



**CITY OF EUREKA**  
**PUBLIC WORKS DEPARTMENT**  
Brian Gerving, Director  
Planning Division  
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Eureka, California 95501-1146  
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[www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

## NOTICE OF PUBLIC HEARING

### EUREKA CITY COUNCIL

**NOTICE IS HEREBY GIVEN** that the Eureka City Council will hold a public hearing on **Tuesday, August 4, 2020**, at 6:00 p.m., or as soon thereafter as the matter can be heard. Pursuant to Executive Order N-29-20, by Governor Gavin Newsom, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

**Project Title:** Surplus Property Sale of Portion of 1206 W. 14<sup>th</sup> Street

**Project Applicant:** City of Eureka      **Case No:** SP-19-0004

**Project Location:** Portion of 1206 W. 14<sup>th</sup> Street (Vacated Street); **APN:** 003-082-006

**Project Zoning and Land Use:** MC (Coastal Dependent Industrial)/CDI (Coastal Dependent Industrial)

**Project Description:** The City is proposing to dispose of a portion of the property located at 1206 W. 14<sup>th</sup> Street; APN: 003-082-006. The subject property is approximately 0.60 acres, is located within the Coastal Zone, and is owned by the City of Eureka. The property is an unimproved, asphalt capped, previously vacated street.

The public is invited to participate in the following manner:

1. You can view City Council meetings live on the City of Eureka's website at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov) or on Cable Channel 10. To view from the website, select Agendas, Meeting and Videos on the home page.
2. If you wish to speak and be heard during the hearing or oral communications, please submit your name, phone number and name of the item you would like to comment on by e-mail to [cityclerk@ci.eureka.ca.gov](mailto:cityclerk@ci.eureka.ca.gov) or leave a message at 707.441.4175 prior to 4:00 p.m. on Tuesday, August 4, 2020. The City Clerk will call the public member during the discussion of the item.
3. If you don't want to call in during the meeting, please submit your comment via email to the City Clerk at [cityclerk@ci.eureka.ca.gov](mailto:cityclerk@ci.eureka.ca.gov) or you may leave a message at 707.441.4175 prior to 4:00 p.m. on Tuesday, August 4, 2020 to ensure that Council receives your comment before the meeting. All comments received by e-mail or mail will be part of the public record for Council consideration but will not be read aloud during the meeting.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review at the Planning Division of the Public Works Department. If you have questions regarding the project or this notice, please contact Lisa Savage, Project Manager, [lsavage@ci.eureka.ca.gov](mailto:lsavage@ci.eureka.ca.gov) or (707) 441-4160.



## AGENDA SUMMARY EUREKA CITY COUNCIL

**TITLE: Surplus Property Sale of Portion of 1206 W. 14<sup>th</sup> Street**

**DEPARTMENT: Public Works – Planning Division**

**PREPARED BY: Lisa Savage, Project Manager**

**PRESENTED FOR:**       Action       Information only       Discussion

### **RECOMMENDATION**

Hold a Public Hearing and Adopt a “Resolution of Eureka City Council declaring a portion of 1206 W.14<sup>th</sup> Street; APN: 003-082-006 as exempt surplus property; and Authorize the City Manager to proceed with a negotiated sale pursuant to *City of Eureka Policy and Procedure No. 2.01.*”

### **FISCAL IMPACT**

No Fiscal Impact       Included in Budget       Additional Appropriation

### **COUNCIL GOALS/STRATEGIC VISION**

Financial sustainability

Strong and collaborative relationships with partner organizations and community.

#### **Goal E-8**

Sustainable fiscal management practices that strengthen the City’s ability to provide essential public services and a high quality of life.

### **DISCUSSION**

The City is proposing to dispose of a portion of the property located at 1206 W. 14<sup>th</sup> Street; APN: 003-082-006. The subject property is approximately 0.60 acres, is located within the Coastal Zone, and is owned by the City of Eureka. The property is an unimproved, asphalt-capped, previously vacated street. Eureka Forest Products has expressed an interest in acquiring the property. In order to sell the property, the City must comply with the Surplus Land Act to declare the property exempt surplus land and follow the City’s Policies and Procedures for the sale of City-owned real property. A fair market appraisal of the City’s property will be obtained from a qualified Real Estate Appraiser prior to surplus.

