

**ORDINANCE NO. 1678**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON**, adding and codifying a new chapter to Title 3 DMMC entitled "Sale of City property."

**WHEREAS**, the sale or disposition of City property practices are subject to state law and City policies, and

**WHEREAS**, the Des Moines Municipal Code has not been significantly updated to reflect modern commercial practices, and

**WHEREAS**, the proposed amendments to Title 3 DMMC are consistent with state law, and

**WHEREAS**, the proposed amendments to Title 3 DMMC will assist the City's continued efforts to improve the efficiency of its operations; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** A new chapter is added to Title 3 DMMC to read as follows:

(1) **Sale or disposition of surplus property of \$10,000 value or less.** Approval of the City Council is given for the sale or disposition of any personal property with an estimated value of \$10,000 or less which has been certified for disposition by the City Manager or the City Manager's designee, such sale or disposition to be made by the City Manager or the City Manager's designee in accordance with established procedures and in the best interest of the City. This Section does not apply to the sale of real property, vehicles, or property acquired for utility purposes.

(2) **Methods of sale.** When City property with an estimated value of under \$10,000 is to be sold, the City Manager or the City Manager's designee's may, sell or dispose of the property in any legal, commercially reasonable manner in the best interests of the City, including but not limited to public auction, private sale, sealed bid, exchange of in-kind goods, recycle, scrap, or through a broker or agent. The City shall comply with any notice requirements imposed by law for the sale.

(3) **Sale or disposition of surplus property of \$10,000 value or more.** Any sale of surplus property valued \$10,000 or more shall be submitted to the City Council for approval.

(4) **Sale of City real property.** Any sale of real property shall be submitted to the City Council for approval.

(5) **Sale or disposition of vehicles.** Any sale or disposition of a City owned vehicle shall be submitted to the City Council for approval.

(6) **Sale or disposition of real or personal property or equipment originally acquired for public utility purposes.** Whenever the City shall determine that any lands, property or equipment originally acquired for public utility purposes is surplus to the City's needs and is not required for providing continued public utility service, then the City Council by resolution and after a public hearing may cause such lands, property or equipment to be sold, leased, or conveyed. Such resolution shall state the fair market value and such other terms and conditions for such disposition as the City Council deems to be in the best public interest.

**Sec. 2. Codification.** Section 1 of this Ordinance shall be codified as a new chapter in Title 3 DMMC entitled "Sale of City property."

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

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**Sec. 4. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its final passage by the Des Moines City Council in accordance to law.

**PASSED BY** the City Council of the City of Des Moines this 13th day of April, 2017 and signed in authentication thereof this 13th day of April, 2017.

  
MAYOR

APPROVED AS TO FORM:

  
City Attorney

ATTEST:

  
City Clerk

Effective Date: May 13, 2017

Published: April 18, 2017

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1678, Adopted April 13, 2017.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance adds and codifies a new chapter to Title 3 DMMC entitled "*Sale of City property.*"

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins, CMC  
City Clerk

Published: April 18, 2017