



DOUGLAS COUNTY
ADMINISTRATIVE POLICIES AND PROCEDURES

TITLE Procedure for Disposal of County-Owned Land	Approval Date 11/8/07
POLICY CUSTODIAN County Manager	Revision Date

PURPOSE: To ensure consistency in disposing of County-owned land

DEPARTMENT:
RESPONSIBLE: County Manager

DEPARTMENTS
AFFECTED: Community Development
County Attorney
Finance
Open Space and Natural Resources
Public Works

The Board of County Commissioners has the sole responsibility for decisions regarding the sale, trade, or donation of county-owned land. [C.R.S. 30-11-101(c)]

CRITERIA FOR CONSIDERATION

This procedure shall not be applicable:

- when land exchange is solely to change or clarify boundary lines between county land and an abutting landowner because of boundary disputes, right-of-way alterations, uncertainties, or record title corrections;
- to lands acquired through the expenditure of funds from the Parks, Trails, and Open Space Sales and Use Tax, Resolution R-994-062, which specifically addresses the process for sale, lease, trade, or other conveyance of open space land so acquired; or
- to the sale, trade, or donation of right-of-way, and/or land for right-of-way purposes.

For the purposes of this document, the term ‘land’ shall apply to both land and improvements.

Land shall be considered for disposal provided the land:

1. is not being used by the county;
2. is not suitable for the purpose for which acquired, or the acquiring entity is better suited to put the land to such intended purpose;
3. is held by the county in fee title free of liens or encumbrances;
4. is not deed restricted thereby precluding disposal;
5. disposal is consistent with statutory requirements;
6. disposal will serve an important public objective; and
7. disposal would not adversely affect public safety.

INITIATION OF SALE/TRADE/DONATION

County Departments, public agencies, private agencies, citizens, or business owners may initiate the request to buy/trade land owned by Douglas County.

CONSIDERATIONS

1. Public Agencies

Sell, trade, or otherwise convey land to a governmental agency currently providing public service that would agree, or is otherwise required, to use the land for the contemplated public use. Except in the case of a trade, a deed restriction may be required indicating that the land shall revert to the county if the grantee fails to, or ceases to, use the land for the purpose for which it was conveyed, or if the agency becomes insolvent.

2. Non-Profit Organizations Fulfilling the Public Interest

Sell, trade, or otherwise convey land to an organization such as a legally-constituted Douglas County homeowner's association, land conservancy, greenway foundation, or other organization serving the public interest. Such organization would agree to accept the land for a designated public purpose and have adequate long-term funding for on-going maintenance and management of the land and improvements. Except in the case of a trade, a deed restriction may be required indicating that the land shall revert to the county if the grantee fails, or ceases, to use the land for the purpose for which it was conveyed, or if the agency becomes insolvent.

3. Developer

Trade for more suitable land, or sell for the full fair-market value, or as required by state statute in the case of land previously dedicated to the county for public purpose. [*C.R.S. 30-28-133(4)(a)*]. Funds received from the sale of land that had been dedicated through the development process, *e.g., rezoning or subdivision*, shall be reserved for acquisition or development of the specific use for which the land was designated if it was dedicated for park or school use.

4. Citizen or Business Owner

Sell at fair-market value, or trade for land of equal or greater value. Except in the case of a trade, a deed restriction may be required limiting the use of the land.

WAIVERS

The Board of County Commissioners (Board) may waive specific requirements provided that the Board finds that the waiver does not have the effect of nullifying the intent and purpose of this procedure.

DISPOSAL PROCESS

The application and approval process is outlined below:

A. Request

Requests will be directed to the Planning Division of the Community Development Department. Upon a request by the School District to dispose of land dedicated for school purposes, the county shall transfer such land to the School District, and the District will manage the sale/trade. Additional public review processes may be required, e.g., rezoning, USR, SIP, prior to a change of use by the acquiring entity.

B. Research

Planning Division staff shall research the zoning of the site, surrounding county ownership, and the purpose of original/prior dedication to Douglas County. The appropriate staff shall conduct a physical site inspection for suitability of the site for the use originally intended when acquired.

C. Referrals

Elected Officials and Department Directors and appropriate Division Directors shall be notified of the proposed sale and provide determinations and recommendations to the Planning Division for review. Referrals may vary depending on the purpose for which the land was acquired. The Planning Division creates a report and provides it to the Board recommending for disposal or retention of the site.

If the land was dedicated to the county by a developer as a subdivision regulation requirement, and such dedication was within 20 years of the application to dispose of such land (*other than to the School District*), the developer must be provided a 60-day written notice of the intent to transfer ownership of the land, in order to exercise the right of first refusal to purchase the land, pursuant to C.R.S. 30-28-133(V)(4)(II)

D. Decision at Public Meeting

The Board will hold a public meeting to decide whether or not to sell, trade, or otherwise convey the land. A 14-day written notice of the intent to consider a request to sell, trade, or otherwise convey the land will be provided to abutting landowners, all lot owners of the affected subdivision(s), and/or other affected landowners as applicable. The opportunity for public comment will be provided at the public meeting.

Sales: For lands offered for public sale, a notice of the decision to sell county-owned land will be published in a county newspaper, mailed to the affected homeowner association and lot owners of the subdivision(s) where the site is located, other abutting landowners and/or other affected landowners as applicable. The notice will establish a 20-day notice period and the date on which interested buyers may contact the individual handling the sale.

The county will handle the sale using county staff or select a real estate agent through the

RFP process. The Real Estate Agent selected will manage the sale of the land based on an appraisal of the Fair Market Value (FMV). The buyer shall cover the cost of the appraisal, associated real estate commission, and title insurance as required.

Trades and Other Conveyances: For lands traded or otherwise conveyed, the County Attorney's Office will prepare the legal documents. The applicant shall be responsible for all costs associated with the transaction, *e.g., appraisal, survey, title commitment, for all land involved in the trade*. If a trade is not of equal value, the value shall be equalized by the payment of money to the county, as the circumstance requires. No published or mailed notice of the decision to trade or otherwise convey land is required.

E. Closing

The County Attorney's Office will handle the closing and notify the Finance Department of the amount of the proceeds, if any.

F. Funds Received

Funds received shall be deposited in the appropriate county fund.