**Background:** The parcel proposed for surplus was brought to the City’s attention as part of a larger project submitted by Eureka Forest Products covering a Lot Line Adjustment (LLA), and related Coastal Development Permit (CDP), and Merger. The parcel is located at the intersection of W. 14<sup>th</sup> Street and Railroad Avenue, and is the

bayside terminus of 14<sup>th</sup> Street. The parcel is surrounded on three sides by property owned by Eureka Forest Products, and provides the only vehicular access to the Eureka Forest Products property. No construction or physical site alteration is proposed with any aspect of the above listed projects.

The "Paper Street" was vacated by the City of Eureka via a "Resolution and Order Vacating a Portion of 14<sup>th</sup> Street" recorded on December 7, 1964, under Recorder's Instrument No. 20834, Book 816, Official Records page 414, Humboldt County Records. At that time, the parcel should have been surplussed since the City owned the underlying fee, and the parcel was no longer needed for future City public uses. However, for reasons unknown to current Staff, disposal of the property was not completed in 1964, but is proposed now. Any Public Utility or Access Easements required by the City will be retained prior to surplus. A fair market appraisal of the City's property will be obtained from a qualified Real Estate Appraiser prior to surplus

Pursuant to California Government Code §54221 (f)(1)(E), the Paper Street is considered Exempt Surplus Land as it is a former street and is being conveyed to an owner of adjacent property. The parcel is located at the bayside terminus of 14<sup>th</sup> Street, is surrounded on three sides by property owned by Eureka Forest Products, and provides the only vehicular access across a railroad right-of-way to the Eureka Forest Products property. The property is not currently needed for City public use and is best utilized as the property entrance for the established Coastal Dependent Industrial business (Eureka Forest Products). In addition, Eureka Forest Products leases the adjacent Tidelands from the City and their continued use via ownership, will therefore benefit the City.

**Environmental:** The sale of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA). However, pursuant to CEQA Guidelines, Categorical Exemption 15312 exempts the sale of surplus property except when the property is located in an area of "Statewide, Regional, or Area wide significance" as described in CEQA Guidelines Section 15206. Projects located within the coastal zone may be deemed significant unless the property does not have a significant value for wildlife habitat or other environmental purpose and the property is incapable of independent development or use; or would otherwise qualify for an exemption under any other class of categorical exemption; or the use of the property and adjacent property has not changed since the time of purchase by the public agency.

Although the property is located in an area of "Statewide, Regional, or Area wide significance" the sale of the property would not impact the coastal zone as the property is surrounded by development (Eureka Forest Products) and has no wildlife habitat. Therefore, the sale of the property is exempt from CEQA pursuant to Guidelines Section 15312.

**Applicable Regulations:** According to the City's Policies and Procedures, Sale of City Owned Real Property File 2.01, the following steps are required:

- 1) Regardless of the prior use of the property, the Planning Commission shall determine whether the property is required for public use by the City of Eureka;

whether the parcel is of such size and shape that it can be developed for a land use permitted in the zone in which it is located; and whether the disposition of the property is in conformance with Government Code §65402.

- 2) After evaluating CEQA for the project, the Planning Commission must prepare a report for review by the City Council which includes a recommendation regarding disposition of the property. The report must also contain, at minimum:
  - a. Whether the parcel is suitable for conforming development; if it is not, the property may be recommended to the City Council for disposal to an adjoining property owner by negotiated sale.
  - b. Whether the property is required for present or future public use by the City.
  - c. Whether the sale of the surplus property is in conformance with the adopted General Plan.

Upon completion of the above process, the Planning Commission's report is submitted to the City Council for review. If the Council finds the property is not required for present or future City public use, it may declare the property exempt surplus real property and establish the minimum acceptable offers.

Since the property is considered Exempt Surplus Land, the City is not required to distribute written offers to sell the property to public agencies and non-profits who may have potential interest in the property.

