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ORDINANCE NO. _____

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AN ORDINANCE relating to the management and disposition of real and personal property of King County; repealing Ordinance 1202 (1972).

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. ORDINANCE NO. 1202 REPEALED. Ordinance 1202 is repealed.

SECTION 2. DEFINITION - FAIR MARKET RENTAL VALUE. Fair market rental value is defined as an amount in the competitive market that a well-informed and willing lessor who desires but is not required to lease, would accept, and which a well-informed and willing lessee who desires but is not required to lease, would pay for the temporary use of the premises, after due consideration of all the elements reasonably affecting value.

SECTION 3. AUTHORITY TO SELL - MAY SELL TIMBER, MINERALS SEPARATELY.

(a) Whenever it is for the best interests of King County, taxing districts and the people thereof that any part or parcel of property, whether real, personal, or mixed, belonging to the county, including tax title land, should be sold, the county shall sell and convey such property under the limitations and restrictions and in the manner hereinafter provided.

(b) In making such sales the county may sell any timber, mineral, or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this ordinance for the sale of real property. However, any such timber, mineral, or other resources not exceeding twenty-five hundred dollars in value may be sold as personal property in the manner provided by this ordinance.

SECTION 4. SALES OF PERSONAL PROPERTY - ADVISABILITY AND MANNER OF SALES. Subject to the limitations of this ordinance the County Administrative Officer or his designee is authorized to determine the propriety and advisability of selling and the

1 manner and location of conducting sales of surplus personal
2 property.

3 SECTION 5. SALES OF PERSONAL PROPERTY - VALUE EXCEEDING
4 \$2,500. And if the item or lot of surplus personal property
5 carries a depreciated value of not less than twenty-five hundred
6 dollars and not more than two hundred and fifty thousand dollars
7 in the current inventory, a survey committee will be convened to
8 estimate the market value of an item of personal property and
9 the committee shall then advise the date, location and manner
10 of sale that is likely to be the most advantageous to the county.
11 The originating department, the Building Facilities Division
12 and the County Administrator's Office are to be represented on
13 each survey committee that is convened. When the survey committee
14 determines that a item or lot of surplus personal property
15 carries a depreciated value of two hundred and fifty thousand
16 dollars or more, the county executive shall not dispose of said
17 personal property without prior approval by motion of the council.
18 The motion approved by the council shall state concisely a descri-
19 ption of the item or lot of surplus personal property and proce-
20 dures to be followed by the executive in disposing of the personal
21 property through sale.

22 SECTION 6. COUNTY ADMINISTRATIVE OFFICER - DUTIES, REAL
23 PROPERTY. The duties of the County Administrative Officer shall
24 be:

- 25 (a) Review and make recommendations regarding the present
26 and future use and disposition of county held real
27 property;
- 28 (b) Recommend county titled real property as surplus,
29 subject to the provisions of this ordinance, and
30 recommend to the executive specific parcels for
31 disposition by sale.

32 SECTION 7. REAL ESTATE DIVISION - RESPONSIBILITIES. The
33 Real Property Division, acting under the supervision of the

1 County Administrative Office, shall be the sole organization
2 responsible for the administrative processes of acquiring, dis-
3 posing, inventorying, leasing and managing real property, the
4 legal title of which rests in the name of King County. County
5 departments shall be responsible for maintaining all real
6 property for which they are custodian.

7 SECTION 8. COUNTY ADMINISTRATIVE OFFICE, REAL PROPERTY
8 DIVISION, COUNTY DEPARTMENTS - RESPONSIBILITIES AND POWERS IN
9 DECLARING COUNTY REAL PROPERTY SURPLUS. The Real Property
10 Division shall no later than April 30, 1977, and henceforth no
11 later than the end of the first quarter of the calendar year,
12 maintain and update a current inventory of all county titled
13 real property with detailed information as to current departmental
14 custodianship and as to the characteristics that determine its
15 economic value and potential uses; PROVIDED THAT, property with
16 an apparent value of less than \$1,000 shall be excluded from the
17 provision of this section.

