

7.09 DISPOSAL OF CITY REAL PROPERTY POLICY. The following procedures shall apply to the disposal of real property by the City:

1. **Written Request.** A person interested in acquiring an interest in real property from the City (hereinafter called Buyer) shall pay the City a ten dollar (\$10.00) non-refundable administrative fee and file a written request with the City Manager, on a form provided by the City, generally describing the real property and the reason Buyer wishes to purchase the real property, agreeing to pay, in addition to the purchase price all costs and fees, including legal, publication, recording, appraisal and survey, incurred by the City in conjunction with the written request, whether the City conveys the property or not.
2. **Preliminary City Council Review.** No later than sixty (60) days after the request has been filed with the City Manager, the City Manager shall report to the City Council concerning the advisability of the proposal and whether a general public utilities easement should be reserved to the City. The Council shall consider the written request at a City Council meeting and, upon an affirmative vote of a majority of the City Council, may adopt a motion authorizing the City Manager to proceed as hereinafter described.
3. **Earnest Money Payment and Administrative Fee.** Upon City Council authorization to proceed, the Buyer shall make an earnest money payment in the amount of twenty-five hundred dollars (\$2,500.00), which shall first be applied to the City administrative fee in the amount of two hundred fifty dollars (\$250.00).
4. **Notification of Adjacent Property Owners.** City office staff will notify adjoining property owners of the request to purchase city property. The notice will include a copy of the application requesting the purchase and also notification of the time/date of the public hearing regarding sale of the property.
5. **Guttenberg Flood Control System.** If the property described in the written request is located within one hundred (100) feet of the property described in the City of Guttenberg Flood Control System Acquisition Plat, as amended, the City Manager shall determine if the US Army Corps of Engineers (hereinafter called Corps) has an objection to the proposed disposal of the property.
6. **Appraisal and Survey.** Upon receipt of the earnest money payment and Corp approval (if required) the City Manager shall secure a fair market appraisal and survey plat for the property and send a copy of both to the Buyer.
7. **Disposal by Resolution.** No more than sixty (60) days after mailing the appraisal to the Buyer, unless the request has been withdrawn, the City Council: May adopt a resolution setting forth the proposal to dispose of the real property, setting a public hearing on the proposal and requiring notice to be published as required by law.
8. **After considering the proposal after the public hearing, the City Council may adopt a resolution authorizing the disposal of the property by Quit Claim Deed upon delivery of a recordable plat of survey of the property, the payment of the purchase price, the payment of all fees and costs associated with the transfer; (including legal, publication, appraisal, surveying, and recording), subject to a public utilities easement as the City Council may require, and subject to such other conditions as the City Council may require.**

9. Closing. At closing the City shall record the properly executed Quit Claim Deed, a certified copy of the City Council resolution authorizing the disposal, and an Affidavit of Publication of the Public Hearing required by Section 364.7 of the Iowa Code in exchange for the payment of the purchase price and all costs associated with the transfer as described above. The earnest money payment described above shall be applied to the payment of all sums due to the City. To the extent the total amount due to the City is less than the earnest money payment, the balance shall be refunded to the Buyer. Once the property has been paid in full, the city will deliver to Buyer a properly executed Quit Claim Deed
10. No Sale or Disposal. If, after the public hearing described at paragraph 7.09(6)(B) the City Council does not adopt a resolution authorizing the disposal of the property, the earnest money payment described above shall be applied to all fees and costs associated with the proceedings, including legal, publication, appraisal, surveying, recording, and an administrative fee in the amount of two hundred fifty dollars (\$250.00); and the balance shall be refunded to the Buyer.
11. Special Circumstances Waiver. Upon a City Council determination that special circumstances exist, the City Council may by resolution modify or waive any of the procedures described above, except those required by the Code of Iowa or any other chapter of the City Code.
12. No Abstract. The City shall not be required to provide an abstract in conjunction with the transfer and shall make no warranty that the City has marketable title. Buyer shall make an independent investigation as to the City's title.