

O-17- 97

ORDINANCE NO. _____

AN ORDINANCE DEFINING THE APPLICATION OF ACT 470 OF 2017 TO THE SALE OR EXCHANGE OF REAL PROPERTY OWNED BY THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Act 470 of 2017 amended Arkansas law to incorporate property disposal procedures previously codified at A.C.A. § 14-58-306 into property acquisition procedures codified at A.C.A. § 14-54-302; and

WHEREAS, Act 470 of 2017 expanded the scope of property disposal procedures to govern real property, in addition to personal property; and

WHEREAS, prior to Act 470 of 2017, the City of North Little Rock, Arkansas (the "City") authorized the sale of real property by submitting *all* transactions to City Council for approval; and

WHEREAS, as amended, A.C.A. § 14-54-302(c) appears to authorize the Mayor or his/her authorized representative to sell or exchange any City real estate with a value less than \$20,000 (or such lesser amount established by ordinance of City Council) without further authority of the City Council, *however*, A.C.A. § 14-54-302(b) still requires the approval of City Council to execute all contracts and conveyances; and

WHEREAS, it is appropriate for the City Council to resolve the conflict between A.C.A. § 14-54-302(b) and A.C.A. § 14-54-302(c); and

WHEREAS, as amended, A.C.A. § 14-54-302(d) imposes a requirement to competitively bid the sale of any real property that exceeds \$20,000 or the maximum amount provided by resolution; and

WHEREAS, while the sale of real property through competitive bidding or auction might reasonably be expected to result in a reasonable market valuation at a particular moment in time, it is not reasonable to expect competitive bidding to produce a land transaction that adequately preserves the City Council's interests of harmonious development, compatible uses, aesthetic appearances and economic development; and

WHEREAS, it is of utmost importance to the citizens of North Little Rock that City Council manage, maintain, sell and exchange real property in a manner that best preserves the overall interests of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That no real property owned by the City shall be sold or exchanged without the approval of City Council.

SECTION 2: That the City shall not issue competitive bids for the sale of any real property having a value that is less than five million dollars (\$5,000,000.00) such amount being previously established by resolution.

SECTION 3: That this Ordinance is intended to apply to real property that is held by the City for proprietary purposes and shall not apply to real property held in special trust and subject to special rules of disposition, such as streets, alleys, and parks.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: It is hereby found and determined that it is of paramount importance that City Council manage, maintain, sell and exchange real property in a manner that best preserves the overall interests of the City, its citizens and community, and that the passage of this Ordinance is necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:



Mayor Joe A. Smith *by AF*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED	11:21	A.M.	P.M.
By	City Atty Amy Fields		
DATE	12-5-17		
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas			
RECEIVED BY	K. Thomas		