18 County departments shall be required, no later than June
19 30, 1977, and henceforth no later than June 30, of each calendar
20 year, to justify departmental retention of all land holdings to
21 the County Administrative Officer.

22 (a) If in the judgement of the County Administrative
23 Officer, based on the written recommendation of the Real Property
24 Division, a county department cannot justify the retention of a
25 given parcel of land, the County Administrative Officer shall
26 direct the Real Property Division to determine whether any other
27 department has a need for the parcel.

28 (b) If another department can demonstrate a need for said
29 parcel, custodianship of that parcel shall be transferred to that
30 department without any financial transaction between present and
31 future custodial organizations.

32 (c) If no other department can demonstrate a need for such
33 a parcel, said parcel shall be declared surplus to the future fore-

1 seeable needs of the county.

2 The County Administrative Officer shall review and make
3 recommendations to the executive for uses other than the sale
4 of surplus real property prior to a decision by the executive to
5 dispose of such properties through sale. Other possible uses
6 that shall be considered by the County Administrative Officer
7 in his recommendations in accordance with the provisions of this
8 ordinance, are:

- 9 (a) Exchanges for other privately or publicly owned
10 lands that meet the county's land needs, and
11 (b) Lease with necessary restrictive covenants, and
12 (c) Use by other governmental agencies, and
13 (d) Retention by the county if the parcel is classified
14 as floodplain or slide hazard property.

15 SECTION 9. SALE OF SURPLUS REAL PROPERTY - COUNCIL
16 APPROVAL REQUIRED. The approval of the council by motion is
17 required prior to the executive disposing of county titled real
18 property through sale; such sale being recommended as a result of
19 real property having been declared as surplus in compliance with
20 the provisions of this ordinance; PROVIDED THAT property with
21 an apparent value of less than \$1,000 shall be excluded from the
22 provisions of this section.

23 SECTION 10. NOTICE OF SALE. When King County elects to
24 sell property, King County shall advertise to the extent which
25 King County deems necessary to effect an advantageous sale. Such
26 advertising for real or personal property with a value in excess
27 of \$500.00, shall include publishing a notice in a legal news-
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1 paper at least once a week for two consecutive weeks, the last
2 notice to appear no more than five days prior to the date of the
3 auction or bid opening. An advertisement of sale of county
4 property must particularly describe the property to be sold and
5 designate the day and hour and the place of sale. When real
6 property is to be sold, the advertisement of sale must contain
7 both the street address, if available, and the legal description
8 of the part and parcel. If real property is offered for sale on
9 other than a cash basis the terms must be stated in the advertise-
10 ment.

11 SECTION 11. SALES OF PROPERTY - PUBLIC AUCTION. All sales
12 of real and personal property shall be made to the highest re-
13 sponsible bidder at public auction except when:

- 14 (a) county property is sold to a governmental agency;
15 (b) the County Executive has determined an emergency to
16 exist;
17 (c) county real property is traded for real property of
18 similar value, or when county personal property is traded for
19 personal property of similar value;
20 (d) county personal property is traded in on the purchase
21 of another article.

22 The county may, if it deems such action to be for the best
23 public interest, reject any and all bids, either written or oral,
24 and withdraw the property from sale. The County may then nego-
25 tiate the sale of withdrawn property, providing the negotiated
26 price is higher than the highest rejected bid.

27 SECTION 12. SALES OF PERSONALTY - MUST BE FOR CASH. Sales of
28 personal property must be for cash, certified check or cashier's
29 check, except when it is transferred to a governmental agency or
30 traded in on the purchase of another article or traded for
31 another article of similar value.

