

ORDINANCE NO. **4233**

AN ORDINANCE relating to management and disposition of real and personal property of King County; amending Ordinance 2622, Sections 7, 8, 11, 16, 17 and K.C.C. 4.56.060, 4.56.070, 4.56.100, 4.56.150 and 4.56.160.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 2622, Section 7, K.C.C. 4.56.060, is hereby amended as follows:

REAL ESTATE DIVISION - RESPONSIBILITIES. The Real Property Division, acting under the supervision of the County Administrative Office, shall be the sole organization responsible for the administrative processes of acquiring, disposing, inventorying, leasing and managing real property, the legal title of which rest in the name of King County, or which King County manages in a trust capacity. County departments shall be responsible for maintaining all real property for which they are custodian.

SECTION 2. Ordinance 2622, Section 8, K.C.C. 4.56.070, is hereby amended as follows:

COUNTY ADMINISTRATIVE OFFICE, REAL PROPERTY DIVISION, COUNTY DEPARTMENTS - RESPONSIBILITIES AND POWERS IN DECLARING COUNTY REAL PROPERTY SURPLUS. The Real Property Division shall no later than (~~April-30, 1977, and hereafter~~ ~~no later than~~) the end of the first quarter of the calendar year, maintain and update a current inventory of all County titled real property with detailed information as to current departmental custodianship and as to the characteristics that determine its economic value and potential uses; PROVIDED THAT, (~~property with an apparent value of less than \$1,000~~) all County roads shall be excluded from the provision of this section.

County departments shall be required, no later than (~~June-30, 1977, and hereafter no later than~~) June 30, of each calendar year, to justify departmental retention of all land holdings to the County Administrative Officer.

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

1 (b) If another department can demonstrate a need for said parcel, custo-
2 dianship of that parcel shall be transferred to that department without any
3 financial transaction between present and future custodial organizations.

4 (c) If no other department can demonstrate a need for such a parcel, said
5 parcel shall be declared surplus to the future foreseeable needs of the County.

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

- 11 (1) Exchanges for other privately or publicly owned lands
that meet the County's land needs, and
- 12 (2) Lease with necessary restrictive covenants, and
- 13 (3) Use by other governmental agencies, and
- 14 (4) Retention by the County if the parcel is classified
as flood plain or slide hazard property, and
- 15 (5) Use by non-profit organizations for public purposes.

16 SECTION 3. Ordinance 2622, Section 11, K.C.C. 4.56.100, is hereby amended
as follows:

17 SALES OF PROPERTY - PUBLIC AUCTION. All sales of real and personal prop-
18 erty shall be made to the highest responsible bidder at public auction except
19 when:

- 20 (a) County property is sold to a governmental agency:
- 21 (b) The County Executive has determined an emergency to exist; or the
22 County Council, by motion, has determined that unique circumstances make a
23 negotiated direct sale in the best interests of the public;

24 (c) County real property is traded for real property of similar value,
25 or when County personal property is traded for personal property of similar
26 value.

27 (d) County personal property is traded in on the purchase of another
28 article.

29 (e) Property has been obtained by the County through the proceeds of
30 grants or other special purpose funding from the federal or state government,
31 wherein a specific public purpose(s) is set forth as a condition of use for
32 such property, said purpose(s) to be limited to the provision of social and
33 health services or social and health services facilities as defined in Washing-

1 ton Statute R.C.W. Chapter 43.83 D, and it is deemed to be in the best interest
2 of the County, in each instance, upon recommendation by the County Executive and
3 approval by the County Council, that in order to fulfill said condition of use,
4 the County may sell or otherwise convey the property in some other manner con-
5 sistent with the condition of use; Provided, that in the event such property is
6 conveyed pursuant to the provisions of this sub-section, the Conveyee(s) shall
7 be limited to private, non-profit, corporations duly organized according to the
8 laws of the State of Washington, which non-profit corporations are exempt from
9 taxation under USC § 501 (c) as amended and which non-profit corporations are
10 organized for the purpose of operating social and health service facilities as
11 defined by Washington Statute R.C.W. Chapter 43.83 D.

12 The County may, if it deems such action to be for the best public interest,
13 reject any and all bids, either written or oral, and withdraw the property from
14 sale. The county may then negotiate the sale of withdrawn property, providing
15 the negotiated price is higher than the highest rejected bid.

16 SECTION 4. Ordinance 2622, Section 16, K.C.C. 4.56.150, is hereby amended
17 as follows:

18 AUTHORITY TO LEASE OR RENT.

19 (a) If it appears that it is for the best interests of the County and the
20 people thereof, King County may lease any County real property and its appur-
21 tenances for a year, a term of years, or other periodic term of one year or
22 more under the limitations and restrictions and in the manner provided in this
23 ordinance.

24 (b) King County shall have power to lease such County real property and
25 its appurtenances whether such property was acquired by tax deed under tax fore-
26 closure proceedings for nonpayment of taxes or whether held or acquired in any
27 other manner.

28 (c) Any lease executed under the authority of the provisions of this sec-
29 tion creates a vested interest and a contract binding upon the County and the
30 lessee.

31 (d) King County may enter into rental agreements for a term less than one
32 year, including month-to-month rental agreements, on terms and conditions that
33 are in the best interest of King County. All such rental agreements are subject

1 to approval by the King County Executive based on recommendations of the Real
 2 Property Division. Rental agreements for a term less than one year are exempt
 3 from the appraisal and notice requirements pertaining to leases for a year or
 4 term of years; provided that the Real Property Division shall maintain a file of
 5 appropriate correspondence or such information which leads to a recommendation
 6 by the Division to the County Executive to enter into such an agreement, such
 7 information shall be available for public inspection at the Real Property Divi-
 8 sion for one year after termination of such tenancies.

