

**ORDINANCE  
CITY OF SAINT PAUL, MINNESOTA**

Presented by \_\_\_\_\_

1 An administrative ordinance to amend Saint Paul Administrative Code Chapter 51, Disposition of City  
2 Property, to facilitate title changes and administrative reorganization.  
3

4 **THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:**  
5

6 Section 1  
7

8 Section 51, Disposition of City Property, of the Saint Paul Administrative Code is hereby amended to read  
9 as follows:  
10

11 **Sec. 51.01. Authority and procedure.**  
12

13 Whenever the duly authorized head of any department may deem it for the best interests of the city  
14 to dispose of any real property belonging to or under the control of his department, said officer shall  
15 prepare or cause to be prepared a report to the council of said city fully describing the real property to be  
16 disposed of and the reasons why the disposition thereof is desirable. The council shall, if agreeable and  
17 after vacation of property heretofore or hereafter acquired by the city by eminent domain proceedings or  
18 otherwise acquired and dedicated to a specific public purpose, by resolution approve said project and direct  
19 the disposal of the same in the following manner:  
20

21 (1) *Appraisal.* After the passage, approval and publication of a resolution approving the project of  
22 disposing of certain real property owned by the city, copies of such resolution shall be forwarded by the  
23 city clerk to the purchasing agent, the director of ~~finance and management~~ the office of financial services,  
24 the mayor and the head of the department desiring to sell such property, whereupon it shall be the duty of  
25 the purchasing agent to obtain an appraisal of said property from the city valuation and assessments  
26 engineer, except that upon the recommendation of the director of the ~~department of finance and~~  
27 management office of financial services the council may obtain competent appraisal of said property from  
28 an outside appraiser or appraisers. Except as provided herein, the property shall be sold either at public  
29 auction, by calling for sealed bids, or calling for bid proposals, in the discretion of the city council.  
30

31 (2) *Public auction.* If such property is to be disposed of by public auction, the auction sale shall be  
32 conducted by the purchasing agent and after advertisement therefor in the official newspaper for at least  
33 once a week for two (2) successive weeks and such other advertisements and publications as the  
34 purchasing agent may deem desirable. The advertisements shall give a full description of the property to be  
35 sold, the appraised value thereof, the time and place of the public auction, and a copy of the resolution of  
36 the council fixing the terms of the sale if other than for cash only. The purchasing agent shall offer the  
37 parcel or parcels of land in the order in which they appear in the notice of sale and shall sell them to the  
38 highest bidder but not for a less sum than the appraised value. All property sold by public auction shall be  
39 sold for cash or certified check unless the city council shall have adopted a resolution providing for their  
40 sale on terms, in which event such resolution shall control with respect thereto. When sold, the council  
41 shall by resolution direct the proper city officers to convey the property so sold to the purchaser either by  
42 warranty deed or quit claim deed as the council may direct.

43 If it develops that the property cannot be sold for the appraisal as made, the purchasing agent may obtain a  
44 reappraisal for the purpose of more clearly establishing the actual value of any tract.

45

46 (3) *Sealed bids.* If such property is to be disposed of by calling for sealed bids, such sale shall be made  
47 upon competitive bids and after advertisement therefor in the official newspaper for at least once a week  
48 for two (2) successive weeks and such other advertisements and publications as the purchasing agent may  
49 deem advisable. The advertisement shall give a full description of the property to be sold, the time and  
50 place of receiving bids, and shall require a bid deposit from all bidders in the amount of at least ten (10)  
51 percent of the amount bid, said deposit shall be in the form of a cashier's check, a certified check, or a  
52 surety bond written by a corporate surety authorized to do business in the state having a resident agent  
53 located in said state, or a combination of a certified check or cashier's check and such a surety bond, as  
54 may be directed by the city council.

55 All bids shall be on regular formal quotation blanks supplied by the purchasing agent, with the number,  
56 date and bidder's name indicated on the outside thereof. Such bids shall be opened by the purchasing agent.  
57 The purchasing agent and the director of ~~finance and management~~ the office of financial services shall  
58 recommend to the council the rejection of bids or award to the highest responsible bidder, as the case may  
59 be. If awarded, the council shall by resolution direct the proper city officers to convey the property so sold  
60 to the purchaser either by warranty or quitclaim deed, as the council may determine. If not awarded, all  
61 checks shall be returned to the bidders. If it develops that the property cannot be sold for the appraisal as  
62 made, the purchasing agent may obtain a reappraisal for the purpose of more nearly establishing the actual  
63 value of any tract.

64

65 (4) *Private sale.* The council may, in the event that no bids are received, or if bids received are  
66 unsatisfactory, sell such property at private negotiated sale in any manner that it may deem advisable, and  
67 may sell such property through competent realtors and pay the regular commission; provided, however,  
68 that the price shall in no event be less than the highest bid received pursuant to advertisement therefor in  
69 the manner prescribed in paragraph (3) hereof, exclusive of the commission. In case of sale in the manner  
70 determined by the council, the property shall be conveyed to the purchaser either by quitclaim or warranty  
71 deed, as the council may direct.