32 SECTION 13. PERSONALTY - TRADE-INS. King County may trade in
33 property belonging to the county or to any taxing district within

1 King County when purchasing other property. If the county elects
2 to trade in property it shall include in its call for bids on the
3 property to be purchased a notice that the county has for sale or
4 trade-in property of a specified type, description and quantity
5 which will be sold or traded-in on the same day and hour that the
6 bids on the property to be purchased are opened. Any bidder may
7 include in its offer to sell an offer to accept the designated
8 county property in trade by setting forth in the bid the amount
9 of such allowance.

10 In determining the lowest and best bid the county shall con-
11 sider the net cost to the county after trade-in allowances have
12 been deducted. The county may accept the bid of any bidder with-
13 out trade-in of the county property, but may not require any such
14 bidder to purchase the county property without awarding the bidder
15 the purchase contract. Nothing in this section shall bar anyone
16 from making an offer for the purchase of the used equipment inde-
17 pendent of a bid on the new equipment and the county shall consi-
18 der such offers in relation to the trade-in allowances offered to
19 determine the net best sale and purchase combination for the count.

20 SECTION 14. DISPOSITION OF PROCEEDS.

21 (a) The county organizations responsible for conducting sales
22 shall be reimbursed for advertising, postage and selling fees, if
23 any, from the proceeds of the sale. The King County Comptroller
24 is authorized to establish such funds and accounts necessary to
25 deposit sales proceeds until final disposition. The balance of
26 the proceeds shall be deposited into the proper county fund
27 or account, as directed by the County Administrative Officer or
28 the King County Council.

29 (b) In no case shall the title be transferred until the pur-
30 chase price has been fully paid.

31 SECTION 15. INTERGOVERNMENTAL SALES. King County may dispose
32 of or lease county property to another governmental agency and may
33 acquire property for the county from another governmental agency

1 by negotiation, upon such terms as may be agreed upon and for such
2 consideration as may be deemed by King County to be adequate.

3 SECTION 16. AUTHORITY TO LEASE.

4 (a) If it appears that it is for the best interests of the
5 county and the people thereof, King County may lease any county
6 real property and its appurtenances for a year or a term of years,
7 under the limitations and restrictions and in the manner provided
8 in this ordinance.

9 (b) King County shall have power to lease such county real
10 property and its appurtenances whether such property was acquired
11 by tax deed under tax foreclosure proceedings for nonpayment of
12 taxes or whether held or acquired in any other manner.

13 (c) Any lease executed under the authority of the provisions
14 hereof creates a vested interest and a contract binding upon the
15 county and the lessee.

16 SECTION 17. MANNER OF AWARDING LEASE.

17 (a) Fair market rental value, as defined in Section 2, shall
18 be the basis for all leases of King County real property. All
19 leases will be awarded upon the best terms and conditions avail-
20 able to King County.

21 (b) When King County authorizes a new lease, or the modifica-
22 tion, extension or renewal of a lease once executed and delivered,
23 the Real Property Division shall make an appraisal of the fair
24 market rental value of such property, and such fair market rental
25 value will serve as the basis for the new lease, modification,
26 extension or renewal. After said review, the Real Property
27 Division shall determine whether the lease, modification, exten-
28 sion or renewal of an existing lease is to be awarded by competi-
29 tive bidding or by negotiation with interested parties without
30 bidding. King County shall give notice of its intention to
31 execute a lease by publishing a notice in a legal newspaper at
32 least once a week for the term of two weeks. The notice so pub-
33 lished shall adequately describe the property to be leased, and

1 shall contain a notice that a copy of the lease is available for
2 public inspection at the Division of Real Property. Such
3 notice requirement shall not apply to leases, modifications,
4 extensions or renewals awarded through competitive bidding. Every
5 new lease, or extension, modification or renewal of a lease once
6 executed and delivered, shall be signed, or caused to be signed,
7 by the County Executive, in accordance with Section 320.20 of the
8 King County Home Rule Charter, following analysis and recommenda-
9 tions of the Manager, Real Property Division and the proprietary
10 county department. After awarding of the new lease, modification,
11 extension or renewal, a copy of the instrument, as executed and
12 delivered, shall be available for public inspection at the Divi-
13 sion of Real Property.

