

ORDINANCE 1027

1.07.060 Conveyance, sale, lease or disposal of property.

Real property belonging to the city shall be conveyed, sold, leased, or disposed of only as approved of by a two-thirds vote of all members of the board of city commissioners. Instruments affecting such conveyance, sale, lease or disposal shall be valid only when duly executed by the president of the board of city commissioners and attested by the city auditor.

- A. In all cases where the Board of City Commissioners contemplates conveyance, sale, lease or disposal of real property owned by the City and estimated by the governing body of the municipality to be of value greater than \$5,000, the Board shall by resolution or motion take one of the following actions:
1. Authorize the public sale of said property and give notice thereof by publishing the same in the official newspaper of the City containing a description of the property, the place and time of sale, and whether the bids are to be received at auction or as sealed bids. A majority of the Board may cause the highest bid or any bid to be rejected if deemed insufficient. Said notice to be published once each week for two consecutive weeks at least 10 days in advance of the date set for sale;
 2. The governing body of the municipality may by resolution describe the real property of the City which is to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the City reserves the right to reject any and all offers determined to be insufficient. After adoption of the resolution, the governing body of a City may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements; or
 3. Upon the finding that it is in the best interests of the City of Devils Lake or that a substantial justification exists, the governing body of the municipality may by resolution enter into such purchase, sale, exchange or other agreements for the purchase, acquisition, sale, lease, dedication, or conveyance of any real property as the governing body of the municipality deems appropriate, and may waive and circumvent any formal bidding requirements for the sale or purchase of real property required under state law or local ordinances, so long as the transaction terms of the subject property are reasonable under the market conditions at the time of the contemplated real property transaction .
 4. The provisions of Sections 40-11-04.1 and 40-11-04.2, North Dakota Century Code, and subsequent amendments thereto shall be followed in conveying,

selling, leasing, or disposing of property, real or personal, of the municipality.

5. If the prospective buyer is not the Mayor, a member of the City Commission, an employee of the City, or a contractor for the City, or a spouse, parent or child of those individuals, or any business entity or Trust in which any of the above-named individuals are entitled to at least fifty (50) percent of the proceeds, the City Commission may convey, sell, lease, or dispose of real property to the prospective buyer without requiring the provisions of Sections 40-11-04.1 and 40-11-04.2 be followed if the City Council finds the consideration offered by the prospective buyer is at least equal to fair market value for the real property.
6. If the prospective buyer is the Mayor, a member of the City Commission, an employee of the City, or a contractor for the City, or a spouse, parent or child of those individuals, or a business entity or Trust in which any of the above-named individuals are entitled to at least fifty (50) percent of the proceeds, the City Commission may convey, sell, lease, or dispose of real property to the prospective buyer without requiring the provisions of Sections 40-11-04.1 and 40-11-04.2 be followed if unanimously approved by the entire City Commission, and if the City Commission finds the consideration offered by the prospective buyer is at least equal to fair market value for the real property .

~~Personal property shall be conveyed by a majority vote of all members of the board of city commissioners. When the property to be disposed of, whether real property or personal property is estimated, by the board of city commissioners to be of a value of less than two thousand five hundred dollars such property may be sold at private sale upon the proper resolution of the board of city commissioners. In all other cases, such property may be sold only at public sale. Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement therefore has been made, shall be made directly to the board of city commissioners and submitted to the city auditor, who shall present any and all such bids to the board of city commissioners at its next regularly scheduled meeting. When specific statutory provisions contained in the North Dakota Century Code provide for a procedure which is in conflict with this section, governing the conveyance, sale, lease or disposal of real property, the section shall not apply insofar as it is in conflict with such state law. Said statutory procedures are as follows:~~

- A. Lease of airports or landing fields, or portions thereof shall be under authority granted in Section 2-01-16, NDCC. Said lease shall further be in compliance with regulations and directives of appropriate federal agencies;
- B. Conveyance of right-of-way for any state highway shall be as provided in Section 24-01-46, NDCC;
- C. Leasing of oil and gas lands shall be as provided in Sections 38-09-02 through 39-09-04 and Sections 38-09-14 through 38-09-20, NDCC;

- D. Conveyance of property to a municipal parking authority shall be provided in Section 40-61-05, NDCC;
- E. Lease of public buildings or portions thereof shall be as provided in Chapter 48-08, NDCC;
- F. Granting of concessions for cafes, restaurants, and confectioneries in public buildings or on public grounds shall be as provided in Chapter 48-09, NDCC;
- G. Granting of right-of-way for a railway, telephone lines, electric light system, or a gas or oil pipeline system shall be as provided in Section 49-09-16, NDCC.

(Ord. 708 (part), 1987)

Passed First Reading: November 3, 2025

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CITY OF DEVILS LAKE

By: _____
Jim Moe, President
Devils Lake City Commission

ATTEST:

Spencer Halvorson
City Administrator/Auditor