72

73 (5) *Advertising for bid proposals.* If the council determines by resolution passed by five (5) affirmative  
74 votes that the use to which such property will thereafter be put is of importance to the general welfare of  
75 the public and may be of greater significance to the well-being of the community than the highest price that  
76 may be offered for such property, the council may by such resolution direct that proposals for the purchase  
77 of such lands be called for by the purchasing agent after advertisement therefor in the official newspaper  
78 for at least once a week for two (2) successive weeks, and such other advertisements and publications as  
79 the purchasing agent may deem desirable, the last advertisement being not less than ten (10) days prior to  
80 the date set for receiving and opening proposals. The advertisement shall give the full description of the  
81 property to be sold, the time and place for receiving proposals, shall state the current fair market value of  
82 the subject property as appraised and reported by the city's valuation and assessments engineer or other  
83 competent real estate appraiser appointed and employed by the purchasing agent in the premises, and shall  
84 require a bid deposit from all persons submitting proposals in the amount of at least ten (10) percent of the  
85 proposed purchase price as set forth in such proposal, said deposit shall be in the form of either a cashier's  
86 check, a certified check or a surety bond written by a corporate surety authorized to do business in the state  
87 having a resident agent located in said state, or a combination of a certified check or cashier's check and  
88 such a surety bond, as may be directed by the city council; but in no event shall the proposed purchase

89 price be accepted ~~be is~~-less than the fair market value of the property at the time of such sale as appraised  
90 and reported by the city's valuation and assessments engineer or other competent real estate appraiser  
91 appointed and employed by the purchasing agent in the premises.

92 All proposals shall be submitted together with forms supplied by the purchasing agent bearing the proposal  
93 number, date, and name of the individual, firm or corporation submitting such proposal indicated on the  
94 outside thereof. Such proposals shall be opened by the purchasing agent. The purchasing agent and the  
95 director of ~~finance and management~~ the office of financial services shall recommend to the council the  
96 rejection of proposals or award to the individual, firm or corporation submitting the best proposal for the  
97 future welfare of the city as the case may be. The council, after notice of hearing with respect thereto  
98 published in the official city newspaper and in a newspaper of general circulation within said city, may  
99 reject all proposals or it may, by resolution passed by five (5) affirmative votes of the council, make an  
100 award to the person, firm or corporation submitting the best proposal. If awarded, the council shall also, by  
101 such resolution, direct the proper city officials to convey the property so sold either by warranty or  
102 quitclaim deed, as the council may determine. If not awarded, all checks shall be returned to the bidders  
103 submitting the proposals.

104  
105 (6) *Sale of unimproved land.* When unimproved lands heretofore or hereafter condemned and taken by  
106 the city under power of eminent domain shall remain unimproved substantially as thus acquired in the  
107 ownership and control of the city and shall be provided to be sold and conveyed as lands unneeded for any  
108 public purpose and thus made the subject of disposition by the city hereunder, the same may by direction  
109 of the council first be offered therefor to the prior owner of the same and from whom the same were thus  
110 acquired by the city if such prior owner still retains property abutting thereon. In any such case, the  
111 council, without advertisement therefor or competitive bids for the same, may sell and provide for the  
112 reconveyance of the subject lands to such prior owner of the same, subject to the following provisions:

- 113  
114 a. If the subject lands shall constitute the entire tract thus acquired by the city, the amount of  
115 money to be paid therefor to the city shall not be less than the fair market value as established by  
116 appraisal by the city's valuation and assessments engineer or other competent real estate appraiser  
117 appointed by the council to make such appraisal.  
118  
119 b. If the subject lands shall constitute less than the whole tract thus acquired by the city, as  
120 determined by the city valuation and assessments engineer, the amount of money to be paid  
121 therefor to the city shall not be a less proportion of the amount of money paid by the city for such  
122 acquisition of the whole tract than the proportion of the part to be sold and conveyed shall bear to  
123 the whole tract thus originally acquired by the city; and  
124  
125 c. No such land thus acquired by the city shall be sold or reconveyed by it, in any such case, for an  
126 amount of money which shall be less than the fair market value of the same at the time of such sale  
127 or reconveyance, as appraised and reported by the city's valuation and assessments engineer or  
128 other competent appraiser appointed and employed by the council in the premises, and the form of  
129 reconveyance in each such instance shall be that of a quitclaim deed.

130  
131 (7) *Sale of vacated streets and alleys--Platted lot.* In any case where the city shall have acquired a  
132 fractional part of any platted lot of record by condemnation or deed or by condemnation and deed therefor  
133 and shall have dedicated the same to the opening, widening or extending of any public street or public  
134 alley, and shall have vacated any such public street or alley or any section thereof embracing such

135 fractional part of such platted lot, the council, without advertisement therefor or competitive bids for the  
136 same, may sell and provide for the conveyance of all right, title, estate and interest of the city in and to  
137 such fractional part of such platted lot at any time within sixty (60) days next after the effective date of the  
138 vacation of the section of public street or public alley which theretofore embraced the same, subject to the  
139 following provisions:

140  
141 a. Such authorized sale and conveyance shall be consummated within said sixty-day period and  
142 shall be made by the city as vendor-grantor to the owner of such platted lot, save for the aforesaid  
143 fractional part of the same, theretofore acquired and dedicated by the city.