14 (c) When King County elects to lease its property pursuant
15 to public bidding, King County shall advertise to the extent which
16 King County deems necessary to effect an advantageous lease. Such
17 advertising shall include publishing a notice in a legal news-
18 paper at least once a week for three consecutive weeks, the last
19 notice to appear no more than five days prior to the date of the
20 auction or bid opening. When a lease of county real property is
21 awarded through competitive bidding, the lease shall be awarded to
22 the highest responsible bidder; provided that whenever there is
23 reason to believe that the highest acceptable bid is not the best
24 rental obtainable, all bids may be rejected and King County may
25 call for new bids or enter into direct negotiations to achieve the
26 best possible rental. Each bid with the name of the bidder shall
27 be recorded by the Real Property Division, and each record, with
28 the name and address of the successful bidder and the amount of
29 the successful bid, shall, after awarding of the lease, be open
30 to public inspection at the Real Property Division. In determining
31 "highest responsible bidder", in addition to rental, the following
32 elements shall be given consideration:

33 (1) The character, integrity, and reputation of the bidder;

1 (2) The previous and existing compliance by the bidder
2 with the terms of other leases of King County real
3 property and the laws relating thereto;

4 (3) Such other information as may be secured relevant to
5 the decision to award the lease.

6 SECTION 18. APPLICATION TO LEASE.

7 (a) Applications to lease King County real property shall
8 be submitted to the Real Property Division of the Department of
9 Executive Administration.

10 (b) The right is reserved by King County to require that a
11 deposit of reasonable amount accompany all applications or bids
12 to lease county real property. If a deposit is required, all
13 deposits upon the same lease shall be of equal amount. The depo-
14 sit shall be in the form of a certified check or cashier's check,
15 or may be paid in cash. In case the lands applied for are leased
16 at the time of application, the deposit shall be returned to the
17 applicant, but if the party making application fails or refuses
18 to comply with the terms of his application and to execute the
19 lease, the deposit shall be forfeited to the county, and the de-
20 posit shall be deposited in the current expense fund.

21 SECTION 19. LEASE TERMS.

22 (a) King County may lease real property for a term of years
23 and upon such terms and conditions as may be deemed in the best
24 interests of the public and the county. No lease shall be for a
25 longer term in any one instance than ten years; provided that,
26 when King County determines it to be in the best public interest,
27 real property necessary to the support or expansion of an
28 adjacent facility may be leased to the lessee of the adjacent
29 facility for a term to expire simultaneously with the term of
30 lease of the adjacent facility but not to exceed thirty-five years,
31 or to the owner of an adjacent facility for a term not to exceed
32 thirty-five years; provided further that, when King County deter-
33 mines it to be in the best public interest, where the property to

1 be leased is improved or is to be improved, and the value of the
2 improvement is or will be at least equal to the value of the pro-
3 perty to be leased, the county may lease such property for a term
4 not to exceed thirty-five years; provided further that, where the
5 property to be leased is to be used for major airport, industrial,
6 or commercial purposes, requiring extensive improvements, the
7 county may lease such property for a term equal to the estimated
8 useful life of the improvements but not to exceed fifty years.

9 (b) The lessee shall not improve or alter the leased property
10 in any manner without the prior written consent of the county
11 but shall, before making any improvements or alterations, submit
12 plans and designs therefore to the county for approval. In the
13 event that the plans and designs are disapproved, such improve-
14 ments or alterations shall be made only with such changes as may
15 be required by the county. Unless otherwise stipulated, all im-
16 provements or alterations erected or made on the leased property
17 shall on expiration or sooner termination of the lease belong to
18 the county without compensation to lessee; provided however, that
19 lessor shall have the option, to be exercised on expiration or
20 sooner termination of this lease, to require lessee to remove any
21 or all such improvements or alterations. If the lessee fails sub-
22 stantially to make the improvements or alterations required of him
23 by the lease, the lease shall be terminated and all rentals paid
24 shall be forfeited to the county.

