

**RESOLUTION 2019-144**

A1015201906

**RESOLUTION PROVIDING FOR SALE AND DISPOSITION OF  
COUNTY REAL PROPERTY**

**WHEREAS**, MCA § 7-8-2521 provides a structure whereby county governments adopt policies authorizing the sale and disposition of county of real property;

**WHEREAS**, Section 7-8-2521 of the Montana Code Annotated provides;

(1) The board shall, after holding a public hearing notice as provided in § 7-1-2121, adopt a resolution providing for sale and disposition of county real property. The resolution must include:

- (a) approved locations for sales, including whether sales may be conducted by use of an internet website or other online location;
- (b) a requirement that all sale locations be accessible to the public;
- (c) types of sales for which public auction is required;
- (d) who may conduct a sale or auction;
- (e) procedures for issuing permits, leases, or licenses, including:
  - (i) the terms, conditions, and processes for issuance of permits, leases, and licenses;
  - (ii) authorization to enter into agreements with entities to which permits, leases, or licenses may be issued;
  - (iii) a prohibition on a lease being made for an amount less than the amount that would have been collected if taxes on the real property had been levied; and
  - (iv) the process for authorizing a lessee to place improvements on the property;
- (f) how sales will be noticed if the board intends to provide notice in addition to notice by publication as required in 7-1-2121;
- (g) how property retained by the county will be administered and maintained; and
- (h) any other provision that the board considers to be necessary for the disposition of property in a manner that is in the best interests of the county and its citizens.

(2) In adopting the resolution, consideration must be given to multiple-use management.

(3) Provisions in the resolution regarding exchanges or donations of real property must be in compliance with 7-8-2522.

**WHEREAS**, Section 7-8-2522 of Montana Code annotated provides:

- (1) Subject to the provisions of this section and a resolution adopted pursuant to 7-8-2521, the board may make trades, exchanges, or donations of real property owned by the county.
- (2) In an exchange of real property, the properties must be appraised and an exchange of county property may not be made unless property received in exchange for the county property is of an equivalent value. If the properties are not of equivalent values, the exchange may be completed if a cash payment is made in addition to the delivery of title for property having the lesser value.
- 3) If a county owns property containing a historically significant building or monument, the county may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:
  - (a) requires the property to be preserved in its current or restored state upon any subsequent transfer; and
  - (b) provides for the reversion of the property to the county for noncompliance with conditions attached to the transfer.
- (4) A county may authorize the transfer of ownership of rural improvement district improvements as provided in 7-12-2128.
- (5) A county may donate real property or sell the property at a reduced price to a corporation for the purpose of constructing:
  - (a) a multifamily housing development operated by the corporation for low-income housing;
  - (b) single-family houses. Upon completion of a house, the corporation shall sell the property to a low-income person who meets the eligibility requirements of the corporation. After the sale is completed, the property becomes subject to taxation.
  - (c) improvements to real property or modifying, altering, or repairing improvements to real property that will enable the corporation, subject to the restrictions of Article X, section 6, of the Montana constitution, to pursue purposes specified in the articles of incorporation of the corporation, including the sale, lease, rental, or other use of the donated land and improvements.
- (6) Land that is transferred pursuant to subsection (5) must be used to permanently provide low-income housing. The transfer of the property may contain a reversionary clause to reflect this condition.

**NOW THEREFORE, BE IT RESOLVED**, by the Missoula County Board of County Commissioners [hereinafter Board] that:

- a) Locations approved for conducting sales of real property are: 1) the Missoula County Courthouse in Missoula, Montana; 2) the location of the property; or 3) any other location, within or without the exterior boundaries of Missoula

County, Montana, as, from time to time, may be designated by the Board. If designated by the Board, sales may be conducted by use of an internet website or other online location.


- b) Subject to the qualifications set forth in 7-8-2513, before the county shall sell, exchange, or lease lands with an estimated value of more than \$20,000, have the lands appraised by a disinterested certified general real estate appraiser to determine the value of the lands for the purpose of the sale, exchange, or lease.
- c) All sale locations must be accessible to the public.
- d) Sales of any type may be held in any manner designated by the Board, including private sale, unless any law requires sale by public auction, then sale shall be held by public auction.
- e) The Board or any person (corporeal or non-corporeal) designated by the Board may conduct a sale or auction.
- f) The following procedures for issuing permits, leases or licenses:
  - i. The terms, conditions, and processes for the issuance of permits, leases, and licenses shall be instituted on a case by case basis by the Board with due consideration given to multiple use management.
  - ii. Unless otherwise restricted by law, the Board is hereby authorized to enter into agreements with any person or entity (corporeal or non-corporeal) to which permits, leases, or licenses may be issued.
  - iii. No lease shall be made for an amount less than the amount that would have been collected if taxes on the real property had been levied. The Department of Revenue for the State of Montana will provide this information to the Board. This clause will not be applied to permits or licenses. Should a lease be executed for a portion of the property subject to Department of Revenue appraisal, and the Department does not have a ready figure for the appraised value of the portion of the leased property, the Board shall estimate the proportionate value of the leased portion in a reasonable manner.
  - iv. The Board shall in each lease in which it enters provide authorization, if any, to the Tenant to place improvements on the property. If improvements upon the property are authorized, the lease shall provide for the disposition of the improvements upon the termination of the lease. This clause will not be applied to permits or licenses.

- v. Should the Board find it to be in the public interest, the Board may delegate its authority to execute a lease to another public entity or board.
- g) If the Board, on a case by case basis, intends to provide notice in addition to notice by publication as required in Montana Code Annotated 7-1-2121, such notice shall be given in a manner and at a time as decided by the Board on a case by case basis. However, no published notice shall be required for the execution of a lease, permit or license other than normal notice provided by posting a meeting agenda as otherwise provided by law.
- h) Property retained by Missoula County will be administered and maintained as directed by the Board, on a case by case basis, giving due consideration to multiple use management. The Board shall govern management of County property by employing the best interests of the public.
- i) Any exchanges or donations of real property must be in compliance with Montana Code Annotated 7-8-2522 and any subsequent amendments thereto.
- j) No action of the Board hereunder shall require a further resolution, but the same may be done on motion and vote, provided, however, should the Board desire a resolution regarding any action hereunder it is not estopped from passing such resolution.

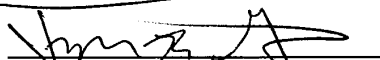
BOARD OF COUNTY COMMISSIONERS  
Missoula County, Montana

  
Chair

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk & Recorder