#### **Analysis:**

**Public use:** There is no public project identified in the 2019-2024 Capital Improvement Program (CIP) which requires the subject property, and the public street right-of-way was previously vacated in 1964. The subject property has not been used by the City of Eureka for a public purpose. Therefore, the subject property is not needed for a public purpose.

**Adequate size and shape for development in MC zone district:** The subject property is in a MC (Coastal Dependent Industrial) zone district located at 1206 W. 14<sup>th</sup> Street within the coastal zone. The property is an asphalt-capped, unimproved piece of land. Eureka Forest Products utilizes the property as their only vehicular entrance and the best use for the property is the continued use by Eureka Forest Products.

The subject property is approximately 25,900 sq ft, or 0.60 acres in size. There is no minimum parcel size for properties in the MC zone district. The property has access from Railroad Avenue.

**Conformity with the adopted general plan:** The General Plan designation for the subject property is CDI (Coastal Dependent Industrial). The CDI plan designation is intended to reserve and protect land adjacent to Humboldt Bay for coastal-dependent industrial uses. The primary intent of this designation is to encourage industrial uses related to shipping or the fishing industry. The parcel is not directly adjacent to

Humboldt Bay, but does provide the only vehicular access to land and a dock used for shipping.

Staff has reviewed the adopted General Plan and finds it is silent with regard to the necessity of retaining the subject property for City public use. In addition, there is no Goal or Policy within the adopted General Plan that calls for the retention of the property for the City's public purposes. Therefore, Staff believes the City's action to surplus the subject property will not conflict with the adopted General Plan.

Discussion with City departments determined there is no need to retain this property. Selling the property will provide an opportunity for Eureka Forest Products to purchase the property which serves as access to their property.

**Planning Commission Action:** The Planning Commission, at a duly noticed public hearing on July 13, 2020, took action to adopt a resolution finding the subject property proposed for surplus is not required for present or future City public use, and that the surplus of the proposed property is consistent with the City of Eureka's Land Use Plan as required by Government Code §65402, and forwarded a recommendation to the City Council to surplus the property by adopting a City Council Resolution. No one spoke during Public and no comments were received prior to the hearing.

**Summary:** Based on the above, Staff recommends City Council determine the property proposed for surplus is not required for City public use, and declare the subject property exempt surplus land by adopting "Resolution of Eureka City Council declaring a portion of 1206 W.14<sup>th</sup> Street; APN: 003-082-006 as exempt surplus property; and authorize the City Manager to proceed with a negotiated sale pursuant to *City of Eureka Policy and Procedure No. 2.01.*"

**Staff Recommendation and Suggested Motion:**

Hold a Public Hearing and Adopt a "Resolution of Eureka City Council declaring a portion of 1206 W.14<sup>th</sup> Street; APN: 003-082-006 as exempt surplus property; and authorize the City Manager to proceed with a negotiated sale pursuant to *City of Eureka Policy and Procedure No. 2.01.*"

*"I move the City Council adopt a "Resolution of the City Council of the City of Eureka declaring a portion of 1206 W.14<sup>th</sup> Street; APN: 003-082-006, as surplus property; and authorize the City Manager to proceed with a negotiated sale pursuant to City of Eureka Policy and Procedure No. 2.01."*

**ATTACHMENTS:**

- Attachment 1: City Council Draft Resolution
- Attachment 2: Assessor's Parcel Map
- Attachment 3: Aerial Location Map
- Attachment 4: Planning Commission Resolution 2020-
- Attachment 5: Policies and Procedures File 2.01 for the Sale of City Owned Real Property

**REVIEWED AND APPROVED BY:**

- City Attorney
- City Clerk/Information Technology
- Community Services
- Development Services
- Finance
- Fire
- Police
- Public Works

## RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA DECLARING A PORTION OF 1206 W 14<sup>th</sup> STREET, APN: 003-082-006, AS SURPLUS PROPERTY; AND AUTHORIZING THE CITY MANAGER TO PROCEED WITH A NEGOTIATED SALE PURSUANT TO CITY OF EUREKA POLICY AND PROCEDURE NO. 2.01

