ORDINANCE NO. 10
SERIES 2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ADOPTING A POLICY FOR DISPOSITION OF CITY-OWNED PROPERTY

WHEREAS, the City of Gunnison, Colorado, is a Colorado home-rule municipality; and

WHEREAS, both the City’s Charter (Section 11.2) and Section 31-15-713(1)(a), C.R.S., state that real property owned and used by the City for park purposes or for a governmental purpose, may not be sold or conveyed without an affirmative vote at an election of the qualified electors of the City; and

WHEREAS, Section 31-1-102, C.R.S. provides that Title 31 of the Colorado Revised Statutes is applicable to home rule municipalities except insofar as superseded by charter or ordinance passed pursuant to such charter; and

WHEREAS, Section 31-15-713(1)(b), C.R.S. provides that any other real estate owned by the City may be disposed of by the City upon such terms and conditions as the governing body may determine at a regular or special meeting; and

WHEREAS, in order to create flexibility and allow for creative solutions to land use and development, the City Council desires to create an ordinance that will allow City Council to determine the terms and conditions of the disposition of City-owned real estate without the need for an election, except in the circumstances where real estate has been dedicated for and used as a park or for a specific governmental purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. Purpose. The purpose of this ordinance is to establish a uniform procedure for the disposition by the City Council of City-owned real property.

Section 2. Guiding Principles.

a. To encourage sale, conveyance, and development of real property in a manner beneficial to the residents of the City;
b. To allow for development of opportunities for improvements to City structures and facilities;
c. To encourage development that will maximize the public investment in existing and future capital improvements and infrastructure development;
d. To provide additional opportunities and options in the development of public-private partnerships and public-public partnerships, particularly, but without limitation, where collaboration between two entities or organizations may improve the capacity and effectiveness of one party to provide public services, infrastructure development, transportation options, etc.;
e. To allow for flexibility and creativity in the development of real property within the City.

Section 3. Definitions.

a. “Dedicated” shall mean any real property conveyed to the City by grant, deed, trust, or other means, that contains a specific use within the conveyance documents as a condition of ownership of the property.
b. “Used or Held for a Governmental Purpose” shall mean any real property that at the time of consideration for sale or disposition is being used to provide governmental services or functions, or is an existing and maintained park within the City.”

Section 4. Procedure for disposition of City-owned real property.
a. **Property Not Dedicated to or Used for Governmental Purpose.** The City Council has authority to determine whether it is in the best interest of the City to sell or otherwise convey or dispose of City-owned real property that is not dedicated to or currently used or held for a specific governmental purpose. Council may determine the appropriate terms thereof according to the following considerations:

i. The significance of the positive economic impact on the City, including, but not limited to, housing, the number of jobs, average salary, benefits, etc.;

ii. The potential of the development for providing quality housing, employment or community enrichment opportunities;

iii. The potential for the City to improve City structures and facilities;

iv. The monetary value of the land, as well as the monetary value of the proposed development upon completion;

v. The request for and value of economic development incentives by a potential developer;

vi. The potential to expand the tax base for the City;

vii. Additional criteria the City Council may wish to consider in making its determination.

The City Manager may develop site-specific recommendations to the City Council for the sale or disposition of such real property pursuant this section.

a. **Public Input Required.** Prior to authorizing the sale or other disposition of a specific property under this section, the Council shall hold at least one public hearing to allow for citizen input.

Should Council determine that the sale or disposition of a particular property could have impacts upon adjoining property owners such that the opportunity for public input and comment beyond a public hearing before the Council is desired, Council may direct the Planning Commission to hold a public hearing with notice to adjacent property owners. Following the public hearing, the planning commission may make recommendations to the Council regarding the proposed disposition and intended use(s) for the real property.

Section 5. **When an Election is Required.** Any property dedicated, used or held for a park or governmental purpose as defined above, shall be subject to prior approval through a regular or special election. The Council may also order an election for the sale of disposition of City-owned property at any time they deem it appropriate.

Section 6. **Severability.** Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the City Council of the City of Gunnison, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 28th day of August, 2018, on first reading, and introduced, read, and adopted on second and final reading this 11th day of September, 2018.

Jim Gelwicks, Mayor

ATTEST:

Erica Boucher, City Clerk

Published in the *Gunnison Country Times* September 20, 2018.