNED PROPERTY
TO PROHIBIT CONSIDERATION OF THE SALE OF
CITY PARK PROPERTY**

WHEREAS, the Charlottesville City Council adopted a Policy for the Sale of City-Owned Property (hereinafter “Property Policy”) on January 3, 2005; and

WHEREAS, the Property Policy requires City staff members to consider offers for the sale of all City-owned property; and

WHEREAS, the Charlottesville City Council desires to preserve all City-owned park property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that it does not wish for its staff members to consider offers for the sale of City-owned park property.

BE IT FURTHER RESOLVED that the amendments of the Policy for the Sale of City-Owned Property attached to this Resolution are hereby adopted.

POLICY FOR THE SALE OF CITY-OWNED PROPERTY

This policy applies to the sale of all City-owned property except for property that is currently designated as a city park. It is intended to provide general guidelines to promote consistent treatment of all requests received by the City for the sale of property, but nothing herein shall be construed to limit the inherent authority and discretion of City Council in deciding whether to sell any particular property, and the conditions of such sale.

- (1) **Request to Purchase City-Owned Property.** Any request to purchase City-owned property shall be in writing and accompanied by the name and address of the person making the request, a description of the property, the proposed use of the property if sold by the City or the reason for the requested acquisition, and the consideration, if any, offered by the purchaser for the property. All requests received by any City department shall be promptly forwarded to the Office of the City Attorney. Notwithstanding the foregoing, the City will not consider offers to purchase any City-owned property currently designated as a public park except as provided for in Section 8 of this policy. For purposes of this policy, public parks shall include any parks designated in Chapter 18 of the Code of the City of Charlottesville.

- (2) **Staff Review.** Requests for the purchase of City-owned property shall be forwarded to the City Assessor, the Department of Neighborhood Development Services (~~Planning and Engineering Divisions~~), the Department of Public Works (~~Public Service and Public Utilities Division~~), the Department of Utilities, and the Department of Parks and Recreation for review, comment and recommendation. Information to be solicited through City staff review shall include the following:
 - (a) The current real property tax assessment of any adjacent property; the fair market value of the property proposed for sale, with recent comparable sales of similarly-situated property; when the City property will be added to a larger parcel, the increase in the tax assessment of the larger parcel resulting from the sale; if the person making the request is proposing an exchange of real property, the current tax assessment and the fair market value of the privately- owned property proposed for the exchange; the consideration, if any, the City paid to acquire the property.

 - (b) The current zoning of the property and any adjacent property owned by the person requesting the sale; whether the adjacent property is being considered for site plan, subdivision, rezoning, special use permit or other land use approval; whether the proposed use of the property is consistent with the City's comprehensive plan and any other applicable land use regulations; and the extent to which additional development rights will accrue to the purchaser in the event the property is sold by the City.

- (c) The existence of any existing utility lines or facilities within the property, and whether the City may need the property for any public purpose in the future.
 - (d) The extent to which the City will be relieved of any current maintenance obligations if the property is sold.
- (3) Initial Denial of Request. If the staff review demonstrates that the property should not be sold because of a current or planned public use for the property, the person making the request shall be notified in writing, with a copy of the correspondence to City Council. No further consideration will be given to the request unless the Mayor or any two members of City Council direct staff to place the request on a future City Council agenda for consideration.
- (4) Council Review. If the City has no current or planned use of the property, the request shall be placed on a City Council agenda for consideration. All City staff review materials and recommendations, if any, shall be forwarded to City Council. If consideration of the request will involve negotiations with the person offering to purchase the property and a public discussion will adversely affect the negotiating strategy of the City, the City Council may, upon request of the City Attorney, initially consider the proposed sale in a properly convened closed session.
- (5) Public Notice. A public hearing is required prior to the sale of City-owned property. In addition to general notice requirements, City staff shall notify any adjoining property owners, the relevant neighborhood association and any other party known to be interested in the proposed sale of the scheduled public hearing. A sign advertising the proposed sale shall be posted on the property by City staff at least two (2) weeks in advance of the public hearing.
- (6) Consideration. With few exceptions City-owned property is an asset of the City. Accordingly, it will be presumed that City Council will only authorize the sale of the property for its full fair market value. For larger tracts of land or where the value of the property is in question, City Council may authorize staff to retain an independent appraiser to render an opinion on the fair market value of the property. In considering the proposed sale City Council may give consideration to non-monetary forms of compensation, such as the exchange of real property of equal or greater value, or the applicant's willingness to provide public improvements on the property at its expense. Council may also give consideration to the extent to which the sale will promote an identified goal of City Council.
- (7) Approval. The sale of City-owned property can only be authorized by an ordinance passed by City Council after two readings. Pursuant to Virginia law, some public property can only be sold after approved by four members of City Council. The City Attorney will advise Council whether the

constitutional “super-majority” requirement is applicable to the proposed sale. If the sale is authorized, the purchaser will be required to pay, in addition to the sales price, the expense of preparing a recordable plat of the property, and any applicable recording fees.

- (8) Sale of Parkland. If an individual desires to purchase land currently used as a public park by the City, the individual must first receive the approval of three members of City Council. One of the Council members shall contact the City Attorney informing them of the Council’s desire to consider a possible sale of a public park. The City Attorney shall then initiate sections 2, 4, 5, and 6 of this policy.