**WHEREAS**, the City owns a portion of the land at 1206 W. 14<sup>th</sup> Street (APN 003-082-006); and

**WHEREAS**, staff is proposing to dispose of the City-owned property located 1206 W. 14<sup>th</sup> Street (Vacated Street) as exempt surplus property, APN: 003-082-006; and

**WHEREAS**, the parcel, a "Paper Street", was vacated by the City of Eureka via a "Resolution and Order Vacating a Portion of 14<sup>th</sup> Street" recorded on December 7, 1964, under Recorder's Instrument No. 20834, book 816, Official Records page 414, Humboldt County Records; and

**WHEREAS**, the parcel should have been surplussed following the street vacation since it was determined the City owned the underlying fee, and the parcel was no longer needed for future City public uses; and

**WHEREAS**, disposal of the property was not completed in 1964, but is proposed now; and

**WHEREAS**, any Public Utility or Access Easements required by the City will be retained prior to surplus; and

**WHEREAS**, a fair market appraisal of the City's property will be obtained from a qualified Real Estate Appraiser prior to surplus; and

**WHEREAS**, staff has met with City Department Heads regarding the disposition, as required by the Surplus Lands Act, and it was determined there is no need to retain the property; and

**WHEREAS**, pursuant to California Government Code §54221 (f)(1)(E), the Paper Street is considered Exempt Surplus Land as it is a former street and is being conveyed to an owner of adjacent property; and

**WHEREAS**, Eureka Forest Products is the only adjacent property owner; therefore, the surplus property will be offered for sale directly to Eureka Forest Products; and

**WHEREAS**, per California Government Code §54222.3, the requirement to distribute written offers does not apply to the disposal of exempt surplus property; and

**WHEREAS**, the sale of surplus property is a “project” pursuant to the California Environmental Quality Act (CEQA). However, CEQA Guidelines Section 15312 exempts the sale of surplus property; and

**WHEREAS**, on July 13, 2020, the Planning Commission held a duly noticed public hearing to receive public testimony and acted to recommend the City Council determine the property is a candidate for disposition as exempt surplus property pursuant to City of Eureka Policy and Procedure File 2.01 for the “Sale of City-Owned Real Property,” and Government Code §65402; and

**WHEREAS**, there is no City of Eureka public project identified for the property in the adopted 2019-2024 CIP and the property has not been used for City public purposes; and

**WHEREAS**, the subject property is located in a MC (Coastal Dependent Industrial) zone district and the property is an unimproved, asphalt-capped, previously vacated street; and

**WHEREAS**, the subject property is approximately .60 acres in size. There is no minimum parcel size for properties in the MC zone district. The property has access from Railroad Avenue and is suitable for development however, Eureka Forest Products utilizes the property as the only vehicular entrance to their Coastal Dependent Industrial land, and the best use for the property is the continued use by Eureka Forest Products; and

**WHEREAS**, the City of Eureka General Plan is silent on the necessity of retaining the subject property for City public use; and

WHEREAS, the City Council of the City of Eureka held a duly noticed public hearing on August 4, 2020.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Eureka that:

1. The property proposed for surplus located at 1206 W 14<sup>th</sup> Street (Vacated Street), APN: 003-082-006, is:
  - a) Not required for City public use; and
  - b) The size and shape of the subject parcel is suitable for conforming development; and
  - c) Surplus of the property is in conformance with Government Code §65402 and the City of Eureka’s adopted General Plan.
2. The property is a candidate for disposition as exempt surplus property pursuant to City of Eureka Policy and Procedure File 2.01 for the “Sale of City-Owned Real Property (Procedure 9),” and Government Code §65402.

**BE IT FURTHER RESOLVED** by the City Council of the City of Eureka that:

- a. The City Council authorizes the City Manager to negotiate the sale of the property.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 4<sup>th</sup> day of August, 2020 by the following vote:

AYES:

NOES:

ABSENT:

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Susan Seaman, Mayor of the City of Eureka

*Attest:*

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Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

