

<b>Title:</b> Administrative Policy Sale or Trade of County Owned Real Property	<b>Policy No.</b> Part 6, Management and Use of County Property Chapter 3, Disposition and Acquisition Section 2
	<b>Effective Date</b> May 1, 2007
<b>Policy Custodian</b> County Administrator	<b>Adoption/Revision Date</b> May 1, 2007

**Adopting Resolution(s):** CC07-217

**References (Statutes/Resos/Policies):** §30-20-301, 39-11-143, C.R.S.; CC82-191, CC87-113, CC87-599, CC93-187

**Procedure:** Yes

**Purpose:** To allow for the sale or trade of County Owned Real Property.

**Policy:** Sale or Trade of County Owned Real Property

- A. Sale of Property Conveyed to the County by Tax Deed  
The sale of property conveyed to the County by tax deed is governed by C.R.S. Section 39-11-143.
- B. Sale or Trade of Open Space Fund Real Property  
The sale or trade of County Owned Real Property acquired with Open Space Funds shall be governed by The Open Space Program Terms, Priorities, Use of Funds and Transfers of Property Policy, any other applicable Open Space Policies and Procedures, and all applicable State laws.
- C. Sale of All Other County Owned Real Property
  1. The Board of County Commissioners may authorize the sale of County Owned Real Property following a determination by the Board of County Commissioners and the appropriate Department Directors that the property will not be useful or necessary to County functions presently or in the future for public projects as defined in C.R.S. Section 30-20-301(2).
  2. All sales shall be processed in accordance with all applicable State laws, this policy, and the procedure that implements this policy (the "Procedures").
    - a. Property shall be sold through a public sale in accordance with the Procedures unless otherwise specified by the Board of County Commissioners.
    - b. The general policy shall be to award the bid to the highest bidder; provided however, that in no event shall any property be sold for less than the current appraised value as determined in accordance with the Procedures.
    - c. If any governmental entity bids upon any County Owned Real Property, the governmental entity may be given preference over any non-governmental bidder, provided that the governmental entity's bid is at least equal to the current appraised value as determined in accordance with the Procedures.

- d. County Owned Real Property may be sold for less than the current appraised value if the Board of County Commissioners determines that good cause exists for selling the property on those terms.
  3. Upon payment in full (including the costs of sale, e.g., costs of appraisal, title commitment, survey, publication costs, etc.), in either cash or certified funds, the Board of County Commissioners shall issue a commissioner's deed without covenants of warranty.
  4. The proceeds from the sale shall be deposited in the appropriate County fund.
- D. Trade of All Other County Owned Real Property
1. The Board of County Commissioners may authorize the trade of such County Owned Real Property following a determination by the Commissioners and the appropriate Department Directors that the property will not be useful or necessary to County functions presently or in the future for public projects as defined in C.R.S. Section 30-20-301(2).
    - a. This policy shall not be applicable when a trade is solely to change or clarify boundary lines between County property and adjoining landowners' property because of boundary disputes and uncertainties and/or to correct record title.
  2. All trades shall be processed in accordance with all applicable State laws, this policy, and the Procedures.
    - a. No trade shall be binding upon the County until the Board of County Commissioners has reviewed the terms thereof and executed an agreement setting forth the terms and conditions of the trade (the "Agreement").
    - b. Trades must result in consideration to the County of equal or greater value than property traded.
  3. Upon approval of the Agreement, the party requesting the trade and the Board of County Commissioners shall exchange deeds in accordance with the terms of the Agreement.
    - a. The party requesting the trade shall be responsible for paying all costs related to such trade including, but not limited to, appraisals, surveys, and title commitments for all properties involved in the trade unless otherwise agreed upon in the Agreement.
    - b. The commissioner's deed shall be issued without covenants of warranty.