25 (c) Any lease made for a longer period than five years shall
26 contain provisions requiring the lessee to permit the rentals to
27 be adjusted and fixed by King County every five years; provided,
28 that any lease may provide for more frequent readjustments. When
29 the lease permits King County to adjust the rent, King County will
30 give lessee written notice of the adjusted rent, in accordance
31 with the terms of the lease. The rent as adjusted shall take
32 effect thirty days after date of said notice. Unless lessee, with-
33 in thirty (30) days following receipt of notice from King County

1 gives King County written notice of his rejection of the adjusted
2 rent, the rent as adjusted by King County will be the rent for the
3 appropriate period. If lessee and King County cannot agree upon
4 the rental readjustment, the rent for the period will be adjusted
5 by arbitration. Lessee and King County will select one disintere-
6 sted arbitrator each, and the two selected arbitrators will select
7 a third. If the two arbitrators have not selected a third arbi-
8 trator within thirty days after the selection of the last selected
9 of the two, either lessee or King County will apply to the Presi-
10 ding Judge of the Superior Court in King County for the appoint-
11 ment of a third arbitrator. Each arbitrator will be a member of
12 the American Institute of Real Estate Appraisers, or of the
13 Society of Real Estate Appraisers or other appraisal society or
14 association having equivalent ethical and professional standards.
15 If, in the future, a licensing requirement for real estate apprai-
16 sers is imposed by any legislative body, each arbitrator will also
17 be so licensed. The three arbitrators will determine a fair rent
18 for the premises based upon the fair market rental value of the
19 property, as defined in Section 2. The decision of a majority
20 of the arbitrators will bind both lessee and King County. At the
21 conclusion of the arbitration, the arbitrators will submit written
22 reports to the lessee and King County. The cost of the arbitra-
23 tion will be divided equally between lessee and King County.

24 (d) The rent of all leases of county real property shall be
25 based upon fair market rental value, as defined in Section 2.

26 (e) No lease shall be assigned or subleased without the
27 assignment or sublease being first authorized by the county in
28 writing. All leases when drawn shall contain this provision.

29 SECTION 20. EXECUTION OF LEASE AGREEMENT. Upon the decision
30 of the county to lease the lands applied for, a lease shall be
31 executed in duplicate to the lessee by the County Executive, or
32 his designee, which lease shall also be signed by the lessee.
33 The lease shall describe the property conveyed, and the terms of

1 payment.

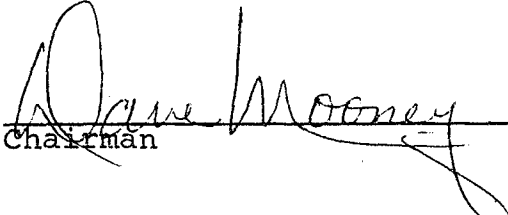
2 SECTION 21. RESERVATION OF POWERS. King County reserves
3 all powers now or hereafter granted to counties by R.C.W. 36.34.

4 SECTION 22. SEVERABILITY. If any provision of this ordinance
5 or its application to any person or circumstance is declared
6 unconstitutional or invalid for any reason, such decision shall
7 not affect the validity of the remaining portions of this
8 ordinance.


9 INTRODUCED AND READ for the first time this 2nd day of
10 February, 1976.

11 PASSED this 9th day of February, 1976.

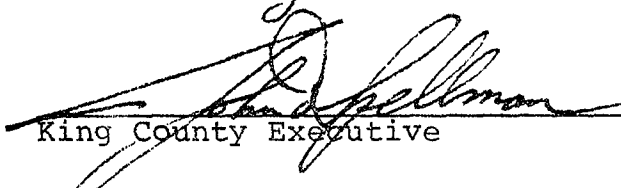
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13 KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

14
15 
16 Chairman

16 ATTEST:

17 
18 Acting Clerk of the Council

19
20 APPROVED this 18th day of February, 1976.

21
22 
23 King County Executive

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