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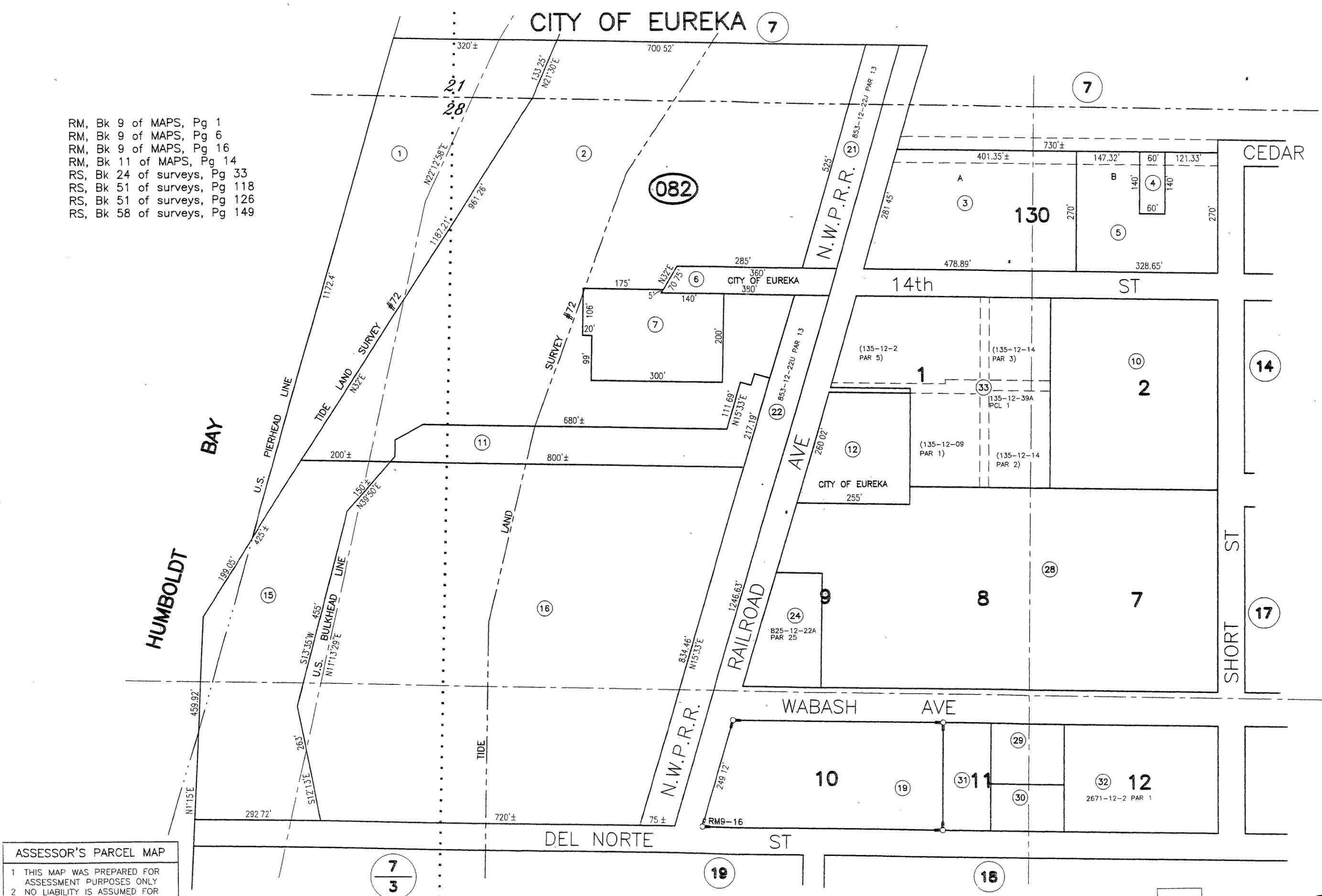
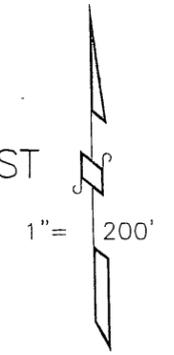
Miles Slattery, Acting City Manager

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Robert N. Black, City Attorney

CITY OF EUREKA 7

RM, Bk 9 of MAPS, Pg 1  
 RM, Bk 9 of MAPS, Pg 6  
 RM, Bk 9 of MAPS, Pg 16  
 RM, Bk 11 of MAPS, Pg 14  
 RS, Bk 24 of surveys, Pg 33  
 RS, Bk 51 of surveys, Pg 118  
 RS, Bk 51 of surveys, Pg 126  
 RS, Bk 58 of surveys, Pg 149

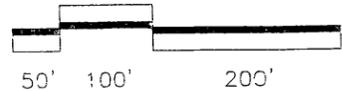


**ASSESSOR'S PARCEL MAP**

- 1 THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY
- 2 NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN
- 3 ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.3, Pg.08  
 County of Humboldt, CA.