144  
145 b. No such sale or conveyance affecting any such fractional part of any such platted lot or  
146 affecting the right, title, estate or interest therein of the city shall be made for an amount of money  
147 which shall be less than the fair market value of the same at the time of such sale and conveyance  
148 as appraised and reported by the city valuation and assessments engineer or other competent  
149 appraiser appointed and employed by the council in the premises, and that the form of conveyance  
150 in any such instance shall be that of a quitclaim deed.

151  
152 (8) *Sale of vacated streets and alleys--Parcel or tract.* In any case where the city shall have acquired by  
153 virtue of condemnation or deed or by virtue of condemnation and deed any tract or parcel of land therefor  
154 and shall have dedicated the same to public street, public alley or public street approach purposes and shall  
155 have thereafter vacated the subject public street, public alley or public street approach, or any section of  
156 such public street, public alley or public street approach embracing such tract or parcel of land, the council,  
157 without advertisement therefor or competitive bids for the same, may sell and provide for the conveyance  
158 of all right, title, estate and interest of the city in and to such tract or parcel of land at any time within sixty  
159 (60) days next after the effective date of the vacation of the section of public street, public alley or public  
160 street approach which theretofore embraced the same, subject to the following provisions:

161 a. Such authorized sale and conveyance shall be consummated within said sixty-day period and  
162 shall be made by the city as vendor-grantor to the owner of the tract or parcel of land which shall  
163 abut immediately upon and be contiguous to the subject vacated section of public street, public  
164 alley or public street approach, as purchaser-grantee.

165  
166 b. No such sale or conveyance affecting any such tract or parcel of land or affecting the right, title,  
167 estate or interest therein of the city shall be made for an amount of money which shall be less than  
168 the fair market value of the same at the time of such sale and conveyance as appraised and reported  
169 by the city valuation and assessments engineer or other competent appraiser appointed and  
170 employed by the council, in the premises, and that the form of conveyance in any such instance  
171 shall be that of a quitclaim deed.

172  
173 c. No such sixty-day limitation or other time limitation shall apply to any such sale of any such  
174 city land which shall embrace any such vacated public street, public alley or public street approach  
175 area not in excess of six (6) inches in depth measured streetward from the platted privately owned  
176 lot or block line.

177  
178 (9) *Lease of city property.* Except as provided in section 86.03, disposition of city property by negotiated  
179 lease may be authorized by resolution of the city council pursuant to this chapter and chapter 86 of the  
180 Administrative Code. Proposed leases shall be submitted for consideration by the city council together with

181 the recommendation of the city valuation and assessments engineer and the report of the city budget  
182 financial services director, and may be approved by the council only after public hearing, by resolution  
183 passed by five (5) affirmative votes.

184  
185 (10) *Exchange of city property.* If the council determines by resolution passed by five (5) affirmative  
186 votes that a negotiated exchange of city and other property, real or personal, may better serve the public  
187 welfare than a sale of the city property, the council may by such resolution direct the city valuation and  
188 assessments engineer to make or obtain an appraisal of the property to be received in the proposed  
189 exchange. The value of the property to be received by the city in such exchange shall not be less than the  
190 market value of the city property.

191  
192 Upon receipt of the appraisal of the exchange property, and after public hearing, the council may by  
193 resolution approved by five (5) affirmative votes approve the negotiated exchange and authorize execution  
194 of deeds or other instruments to complete the exchange.

195  
196 (11) *Conveyance to HRA.* The council by five (5) affirmative votes may authorize the conveyance of real  
197 property to the housing and redevelopment authority (HRA) of the city. As part of the resolution  
198 authorizing conveyance, the council shall direct the proper city officials to convey the property by either  
199 quitclaim and warranty deed. The HRA shall be responsible for any outstanding municipal special  
200 assessments or service charges.

201  
202 Section 2  
203

204 That this ordinance shall take affect and be in force thirty (30) days after its passage, approval and  
205 publication.

	Yeas	Nays	Absent
Bostrom			
Carter			
Harris			
Helgen			
Lantry			
Stark			
Thune			

Requested by Department of:

By: \_\_\_\_\_

Approved by the Office of Financial Services

By: \_\_\_\_\_

Approved by City Attorney

By: Disa G. Veith 4/08/09

Approved by Mayor for Submission to Council

By: \_\_\_\_\_

Adopted by Council: Date \_\_\_\_\_

Adoption Certified by Council Secretary

By: \_\_\_\_\_

Approved by Mayor: Date \_\_\_\_\_

By: \_\_\_\_\_