

## ARTICLE II. - TRANSFER OF REAL PROPERTY

### Sec. 14-31. - Generally.

The council may sell, lease, exchange or otherwise transfer county-owned real property and interests in real property, including the improvements contained thereon, when such transfer is made in accordance with the requirements of this article, except that such transfers may be made without following the requirements of sections 14-32 through 14-35, when the:

- (1) Property is being transferred under authority of the Municipal Housing Law, NMSA 1978, § 3-45-1, et seq., Urban Development Law, NMSA 1978, § 3-46-1, et seq., Community Development Law, NMSA 1978, § 3-60-1, et seq., or the Affordable Housing Act, NMSA 1978, § 6-27-1 et seq., and article VII of this chapter;
- (2) Property is being transferred to any other Federal, state or local governmental agency or instrumentality after the council determines by resolution that the transfer is in the best interest of the public;
- (3) Property is being donated for the care and maintenance of the sick and indigent;
- (4) Property interest being transferred is either an easement or a license;
- (5) Property is being leased to an entity engaged in providing health care services, including nursing home services; or
- (6) Property interest is being transferred expressly pursuant to the authority granted by NMSA 1978, § 3-54-1, subject to the referendum requirements therein contained.

(Ord. No. 74-42, § 1, 1982; Ord. No. 74-93, § 1, 1983; Code 1985, § 5.04.010; Ord. No. 571, § 6, 8-17-2010; Ord. No. 02-281, § 3, 5-1-2018)

### Sec. 14-32. - Appraisal of property; limitations.

Prior to any sale or exchange of county-owned property, the manager shall cause at least one appraisal to be made by a professional appraiser holding a nationally recognized and designated certification or approved by the county assessor as a person qualified to give a professional appraisal. If the appraisal is done by a person approved by the county assessor, the appraisal will be reviewed by the county assessor prior to its submission to the council. The manager will also cause an appraisal to be made on any land the county might receive in an exchange. The council shall set a final sale or exchange value of the property, but in no event shall the value be less than 95 percent of its appraised value. In the sale or exchange of property surplus to the needs of the county, the manager is not obligated to have an appraisal done until after a resolution is passed by the council under the provisions of section 14-33(1).

(Code 1985, § 5.04.020; Ord. No. 02-256, § 25, 7-7-2015)

### Sec. 14-33. - Sale or exchange of surplus property; bids.

The council may sell or exchange any property, including the improvements contained thereon, which is surplus to the needs of the county only after:

- (1) The council has found by resolution that the property to be sold or exchanged is surplus to the short-term or long-term needs of the county;
- (2) Notice of the proposed sale or exchange is published once each week for two consecutive weeks in a newspaper having general circulation in the county, and such notice may be in summary form; and

- (3) Bids have been received, with the highest bid being accepted unless the terms of the bid do not meet the terms and conditions set by the council, in which event the highest bid that does meet the terms and conditions may be accepted; provided, however, that the council may reject all bids.

(Code 1985, § 5.04.030)

Sec. 14-34. - Transfer of property used for county or public purpose; election.

- (a) The council may sell or exchange any real property, including the improvements contained thereon, used for a county or public purpose, having an appraised value of \$50,000.00 or less, by following those conditions required in the sale or exchange of property that is surplus to the needs of the county as set out in section 14-33.
- (b) The council may sell or exchange any real property, including the improvements contained thereon, used for county or public purpose which has a value of more than \$50,000.00, if the exchange or sale is submitted through an ordinance by the council and is approved by a majority of qualified electors at a special or regular county election. The public notice of the election shall set forth in concise manner the:
  - (1) Terms of the exchange or sale;
  - (2) Time and manner of payments on the exchange or sale;
  - (3) Amount of the sale or exchange, if known at time of election; and
  - (4) Identity of the buyer, if known at time of election.

(Code 1985, § 5.04.040)

Sec. 14-35. - Lease of property.

The council may lease any county-owned property or interest in property, including improvements contained thereon, under such conditions and for a value to be determined by the council. The council may direct the manager to cause an appraisal to be made on the property interest to be leased. Any lease agreement for a term of longer than one year must be open to competitive bid with notice of the proposal to be published once each week for two consecutive weeks in a newspaper having general circulation in the county. Notice may be in summary form. The highest bid shall be accepted unless the terms of the bid do not meet the terms and conditions set by the council, in which event the highest bid that does meet the terms and conditions may be accepted; provided, however, that the council may reject all bids.

(Code 1985, § 5.04.050; Ord. No. 02-256, § 26, 7-7-2015)

Sec. 14-36. - Discretion of council.

The council may reject all bid offers or other proposals for county property and nothing in this chapter shall be construed to give any person a vested right to compel the county either to abandon, vacate or dispose of any land or any easement or right therein, or to compel or require that the same be sold or exchanged upon any particular term or condition.

(Code 1985, § 5.04.060)

Sec. 14-37. - Final transfer.

Following the completion of all actions required by this article and the Charter, and legal review by the county attorney, the chair of the council may sign all necessary contracts or documents to effectuate final transfer of the county-owned property or interest therein.

(Code 1985, § 5.04.070)

Sec. 14-38. - Subrogation.

Leases entered into pursuant to section 14-31(5) may grant to the lessee the right to subordinate the county's interest in the property to a lien securing indebtedness incurred by the lessee in connection with construction of improvements on such property.

(Code 1985, § 5.04.080)

Sec. 14-39. - Proceeds from sale or exchange of property.

Except for funds received from a sale or lease under the land donation or land discount program as provided in article VII of this chapter, all funds received from the sale or exchange of any county-owned property by the council shall be deposited in a separate account within the capital improvements fund and expended solely for the purpose of acquiring real property or capital improvements needed by the county.

(Ord. No. 85-138, § 1, 1991; Code 1985, § 5.08.010; Ord. No. 571, § 7, 8-17-2010; Ord. No. 02-281, § 3, 5-1-2018)

Sec. 14-40. - Proceeds from lease of property.

Funds received from the lease of county-owned property and interests in property, including the improvements contained thereon, may be used for any county purpose.

(Code 1985, § 5.08.020)

Secs. 14-41—14-70. - Reserved.