Nov. 3, 2010



Scale: 1" = 400'



 Project Location

Project Location Map  
APN: 003-082-006

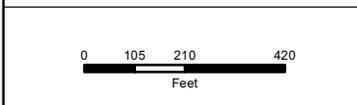


	Figure 1
	Date: 6/18/2020
	Created By: rtopolewski

**RESOLUTION NO. 2020-12**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA  
RECOMMENDING THE CITY COUNCIL DETERMINE THAT A PORTION OF THE  
PROPERTY LOCATED AT 1206 W 14<sup>th</sup> STREET (VACATED STREET)  
APN: 003-082-006 IS EXEMPT SURPLUS PROPERTY

**WHEREAS**, the City owns the land at 1206 W. 14<sup>th</sup> Street (APN 003-082-006); and

**WHEREAS**, staff is proposing to dispose of the property located 1206 W. 14<sup>th</sup> Street (Vacated Street) as surplus property, APN: 003-082-006; and

**WHEREAS**, the parcel, a “Paper Street”, was vacated by the City of Eureka via a “Resolution and Order Vacating a Portion of 14<sup>th</sup> Street” recorded on December 7, 1964, under Recorder’s Instrument No. 20834, book 816, Official Records page 414, Humboldt County Records; and

**WHEREAS**, the parcel should have been surplussed following the street vacation since it was determined that the City owns the underlying fee, and that the parcel is no longer needed for future City public uses; and

**WHEREAS**, any Public Utility or Access Easements required by the City will be retained prior to surplus; and

**WHEREAS**, a fair market appraisal of the City’s property will be obtained from a qualified Real Estate Appraiser prior to surplus; and

**WHEREAS**, staff has met with City Department Heads regarding the disposition, as required by the Surplus Lands Act, and it was determined there is no need to retain the property; and

**WHEREAS**, pursuant to California Government Code §54221 (f)(1)(E), the Paper Street is considered Exempt Surplus Land as it is a former street and is being conveyed to an owner of adjacent property; and

**WHEREAS**, Eureka Forest Products is the only adjacent property owner; therefore, the surplus property will be offered for sale directly to Eureka Forest Products; and

**WHEREAS**, per California Government Code §54222.3, the requirement to distribute written offers does not apply to the disposal of exempt surplus property; and

**WHEREAS**, the sale of surplus property is a “project” pursuant to the California Environmental Quality Act (CEQA). However, CEQA Guidelines Section 15312 exempts the sale of surplus property; and

**WHEREAS**, on July 13, 2020, the Planning Commission held a duly noticed public hearing to receive public testimony; and

**WHEREAS**, there is no City of Eureka public project identified for the property in the adopted 2019-2024 CIP and the property has not been used for City public purposes; and

**WHEREAS**, the subject property is located in a MC (Coastal Dependent Industrial) zone district and the property is an unimproved, asphalt capped, previously vacated street; and

**WHEREAS**, the subject property is approximately .60 acres in size. There is no minimum parcel size for properties in the MC zone district. The property has access from Railroad Avenue and is suitable for development however, Eureka Forest Products utilizes the property as the only entrance to their Coastal Dependent Industrial land and the best use for the property is the continued use by Eureka Forest Products; and

**WHEREAS**, the City of Eureka General Plan is silent on the necessity of retaining the subject property for City public use.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Eureka that:

1. The property proposed for surplus located at 1206 W 14<sup>th</sup> Street (Vacated Street), APN: 003-082-006, is:
  - a) Not required for City public use; and
  - b) The size and shape of the subject parcel is suitable for conforming development; and
  - c) Surplus of the property is in conformance with Government Code §65402 and the City of Eureka's adopted General Plan.
2. The sale of the property will generate revenue for the General Fund.
3. The Planning Commission recommends the City Council determine that the property is a candidate for disposition as exempt surplus property pursuant to City of Eureka Policy and Procedure File 2.01 for the "Sale of City-Owned Real Property," and Government Code §65402.
4. The Planning Commission further recommends:
  - a) The City Council authorize the City Manager to negotiate the sale of the Property directly with Eureka Forest Products; and

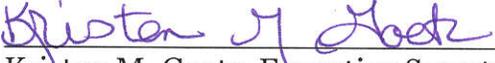
- b) The City Council utilize an appraisal from a qualified Real Estate Appraiser, to be fair market value for the property.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 13th day of July, 2020 by the following vote:

AYES: COMMISSIONERS RAGAN, BONINO, AMES, MAIER  
NOES: NONE  
ABSENT: ARRIAGA  
ABSTAIN: NONE

  
\_\_\_\_\_  
Jeff Ragan, Chair, Planning Commission

*Attest:*

  
\_\_\_\_\_  
Kristen M. Goetz, Executive Secretary

CITY OF EUREKA

Category: FINANCE

POLICIES & PROCEDURES

Subject: SALE OF CITY-OWNED REAL  
PROPERTY

Date Adopted: January 1, 1976

File 2.01

Date Revised: August 20, 1985;  
August 1, 2005

Number

### POLICY OBJECTIVE

To establish procedures for the disposition of surplus real property or interests therein, owned by the City of Eureka.

### ASSIGNED RESPONSIBILITY

City Manager and all Department Heads

### APPLICABILITY

Applicable to a City-owned real property judged unnecessary for any present or prospective use by the City of Eureka.

If the City-owned real property is located within the Eureka Redevelopment Agency project area, it shall be first offered for sale at fair market value to the Agency. If the Redevelopment Agency does not agree to purchase the real property within 60 days of the offer, the real property may be disposed of according to the following procedures.

### PROCEDURES

1. Inquiries regarding the sale of City-owned real property should be directed through the Department of Community Development to the Planning Commission.
2. In the instance where property requested for surplus has been used for a public, quasi-public, or neighborhood purpose, the Planning Commission shall conduct a public hearing after notifying all property owners within 300 feet of said property of the intent to surplus. The Planning Commission shall then take such public comments into consideration in making the recommendation to the City Council.
3. The Planning Commission shall make recommendations to the City Council based upon its determination whether the property is required for public use and whether the parcel is of such size and shape that it can be developed for land use permitted in the zone in which it is located. If the parcel is determined by the Planning Commission not to be suitable for conforming development, then the property will be recommended to the City Council for disposal to an adjoining property owner by negotiated sale.

CITY OF EUREKA

Category: FINANCE

POLICIES & PROCEDURES

Subject: SALE OF CITY-OWNED REAL  
PROPERTY

Date Adopted: January 1, 1976

File 2.01

Date Revised: August 20, 1985;  
August 1, 2005

Number

4. Upon Completion, the Planning Commission's report will be submitted to the City Council for review. If the council finds that property is not required for present or future public use, it may declare the property surplus real property.
5. Upon declaration of surplus property, the City Manager shall obtain a fair market value appraisal of the property and upon direction by Council shall establish the minimum acceptable offer.
6. Upon receipt of a written offer for purchase of the property, accompanied by a ten percent (10%) deposit, the City Manager shall set a date for hearing before the City Council.
7. At the hearing on the sale, the City Council shall receive all oral bids. If an oral bid in an amount at least five percent (5%) more than the amount of the written offer is made and is confirmed with a ten percent (10%) deposit, the Council may accept such higher offer.
8. At the close of the hearing, the council may confirm the sale and direct conveyance be executed, but the council reserves the right to reject any and all offers of bids for purchase of real property.
9. If the property is determined by the City Council not to be suitable for development in conformance with planning, zoning, or other applicable regulations, and if after notice to all adjoining property owners, only one owner is interested in purchasing the property, then the City may dispose of the property by negotiated sale, without proceeding with Procedures 6 through 8.