

AN ORDINANCE TO AMEND PROVISIONS RELATING TO PROCEDURES FOR THE SALE AND CONVEYANCE OF MUNICIPAL PROPERTY; TO CLARIFY PROVISIONS RELATING TO THE COLLECTION OF SIGNATURES FOR AND FILING OF A REMONSTRANCE AGAINST THE SALE AND CONVEYANCE OF PROPERTY AS PRESCRIBED.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA:

Section 1. That Chapter 8, Article 1, Section 104, of the Municipal Code of Ansley, Nebraska be amended to read as follows:

MUNICIPAL PROPERTY; SALE AND CONVEYANCE. (1) Except as provided in subsection (4) of this section, the power of the Municipality to convey any real and personal property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale at public auction or by sealed bid of such real and personal property and the manner and terms thereof, except that such real and personal property shall not be sold at public auction or by sealed bid when:

- (a) Such property is being sold in compliance with the requirements of federal or state grants or programs;
- (b) Such property is being conveyed to another public agency, or;
- (c) Such property consists of streets and alleys.

The Governing Body of the Municipality may establish a minimum price for such real and personal property at which bidding shall begin or shall serve as a minimum for a sealed bid.

(2) After the passage of the resolution directing the sale, notice of all proposed sales of real and personal property described in subsection (1) of this section and the terms thereof, shall be published once each week for three (3) consecutive weeks in a legal newspaper published in or of general circulation in the Municipality; provided, if a remonstrance against such sale, signed by registered voters thereof equal in number to thirty percent (30%) of the registered voters of the Municipality voting at the last regular Municipal election held therein, be filed with the Governing Body of such Municipality, within thirty (30) days after the third (3rd) publication of the notice, such property shall not then, nor within one (1) year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty (30) day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Real estate now owned or hereafter owned by the Municipality may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, such property shall be conveyed strictly in accordance with the conditions of sections 18-1001 to 18-1006 RS Neb.

(3) Following (a) passage of the resolution directing a sale, (b) publishing of the notice of the proposed sale, and (c) passing of the thirty-day right of remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale. The Municipal Clerk shall upon passage of such ordinance certify the name of the purchaser to the Register of Deeds of the county in which the property is located.

(4) This section shall not apply to the sale of personal property if the authorizing resolution directs the sale of an item or items of personal property the total fair market value of which is less than one thousand dollars (\$1,000.00). Following the passage of the resolution directing the sale of such property, notice of such sale shall be posted in a prominent place within the Municipality for a period of not less than seven (7) days prior to the sale of such property. Such notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required. (Ref. 17-503, 17-503.01 RS Neb.)

Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8th day of February, 1999.


Chairman

(SEAL)

Clerk