9 (e) King County may, in the best interests of King County, enter into
 10 agreements for the use of King County property with bona fide, non-profit, or-
 11 ganizations or community groups wherein the non-profit organization or community
 12 group is to either: make improvements to the King County property and/or provide
 13 services which will benefit the public. Such agreements will be exempt from the
 14 requirements of fair market value, appraisal, and notice. Such agreements are
 15 subject to the approval of the King County Executive, based upon recommendation
 16 of the Real Property Division and the department having custodianship of the
 17 property subject to the agreement, provided that the Real Property Division
 18 shall maintain a file of appropriate correspondence or such information which
 19 leads to a recommendation by the Division to the County Executive to enter into
 20 such an agreement, such information shall be available for public inspection at
 21 the Real Property Division for one year after termination of such tenancies.

22 SECTION 5. Ordinance 2622, Section 17, K.C.C. 4.56.160, is hereby amended
 23 as follows:

24 MANNER OF AWARDING LEASE OR RENTAL AGREEMENT.

25 (a) Except as provided in subsection (d) (~~of this section~~) and (e) of
 26 the preceding section, and subsection (d) of this section, fair market rental
 27 value, as defined in Section 2, shall be the basis for all leases of King County
 28 real property. All leases will be awarded upon the best terms and conditions
 29 available to King County.

30 (b) Except as provided in subsection (d) of this section, when King County
 31 authorizes a new lease, or the ~~(extension or)~~ renewal of a lease once executed and
 32 delivered, the Real Property Division shall make an appraisal of the fair market
 33 rental value of such property, and such fair market rental value will serve as

1 the basis for the new lease (~~(modification, extension)~~) or renewal. After said
2 review, the Manager of the Real Property Division shall determine whether the
3 new lease, (~~(modification, extension)~~) or renewal of an existing lease is to be
4 awarded by competitive bidding or by negotiation with interested parties with-
5 out bidding. New leases shall be awarded by competitive bidding unless the
6 Manager of the Real Property Division determines it is advantageous to King
7 County to negotiate without bidding. In the event King County negotiates the
8 award of lease contracts the Real Property Division shall submit to the King
9 County Executive the reasons for recommending award through negotiation rather
10 than competitive bidding. At the option of the King County Executive competi-
11 tive bidding may be required. King County shall give notice of its intention to
12 execute a lease by publishing a notice in a legal newspaper at least once a week
13 for the term of two weeks. The notice so published shall adequately describe
14 the property to be leased, and shall contain a notice that a copy of the lease
15 is available for public inspection at the Division of Real Property. Such
16 notice requirement shall not apply to leases, (~~(modifications, extensions)~~) or
17 renewals awarded through competitive bidding, or pursuant to the provisions of
18 subsection (d) of this section. Every new lease, or extension, modification or
19 renewal of a lease once executed and delivered, shall be signed or caused to be
20 signed, by the County Executive, in accordance with Section 320.20 of the King
21 County Home Rule Charter, following analysis and recommendations of the manager
22 of the Real Property Division and the proprietary county department. After
23 awarding of the new lease, modification, extension or renewal, a copy of the
24 instrument, as executed and delivered shall be available for public inspection
25 at the Division of Real Property.

26 (c) When King County elects to lease its property pursuant to public bid-
27 ding, King County shall advertise to the extent which King County deems neces-
28 sary to effect an advantageous lease. Such advertising shall include publishing
29 a notice in a legal newspaper at least once a week for three consecutive weeks,
30 the last notice to appear no more than five days prior to the date of the auc-
31 tion or bid opening. When a lease of county real property is awarded through
32 competitive bidding, the lease shall be awarded to the highest responsible
33 bidder; provided that whenever there is reason to believe that the highest

1 acceptable bid is not the best rental obtainable, all bids may be rejected
2 and King County may call for new bids or enter into direct negotiations to
3 achieve the best possible rental. Each bid, with the name of the bidder,
4 shall be recorded by the Real Property Division, and each record, with the
5 name and address of the successful bidder and the amount of the successful
6 bid, shall, after the awarding of the lease, be open to public inspection at
7 the Real Property Division. In determining the highest responsible bidder,
8 in addition to rental the following elements shall be given consideration:

- 9 (1) The ~~((character, integrity, and reputation))~~ financial
10 responsibility of the bidder, and references therefore;
11 (2) The previous and existing compliance by the bidder with
12 the terms of other leases of King County real property
13 and the laws relating thereto;
14 (3) Such other information as may be secured relevant to the
15 decision to award the lease.

16 (d) If property will be obtained by the County through the proceeds of
17 grants or other special purpose funding from either or both the federal and
18 state government, wherein a specific public purpose(s) is set forth as a
19 condition of use for such property, the purpose(s) to be limited to the
20 provision of social and health services or social and health services facili-
21 ties as defined in R.C.W. Chapter 43.83 D and upon recommendation by the
22 County Executive and approval by the County Council, the Real Property
23 Division may obtain and lease the property pursuant to such terms and
24 conditions as are consistent with said purposes; provided, that in the event
25 such property is leased pursuant to the provisions of this subsection, the
26 lessee(s) shall be limited to private, non-profit corporations duly organized
27 according to the laws of the State of Washington which nonprofit corporations
28 are exempt from taxation under 26 USC Section 501(b) as amended and which
29 nonprofit corporations are organized for the purpose of operating social
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and health services facilities as defined by R.C.W. 43.83 D.

INTRODUCED AND READ for the first time this 23rd day of April, 1979.

PASSED this 7th day of May, 1979.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Paul Chow
Chairman

ATTEST:

Deputy M. Quinn DEPUTY
Clerk of the Council.

APPROVED this 21st day of May, 1979.

[Signature]
King County Executive