

## CITY OF SUGAR CITY RESOLUTION 2023-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR CITY MAKING FINDINGS; DECLARING INTENT TO TRANSFER CERTAIN REAL PROPERTY; DECLARING IT IS IN THE BEST INTEREST OF THE CITY TO TRANSFER CERTAIN REAL PROPERTY TO MADISON COUNTY FOR USE AS A COUNTY CORONER'S OFFICE, DISPATCH CENTER, AND LAW ENFORCEMENT BUILDING; WITHOUT COMPENSATION; AND DIRECTING THE CLERK TO PUBLISH NOTICE OF THIS ACTION AND TO SET A PUBLIC HEARING ON THE INTENT TO TRANSFER CERTAIN REAL PROPERTY.

WHEREAS, the City of Sugar City, Idaho is a municipal corporation organized and operating under the laws of the state of Idaho; and

WHEREAS, pursuant to the provisions of Idaho Code §§ 50-1401, 50-1402, 50-1403 and 50-1407 Sugar City has the statutory power and authority to convey or exchange real property owned by the City and not needed for City purposes; and

WHEREAS, Idaho Code § 50-1403 provides that when a City Council determines it 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; and

WHEREAS, pursuant to the provisions of Idaho Code § 50-1402, the City Council at a public meeting on February 23<sup>rd</sup>, 2023, declared the value received from the transfer for the addition of a coroner's office, dispatch center, and law enforcement building is of greater value to the city and community than if sold for the value of the lot at \$72,000; and

WHEREAS, pursuant to the provisions of Idaho Code § 50-1402, on the 23<sup>rd</sup> day of February 2023, the City Council declared its intent on the record to transfer the subject property to Madison County, and the City Clerk to publish a summary of that action with a notice of public hearing on the matter at least fourteen (14) days prior to a hearing to consider the proposed transfer; and

WHEREAS, at its regular meeting on the 23<sup>rd</sup> day of February 2023, the City Council determined (a) that the subject property is underutilized and not needed for City purposes, (b) that the subject property shall be conveyed in accordance with the provisions set forth in Idaho Code § 50-1403;

### **SECTION 1: FINDINGS**

- The City of Sugar City was duly formed and exists under and by virtue of Article XII of the Constitution of the State of Idaho and Title 50 of the Idaho Code.
- The City owns the Real Property as described on Exhibit A attached and incorporated herein and hereinafter referred to as "Real Property".

- The Real Property is adjacent to property owned by Madison County, is no longer useful to the City, and would be better utilized for public purposes with ownership by Madison County to be used for a coroner's office, dispatch center and law enforcement building.
- The City Council has the power and authority pursuant to Idaho Code Section 50-1401 to sell, exchange or convey, any real property owned by the City which is underutilized or which is not used for public purposes.
- Idaho Code § 50-1403(4) provides that a city may transfer or convey real property to another tax supported governmental unit with or without consideration as determined in the city's best interest.
- Chapter 14 of Title 50 Idaho Code prescribes a procedure to be followed regarding the disposition of city real property.
- The City Council and Madison County have discussed the transfer and determined that it is the parties mutual interest for the transfer of Real Property to Madison County to be used as a coroner's office, dispatch center and law enforcement building and that the law enforcement building shall be built within a 10-year timeline and, if not, the parties agree for the City to have the right of revision of the property back to the City.
- It is necessary in order for the City Council to complete the process of their intention to transfer the Real Property [as provided in Idaho Code Section 50-1402] that it may or may not declare a value and shall provide notice and hold a public hearing.
- It is the intention of the City Council to transfer the Real Property and to set a public hearing and direct the City Clerk to provide notice of its intention and of the public hearing.

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

- The City Council finds and declares that the Real Property is no longer useful to the City and underutilized and not used for public purposes; and declare their intent to transfer said Real Property to Madison County as another tax supported governmental unit.
- The City Council finds and declares that the Real Property shall be transferred to Madison County for no compensation with the requirement that the Real Property shall be used as a coroner's office, dispatch center and Law Enforcement Building and that the law enforcement building shall be built within a 10 year timeline, if not, the parties agree the right of revision of the property back to the city.
- The City Council hereby sets a public hearing where any person may appear and show cause that a transfer of the Real Property should or should not be made at a meeting of the City Council to be held on March 23, 2023 at 6:30 p.m. in the Council Chambers, Sugar City, City Hall.

- The City Clerk is directed to cause notice of the public hearing to be published in the official newspaper not less than fourteen (14) days prior to the hearing.

**PASSED BY THE CITY COUNCIL** of the City of Sugar City, effective this 23rd day of February, 2023.

**APPROVED:**

(SEAL)

Signed: \_\_\_\_\_  
Steven Adams, Mayor

**ATTEST**

By. \_\_\_\_\_  
Wendy McLaughlin, City Clerk

EXHIBIT A  
Legal Description  
SUGAR CITY BUSINESS PARK 1ST AMENDED  
LOT 3 BLK 1