

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LEWIS COUNTY, WASHINGTON**

**NOTICE OF PUBLIC HEARING AND DECLARATION OF THE  
BOARD OF COUNTY COMMISSIONERS TO AMEND LEWIS  
COUNTY CODE 3.30.400(1) AND DIRECTING THE SETTING OF A  
PUBLIC HEARING**

) **RESOLUTION NO. 19- 173**  
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)  
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**WHEREAS**, Lewis County Code 3.30.400(1) sets forth the means for sale of county real property; and

**WHEREAS**, Lewis County may establish comprehensive procedures for the management of county property consistent with the public interest pursuant to public notice and hearing under RCW 36.34.005; and

**WHEREAS**, the Lewis County Code does not appear to have adequate disposition for portions of parcels not exceeding one-half acre, which, consistent with public interest, would be best sold to adjacent property owners expressing interest.

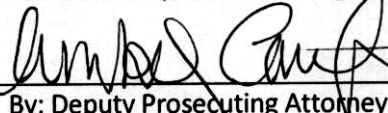
**NOW THEREFORE BE IT RESOLVED**, the Board of County Commissioners declares and establishes its intent to amend Lewis County Code 3.30.400 to allow for an additional method of disposal of surplus real property.

**BE IT FURTHER RESOLVED**, the Board will hold a public hearing on the proposed amendment of the Lewis County Code 3.30.400(1) to allow for an additional method of disposal of surplus real property on July 22, 2019 at or after 10:00 am at the Lewis County Courthouse, Commissioners' Hearing Room, 351 NW North Street, Chehalis, WA as set forth in the Notice of Public Hearing Exhibit A hereto.

DONE IN OPEN SESSION this 1<sup>st</sup> day of July, 2019.

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Attorney

  
By: Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

  
Robert C. Jackson, Chair

  
Gary Stamper, Vice Chair

ATTEST:

  
Rieva Lester, Clerk of the Board

  
Edna J. Fund, Commissioner



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**NOTICE OF PUBLIC HEARING BEFORE THE  
LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS  
AND INTENT TO ADOPT**

**NOTICE IS HEREBY GIVEN** that the **LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS** will hold a public hearing on July 22, 2019, starting at or after 10:00 AM.

The public hearing will consider Ordinance 1305, an ordinance revising the Lewis County Code 3.30.400 to allow for an additional method of disposition of real property.

The public hearing will be at the Lewis County Courthouse, Commissioners' Hearing Room, 351 NW North Street, Chehalis, WA. At the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearing to:

Rieva Lester, 360.740.1419 or [rieva.lester@lewiscoutywa.gov](mailto:rieva.lester@lewiscoutywa.gov)

The meeting site is barrier free. People needing special assistance or accommodations should contact the Community Development Department 72 hours in advance of the meeting.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE AMENDING LEWIS COUNTY CODE 3.30.400(1) ) ORDINANCE NO. 1305  
PURSUANT TO RCW 36.34.005. )  
)  
)**

**WHEREAS**, Lewis County Code 3.30.400(1) sets forth the means for sale of county real property; and

**WHEREAS**, Lewis County may establish comprehensive procedures for the management of county property consistent with the public interest pursuant to public notice and hearing under RCW 36.34.005; and

**WHEREAS**, the Lewis County Code does not appear to have adequate disposition for portions of parcels not exceeding one-half acre, which, consistent with public interest, would be best sold to adjacent property owners expressing interest.

**NOW THEREFORE BE IT ORDAINED**, the Board of County Commissioners amend Lewis County Code 3.30.400(1) to allow for an additional method of disposal of surplus real property:

**3.30.400 Sale of county property - Public sale.**

(1) All sales of real county property shall be made to the highest responsible bidder at public sale except when:

- (a) Sold to a governmental agency;
- (b) The board has determined an emergency to exist;
- (c) County real property is traded for real property of equal or greater value, or
- (d) A parcel of no more than one-half acre of real property, which in and of itself would have little value because of its size or its shape, may be sold at fair market value to an owner of adjoining property. If, according to the records of the County Assessor, more than one person owns adjoining property, the board shall send notice to all such owners informing them a sale of the county property is being considered, and inviting them to send the board a notice of their interest in purchasing the property. If more than one owner sends notice of interest in purchasing the property within 15 days of the date of the board's notice, the board shall sell the property only by sealed bids of owners who have given notice of interest in the purchasing property.

