

**ORDINANCE 2019-11**

**AN ORDINANCE TO AMEND FRANKLIN MUNICIPAL CODE § 5-802  
RELATIVE TO THE DISPOSAL OF SURPLUS REAL PROPERTY**

**WHEREAS**, on March 10, 1998, the Board of Mayor and Aldermen approved Ordinance 98-08 to provide for a procedure for the disposal of real property for the City of Franklin; and

**WHEREAS**, the ordinance provided that if the property would likely be greater than \$25,000, the property must be sold by sealed bid; and

**WHEREAS**, this requirement is solely a restriction placed on the City by the Board of Mayor and Aldermen and not a current state law requirement; and

**WHEREAS**, given the rise of home and land prices in Franklin, \$25,000 has proven to be a low threshold, thus requiring most smaller parcels to be sold by sealed bid; and

**WHEREAS**, there may be times when the City has property that is no longer of benefit to the City, yet the City feels that the property could be of public benefit and would, therefore, like to choose the project and the new owner rather than dispose of the property by sealed bid; and

**WHEREAS**, the Board of Mayor and Aldermen wish to amend Franklin Municipal Code § 5-802 to provide for the disposal of real property by sealed bid when the value of the property is deemed to be greater than \$75,000; and

**WHEREAS**, the Board of Mayor and Aldermen further wish to amend Franklin Municipal Code § 5-802 to allow for a public process for the disposal of real property the Board of Mayor and Aldermen deem to be of public benefit.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN BOARD OF MAYOR AND ALDERMEN, AS FOLLOWS:**

**SECTION I.** The Franklin Municipal Code § 5-802 be deleted in its entirety and replaced as follows:

**Sec. 5-802. - Disposal of surplus real property.**

(1) The mayor and city administrator, with the prior approval of the board of mayor and aldermen, by resolution, may sell, lease, or abandon any real property owned by the City, or any interests or rights therein, when such property is determined to be of no further feasible use to the City.

(2) When the board has determined that the value of the property is reasonably likely to be greater than \$75,000.00, then the property shall be sold by sealed bid after forty-five (45) days public notice in a newspaper of general circulation, provided the City shall have the right to reject and refuse any and all bids. Such notice shall be advertised at least twice during the 45-day notice period. The board's determination shall be based upon tax records, comparable sales, advice from real estate professionals, or other suitable criteria. The board may, in its sole discretion, also employ an independent certified appraiser in connection with any sale of real property.

(3) In the alternative, the board may determine that the property is well-suited to be of public benefit and would like to determine a purpose for the property and/or the future owner. In such case, the board shall, by resolution, state the public purpose for the property and establish a public process by which a new owner or owners will be chosen to facilitate the new purpose.

(4) Upon a reasonable determination that the property does not exceed \$75,000.00 in value, or that there are other unique circumstances making a public advertisement and bid procedure impossible or impracticable, then the board, by resolution, may waive the requirements of public notice and sealed bidding, and may sell or dispose of the property in question by negotiated contract or by other means that will adequately protect the public interest.

**SECTION II.** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**Eric S. Stuckey**  
City Administrator/Recorder

By: \_\_\_\_\_  
**Dr. Ken Moore**  
Mayor

Approved as to form by:

\_\_\_\_\_  
Shauna R. Billingsley  
City Attorney

PASSED FIRST READING

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PASSED SECOND READING:

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