

TITLE 50
MUNICIPAL CORPORATIONS

CHAPTER 14
CONVEYANCE OF PROPERTY

50-1401. REAL PROPERTY OWNED BY CITIES -- METHOD OF CONVEYANCE OR EXCHANGE. It is the intent of this chapter that cities of the state of Idaho shall have general authority to manage real property owned by the city in ways which the judgment of the city council of each city deems to be in the public interest. The city council shall have the power to sell, exchange or convey, by good and sufficient deed or other appropriate instrument in writing, any real property owned by the city which is underutilized or which is not used for public purposes.

[50-1401, added 1967, ch. 429, sec. 244, p. 1249; am. 2001, ch. 331, sec. 1, p. 1161.]

50-1402. DECLARATION OF VALUE OF PROPERTY. Whenever the city council proposes to convey, exchange or offer for sale any real property, it shall first declare the value or minimum price, if any, it intends to receive as a result of such conveyance or exchange. The city council may contract for or provide that the property be appraised under such terms and conditions as may be deemed appropriate by the city council. The declaration, either in the form of a minimum dollar value, or an explanation of an intended exchange or conveyance for other than monetary consideration shall be made on the record at a public meeting of the council. The city council may also declare that the subject property will be offered for sale without establishing a minimum price.

Following a declaration of intent to sell or exchange real property, the clerk of the city shall publish a summary of the action taken by the city council in the official newspaper of the city and provide notice of a public hearing before the city council. Notice of the public hearing concerning the proposed exchange or conveyance shall be published in the official newspaper of the city at least fourteen (14) days prior to the date of the hearing.

[50-1402, added 1967, ch. 429, sec. 245, p. 1249; am. 2001, ch. 331, sec. 2, p. 1162.]

50-1403. DISPOSITION AFTER HEARING. After a public hearing has been conducted, the city council may proceed to exchange, convey or offer for sale the real property in question, subject to the restrictions of section [50-1401](#), Idaho Code. The city council shall be governed by the following provisions:

(1) When the property is offered for sale, the property shall be sold at a public auction to the highest bidder and no bids shall be accepted for less than the minimum declared value previously recorded on the record at a public meeting of the council, provided however, if no bids are received, the city council shall have the authority to sell such property as it deems in the best interest of the city.

(2) When it is determined by the city council to be in the city's best interest that the property be offered for exchange, the council may do all things necessary to exchange any property owned by the city for real property of equal value pursuant to terms which shall be a matter of public record.

(3) When property is purchased, donated or otherwise conveyed to a city and the city has previously used federal funding to acquire the property, with funds specifically designated for the purpose of assisting low- to moderate-income families with decent, safe, affordable housing opportunities, the property may be sold, donated or otherwise conveyed directly to a low- to moderate-income family, so long as the sale or conveyance is consistent with the applicable federal regulations under which the property was obtained initially. In such instances, the city council shall pass an ordinance stating:

- (a) That the property was acquired, in whole, with federal funds;
- (b) That the property is to be sold or otherwise conveyed to a low- to moderate-income family;
- (c) That the sale or conveyance is consistent with all applicable federal, state or local statutes, laws, regulations and policies; and
- (d) That the property may be offered for sale, donation or otherwise conveyed immediately upon the passing of the ordinance.

(4) When it is determined by the city council to be in the city's best interest that a transfer or conveyance be made, the city council may, by ordinance duly enacted, authorize the transfer or conveyance of any real property owned by such city to any tax supported governmental unit, with or without consideration.

(5) When it is determined by the city council to be in the city's best interest, the city may transfer property to a trustee for security purposes, or for purposes of accommodating a transaction, or for funding of construction of capital facilities on city owned property.

[50-1403, added 2001, ch. 331, sec. 4, p. 1162.]

50-1404. TERMS OF SALE. Real property may be sold for cash or on contract for a period not exceeding ten (10) years, with a rate of interest on all deferred payments as determined by the city council. The title to all property sold on contract shall be retained in the name of the city until full payment has been made by the purchaser. Any property sold by the city council under the provisions of this section either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as though the purchaser held a record title to the property so sold. The city council shall have authority to cancel any contract of sale pursuant to law, and retain all payments paid thereon, if the purchaser shall fail to comply with any of the terms of the contract. The city council may, by agreement with the purchaser, modify or extend any of the terms of any contract of sale, but the total period shall not exceed ten (10) years.

[50-1404, added 2001, ch. 331, sec. 5, p. 1163.]

50-1405. CONVEYANCE -- DISPOSITION OF PROCEEDS. The proceeds received from the sale or exchange of property shall be utilized in a manner consistent with provisions of law regarding revenues received by the city.

[50-1405, added 2001, ch. 331, sec. 6, p. 1163.]

50-1406. DISPOSAL OF LAND ACQUIRED BY FORECLOSURE -- EXCESS PROCEEDS. Should real property be acquired as the result of a foreclosure of any improvement lien, or where a deed has been made and executed by the owner to the city in satisfaction of an improvement lien, and thereafter bring more

than is assessed against the same, together with costs and expenses, then the proceeds shall be paid to the owner if his address is known, otherwise, to be placed in the improvement fund for the benefit of which the property was impressed with the lien.

[50-1406, added 2001, ch. 331, sec. 7, p. 1163.]

50-1407. LEASES. The mayor and council may, by resolution, authorize the lease of any real or personal property not otherwise needed for city purposes, upon such terms as the city council determines may be just and equitable.

[50-1407, added 2001, ch. 331, sec. 8, p. 1164.]

50-1408. DISPOSAL OF LAND ACQUIRED BY FORECLOSURE -- EXCESS PROCEEDS. Should the property acquired as the result of a foreclosure of any improvement lien, or where a deed has been made and executed by the owner to the city in consideration of such improvement lien, bring more than is assessed against the same together with costs and expenses, then such excess shall be paid to the owner if his address is known, otherwise, to be placed in the improvement fund for the benefit of which such property was impressed with such lien.

[50-1408, added 1967, ch. 429, sec. 251, p. 1249.]

50-1409. LEASES. The mayor and council may, by resolution, authorize the lease of any property not needed for city purposes, upon such terms as may be just and equitable. The provisions of sections [50-1401](#) through [50-1409](#) shall not apply to the vacation or discontinuance of streets, highways, avenues, alleys or lanes annulled, vacated or discontinued. Provided, that the council of a city, upon a vote of one half (1/2) plus one (1) of the members of the full council, may set apart portions of the public parks, playgrounds or other grounds to be used from time to time for athletic contests, golf links, agricultural exhibits, ball parks, fairs, rodeos, swimming pools and other amusements, and for military units of the state of Idaho or the United States, and may, upon a vote of one half (1/2) plus one (1) of the members of the full council, make and enter into proper contracts with organizations and associations necessary and proper to carry out the purposes of this provision. Provided, that a city shall not be liable for any damage by reason of any accident occurring on the parks and lands set apart for such purposes, except for gross negligence on the part of the city or its officers or agents, and provided further, that an entrance or other fee may be charged sufficient to pay the expense of maintaining and operating the ground.

[50-1409, added 1967, ch. 429, sec. 252, p. 1249.]