DONE IN OPEN SESSION this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED AS TO FORM:  
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

Robert C. Jackson, Chair

ATTEST:

Gary Stamper, Vice Chair

Rieva Lester, Clerk of the Board

Edna J. Fund, Commissioner

## **Article V. Real Property Sales**

### **3.30.360 County real property management.**

All county real property shall be managed by the board of county commissioners and by the elected and appointed officers therein, and held, used, leased, licensed and sold pursuant to this chapter and the laws of the state of Washington. [Ord. 1154A, 2005; Ord 1064 Art. II, §1, 1979; Ord. 1154, 1996. Formerly 3.30.290]

### **3.30.370 Authority to dispose of real property.**

Whenever it is determined that in the best interest of Lewis County and the people thereof that any part or parcel of property, whether real, personal, or mixed, belonging to the county and capable of being disposed of pursuant to Chapter 36.34 RCW, should be sold, leased, or otherwise disposed of, the county may sell, lease, or otherwise dispose of and convey such property under the limitations and restrictions and in the manner hereinafter provided. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §1, 1979; Ord. 1154, 1996. Formerly 3.30.300]

### **3.30.380 Duties to dispose of real property.**

Except as provided by this chapter, all dispositions of property shall be authorized by the board of county commissioners. The board shall set a minimum sale price based on the fair market value of the property.

The employees of the county who are involved in the inventorying and disposing of county real property, as designated by management, and members of their immediate families, as that term is defined in this chapter, shall be prevented from purchasing real property. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §2, 1979; Ord. 1154, 1996. Formerly 3.30.310]

### **3.30.390 Advertisement of sale.**

(1) The board shall advertise the sale of property in a manner most appropriate to effect an advantageous sale. Real property may be sold at a public sale following publication of a notice in a legal newspaper of general circulation at least once a week for two consecutive weeks, the first notice to appear no less than 10 calendar days prior to the date of sale. No notice of sale shall be required for sale to a governmental agency. Where the board has determined an emergency exists, such reasonable notice as is commensurate with the fact of the emergency shall be given for the purpose of providing the public with knowledge of the sale and to establish value. Such notice may include notification of appropriate segments of the press and telephonic communication with potential purchaser.

(2) An advertisement of sale shall in the case of real property describe the property by both its legal description and street address, if any, or if none, by a vicinity description. If real property is offered for sale on other than a cash basis, the terms must be stated in the advertisement. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §7, 1979, amended 1980, amended 1989; Ord. 1154, 1996. Formerly 3.30.320]

### **3.30.400 Sale of county property - Public sale.**

(1) All sales of real county property shall be made to the highest responsible bidder at public sale except when:

(a) Sold to a governmental agency;

(b) The board has determined an emergency to exist;

(c) County real property is traded for real property of equal or greater value, or

(d) A parcel of no more than one-half acre of real property, which in and of itself would have little value because of its size or its shape, may be sold at fair market value to an owner of adjoining property. If, according to the records of the County Assessor, more than one person owns adjoining property, the board shall send notice to all such owners informing them a sale of the county property is being considered, and inviting them to send the board a notice of their interest in purchasing the property. If more than one owner sends notice of interest in purchasing the property within 15 days of the date of the board's notice, the board shall sell the property only by sealed bids of owners who have given notice of interest in the purchasing property.

(2) The board may, if it deems such action to be for the best public interest, reject any and all bids/offers, either written or oral, and withdraw the property from sale.



(3) Where there is no bid/offer within advertised terms for the advertised minimum value, the county may withdraw the property from sale and thereafter negotiate the sale of the withdrawn property, providing the negotiated price is determined to be in the best interest of the public by a majority vote of the board, on consideration of the recommendation by public works and that the public has two weeks' notice by advertisement and an opportunity to compete for purchase by offer of more favorable price on the terms negotiated. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §7, 1979, amended 1980 & 1989; Ord. 1154, 1996. Formerly 3.30.330]

**3.30.410 Intergovernmental sales.**

The county may dispose of or lease real property to another governmental agency and may acquire property from another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed to be adequate in compliance with RCW 43.09.210. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §9, 1979, amended 1980; Ord. 1154, 1996. Formerly 3.30.340]

**3.30.420 Title.**

In no case shall the title be transferred until the purchase price has been paid. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §12, 1979; Ord. 1154, 1996. Formerly 3.30.350]

**3.30.430 Disposition of proceeds of sale.**

The Lewis County treasurer is authorized to establish such funds and accounts as may be necessary to deposit sales proceeds until final disposition. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §13, 1979; Ord. 1154, 1996. Formerly 3.30.360]

**3.30.440 Exchange for privately owned real property of equal value.**

The board may exchange county real property for privately owned real property of equal or greater value wherever it is determined by resolution, after publication of notice that the matter will be heard not less than three days after publication, that:

(1) The county real property proposed to be exchanged is not necessary to the future foreseeable needs of the county.

(2) The real property to be acquired by such exchange is necessary for the future foreseeable needs of the county.

(3) The value of the county real property to be exchanged is not more than the value of the real property to be acquired and that such value shall be established by a licensed general appraiser, qualified in the area of the work assigned. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §14, 1979; Ord. 1154, 1996. Formerly 3.30.370]