

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3221

AN ORDINANCE AMENDING SECTION 1-4-17 OF THE HELENA CITY CODE TO ALLOW CITY COMMISSION APPROVAL TO LEASE CITY-OWNED REAL PROPERTY WITHOUT PUBLIC HEARINGS

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY
OF HELENA, MONTANA:

That Section 1-4-17 of the Helena City Code is hereby amended
as follows:

1-4-17: **SALE, DISPOSAL OR LEASE OF REAL PROPERTY:**

A. Real property in which the city has a legal or equitable interest may not be sold, leased for a period of longer than ten (10) years, or disposed of, nor any option or contract for the sale, lease, or disposition of the same may be entered into, except as provided herein. Subject to the provisions of this subsection, the city commission may sell, lease, or dispose of any real property belonging to the city, including property held in trust for a specific purpose, by a resolution passed by three (3) of the city commission members present. Prior to selling, leasing for a period of longer than ten (10) years, or disposing of said real property, except for real property the city has acquired by tax deed from the county after a tax sale, the city manager or the manager's designee shall:

1. Publish notice twice, in the legal newspaper, of the city's intention to sell, lease for a period of longer than ten (10) years, or dispose of real property, giving the public the opportunity to be heard regarding such action. Said notice shall be published in accordance with state law.

2. Notify by mail all property owners within three hundred feet (300') of the exterior boundaries of the real property subject to sale, lease for a period of longer than ten (10) years, or disposal at same time as first publication, of the time, date, and place of the public hearing and the existing and proposed use of the property.

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3. For property with an expected sale price of more than five hundred thousand dollars (\$500,000.00), have the property appraised by two (2) qualified, licensed appraisers who shall each independently appraise the property without consultation or corroboration with the other as to the finding of an appraised value. These appraisals shall be obtained prior to providing the public notices required in subsections A1 and A2 of this section and the results of the appraisals shall be included in the public notices.

- B. Real property acquired by the city by tax deed from the county may be sold, leased or disposed of according to law without regard to this section.
- C. Leases of real property, in which the city has a legal or equitable interest, for terms of less than ten (10) years are not subject to the public notice or notification of adjacent property owners requirements of subsections 1(A) and 1(B). Leases of real property for terms of less than ten (10) years may be approved by the commission as consent agenda items.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF SEPTEMBER, 2016.

ATTEST: /S/ JAMES E. SMTIH
MAYOR

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 26th DAY OF SEPTEMBER, 2016.

ATTEST: /S/ JAMES E. SMTIH
MAYOR

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION