

CHAPTER IX DISTRICT PROPERTY

' 9100 ACQUISITION OF REAL PROPERTY

' 9101 Acquisition of Real Property.

The General Manager is authorized to execute options and purchase contracts for the acquisition of real property, including rights of way and easements and other interests in real property, which in his judgment are required for District purposes, when the purchase price does not exceed \$5,000. The General Manager is also authorized to pay incidental expenses connected with the acquisition of real property including, but not limited to, escrow fees, charges for re-conveyance, title insurance premiums and copies of documents referred to in title reports and other title records.

' 9102 Appraisals.

All property to be acquired, which has a purchase price in excess of \$5,000, shall be appraised by at least one appraiser and the purchase authorized by the Board. One appraisal shall be sufficient unless, in the opinion of the General Manager, the appraised valuation of the property will exceed \$75,000. If an appraisal shows a valuation in excess of \$75,000, an additional appraisal shall be made by a second and independent appraiser.

If only one appraisal is necessary, the valuation determined thereby shall constitute the approved value of the property. If two appraisals are required, the lower of the valuations ascertained shall constitute the approved value of the property.

' 9103 Acceptance of Deeds or Grants and Recordation of Notices of Public Easements.

The General Manager is authorized to accept deeds or grants conveying any interest in or easement upon real estate to the District for public purposes, and the District hereby consents to the recordation thereof by the General Manager, provided such deed or grant is in form approved by legal counsel.

' 9104 License Agreements; Entry Permits.

When obtaining an entry permit or temporary easement from a property owner, the General Manager is authorized to agree, on behalf of the District, to assume the risk of any loss to the District which might arise out of the exercise of the rights granted under the permit, and to indemnify the property owner from any liability to third parties arising out of the District's use of the property. The General Manager is authorized to execute license agreements on behalf of the District when said license agreements are in the general form approved by the Board.

' 9200 MANAGEMENT AND USE OF REAL PROPERTY

' 9201 Consent to Subdivision.

The General Manager is authorized to consent on behalf of the District to the subdivision of property owned by a sub-divider, subject to an easement owned by the District, and consent to the recordation of the subdivision map, provided that the certification expressing such consent shall be in form approved by the District's legal counsel and shall reserve to the District its easement in the property so subdivided.

' 9202 Leases of District Property.

(a) The General Manager may lease property of the District for purposes not inconsistent with the needs of the District provided that each such lease, other than a lease to a public entity or a public utility, is subject to cancellation upon an order of either the Board or the General Manager upon no more than one year's written notice to the lessee.

(b) The General Manager shall cause a record to be kept and maintained of all leases of District property.

' 9203 Use of District Headquarters Building.

The Board Room in the District Headquarters will upon a reservation basis be made available to water oriented groups or other governmental agencies under the following conditions. Charges are made for the purpose of offsetting additional costs incurred by the District in making the facilities available.

(a) The facilities will be made available during weekdays between the hours of 8 a.m. and 4 p.m. at no charge to tax supported groups with headquarters and operations within the boundaries of the District.

(b) The facilities will be made available to other water oriented groups or government agencies during weekdays between the hours of 8 am and 4 pm for a charge of \$10.

(c) The facilities will be made available to water oriented or government groups in the evenings Monday through Friday from 7 p.m. to 10 p.m. for a charge of \$40.00 per hour.

' 9300 DISPOSAL OF REAL PROPERTY

' 9301 Preliminary Requirements.

When the General Manager determines that property is surplus, the General Manager shall notify the Board of that determination, unless the estimated value is more than \$10,000. If the Board does not overrule such determination, and if the estimated value of the land is in excess of \$10,000 the General Manager shall then cause the property to be appraised by one or more appraisers.

' 9302 Authority for General Manager to Sell or Lease Surplus Real Property.

After the appraisal, the property shall be offered for sale or lease to public agencies at the fair market value as determined by the General Manager after review of any or all appraisals of the property. If no public agency is interested in purchasing or leasing the real property, the General Manager may lease it or sell it either by public auction or by using the services of real estate brokers or a professional auctioneer.

' 9303 Acceptable Bidders on Disposal or Lease of District Property.

District trustees and employees, their spouses and children may not purchase or lease property offered for sale or lease by the District or represent in any manner a prospective lessee or purchaser of such property.

' 9304 Disposal of Unnecessary Improvements.

The General Manager is authorized, in the manner the General Manager deems to be in the best interest of the District, to dispose of any improvements that must be removed to make land acquired for District operations suitable for the District use.

' 9305 Sale of Real Property.

' 9305.01 General.

Unless authorized by the Board to list the property with a real estate agent, all real property with a fair market value of \$5,000 or more shall be sold by sealed bid at public auction.

' 9305.02 Procedure.

Whenever the General Manager determines that the sale shall be by sealed bids, all bids shall be filed in the office of the General Manager, at or before the time specified in the Notice of Sale, shall be on forms approved by the District's legal counsel, and shall be accompanied by a cash deposit, cashier's check or check certified by a responsible bank in an amount of not less than the percentage indicated in Section 9307 of the amount specified in the Notice of Sale as the minimum bid, as a guarantee that the person making the bid will purchase the property upon the terms and conditions specified in the Notice of Sale. The General Manager shall, at the time and place specified in the Notice of Sale, open the bids. Thereafter, the property shall be ordered sold to the highest responsible sealed bidder.

' 9305.03 Notice of Sale.

The General Manager shall cause a Notice of Sale to be posted on the property in at least one conspicuous place. It shall specify the minimum bid which will be accepted for the property, which shall not be less than 90 percent of the lowest appraisal and shall state the terms of the sale which shall be in conformity with Section 9308. The General Manager shall cause one or more advertisements of the sale to be placed in a newspaper, or newspapers, so as to give reasonable notice of the sale.

' 9306 Exclusive Listing.

The General Manager may with the approval of the Board give an exclusive listing to an individual licensed broker; provided, however, that the property shall not be sold for less than the lowest appraisal without the approval of the Board. In such case the General Manager is authorized to pay a commission, upon consummation of the sale, not to exceed the prevailing rate in the area in which the property is located.

' 9313 Exceptions to Public Sale Requirements.

The requirements of Sections 9305-9312 do not apply in the case of:

- (a) a sale of real property or interest therein to the United States, the State, or a county, city, school district, flood control or other special district within the State; any such sale shall be for the fair market value as determined by the General Manager after review of any of all appraisals of the property;
- (b) a sale of real property having an estimated value of \$5,000 or less;
- (c) a sale to an adjoining property owner when the General Manager determines that the particular parcel is probably incapable of being developed independently.

' 9314 Statement re: Encumbering of Real Property.

The General Manager shall incorporate in a letter of recommendation involving the disposal or the encumbering of real property or rights of the District a statement declaring that the property or rights are not necessary for the function of the District and the disposal of such would not adversely affect its operations.

' 9400 DISPOSAL OF SURPLUS PERSONAL PROPERTY

' 9401 Disposal of Excavated Materials.

The General Manager is authorized to dispose of surplus excavated materials or other materials from the District's construction projects, with or without monetary consideration, in a manner to accomplish the purposes herein recited and determined by him best to serve the interest of the District.

' 9402 Disposal of Surplus Personal Property.

Any personal property belonging to the District that is no longer required for the use of the District may be sold or exchanged as part payment for the purchase of new equipment of like kind and nature. The sale or exchange shall be made under such procedure, at such prices and upon such terms and conditions as the General Manager may prescribe.

' 9403 Acceptable Bidders on Disposal of Surplus Personal Property.

District trustees and employees, their spouses and dependent children may purchase surplus personal property from the District under terms and conditions set by the General Manager for the disposal of surplus personal property, if there are no purchasers for the property after public advertisement of the availability of the surplus property for sale.

' 9500 MULTIPLE USE OF PERSONAL PROPERTY

' 9501 General.

The General Manager is authorized to enter into agreements with other public agencies for the joint or multiple use of any equipment or other personal property when it appears that there may be cost savings for all entities and no detrimental effect to the District.