ORDINANCE NO. 4399

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA TO AMEND CHAPTER 2, "ADMINISTRATION", OF THE SCOTTSDALE REVISED CODE, SECTION 2-221.

WHEREAS, the City desires to amend Section 2-221, Disposition and Use of Real Property, of Chapter 2 of the Scottsdale Revised Code to grant certain authority to the City Manager;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale that the following amendments to the Scottsdale Revised Code are hereby approved:

Sec. 2-221. - Disposition and use of real property.

(a) The city shall dispose of real property interests in the following manner:
   (1) At least thirty (30) days prior to the sale or disposition of property, the city clerk shall cause to be published in the official newspaper of the city a notice of sale of such property. The city clerk shall also post a copy of the notice in at least three (3) public places in the city.
   (2) The sale shall be made to the highest and best bidder, but the council shall have the right to reject any and all bids.
   (3) The sale shall be binding upon the city only upon award of the bid and delivery of the deed to the successful bidder after adoption of a council resolution approving the sale, and no other action of the city or its representatives shall be construed to vest any right, title or interest to or in the property in any person prior to the adoption of the resolution and delivery of the deed.

(b) Notwithstanding subsection (a) of this section, the city may:
   (1) Exchange any real property or interest therein by resolution of the city council provided that written records of such exchange, including appraisals of the property exchanged and other consideration, are maintained open to public inspection for at least three (3) years in the city clerk's office.
   (2) Sell to a public agency any real property or interest therein by resolution of the city council. In the event of a real property interest other than a lease, the city shall obtain an appraisal of the property sold. The city shall maintain written records of the sale and any appraisals open to public inspection in the city clerk’s office for at least three (3) years following the sale.
   (3) Grant to any utility company a nonexclusive easement upon, under or across public property (other than street right-of-way) for such utility company’s facilities. Such easement shall be subject to such payments, provisions, and limitations as the city
may impose. Such grant shall be made by an instrument authorized by resolution of
the city council upon a finding by the city council that the easement will not
substantially interfere with city use of the property, that the benefit to the public of
increasing availability of utilities by granting the easement outweighs any detriment to
the city of imposing the easement upon the public property, and that granting the
easement is otherwise consistent with the interests of the city. Along with other
appropriate provisions, the instrument granting the easement shall specify the facility to
be installed by the easement holder within the easement and shall provide that (i) the
acceptance of the easement shall impose upon the grantee the obligation to indemnify,
defend, pay and hold the city harmless against any loss, claims, injury or other
liabilities of any description arising out of the easement or use or misuse of the
property pursuant to the easement, and (ii) the city shall have the right to require the
easement holder to relocate any and all facilities from time to time to avoid conflicts or
potential conflicts with existing or proposed improvements to city land. In the case of an
easement which is described in this subsection and which is limited in use to providing
utilities to city property, the easement may be granted administratively by the city
manager or designee without resolution or other action by the council if the required
findings are made by the city manager or designee, and if the easement document is
approved as to form by the city attorney.

(4) Sell property within a redevelopment area to a redeveloper pursuant to a
redevelopment agreement authorized by state law. The redevelopment agreement
shall provide such covenants, conditions, and restrictions upon the property and other
terms and requirements as the council determines to be in the public interest or
necessary to carry out the purposes of the redevelopment plan.

(5) Upon recommendation of the city manager or designee, sell or exchange any real
property or interest therein by resolution of the city council to any person who owns an
interest in the same real property or who owns an interest in adjoining real property.
Such sale or exchange shall require a determination by the city manager or designee
that the public benefit will be served by uniting ownership of the city’s real property or
real property interest with the real property or real property interest of said person.
Such determination may take into account, without limitation, the range of possible
uses for the real property or interests, the proposed uses for the real property or
interests by the proposed grantee, the size, configuration and other characteristics of
the real property or interests, existing or proposed restrictions upon the development or
use of the real property or interests, and the value of the real property or interests.

(6) Lease property interests by a lease agreement in form approved by the city attorney
and signed by the city manager without any action by the city council for the following:

(i) An existing dwelling unit in a multiple-family development or an existing single
family dwelling to a tenant for the tenant’s personal residence at a HUD compliant
low income housing rental rate or at a market rental rate as established by an
appraisal or market survey as determined by the city manager for a term of not
more than two (2) years plus two (2) one-year extensions.

(ii) An existing commercial office space less than two thousand five hundred (2,500)
square feet to a tenant who will personally occupy the space at a market rental
rate as established by an appraisal or market survey as determined by the city
manager for a term of not more than three (3) years plus two (2) one-year
extensions.
(c) The city manager or designee shall have the authority to enter into temporary licenses or similar agreements for the use of city-owned or city-controlled property, including but not limited to, land, buildings, office space, rooms and other interior and exterior space, but not city rights-of-way. Such agreements shall be in a form approved by the city attorney. With the exception of agreements covered in subsection (d), such agreements shall have a term of one (1) year or less and a unilateral termination clause in favor of the city that does not require the city to give more than thirty (30) days notice of cancellation. Any license or other such agreement not meeting these criteria requires approval by the city council.

(d) The City Manager or designee shall have the authority to enter into temporary licenses or similar agreements with a term of five (5) years or less for the use of premises at WestWorld for events.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 11th day of June, 2019.

CITY OF SCOTTSDALE, an Arizona municipal corporation

W.J. "Jim" Lane, Mayor

ATTEST:

Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

Bruce Washburn, City Attorney
By: William Hylen
Senior Assistant City Attorney