

LEGISLATIVE BILL 125

Approved by the Governor March 4, 1975

Introduced by Goodrich, 20

AN ACT to amend section 23-107, Revised Statutes Supplement, 1974, relating to county boards; to provide powers for sale and lease of real property; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-107, Revised Statutes Supplement, 1974, be amended to read as follows:

23-107. The county board shall have power to make all orders respecting the property of the county; to keep the county buildings insured; to sell the public grounds or buildings of the county, and purchase other properties in lieu thereof; Provided, that the county board may, if it deems it for the best interests of the county, sell county property upon such terms of credit as shall be determined upon by resolution of the board; but such deferred payment shall be for not more than two-thirds of the purchase price, which shall be secured by note or notes, and a first mortgage upon the property so sold, and shall draw not less than six per cent interest per annum from date until paid, the interest to be paid annually except as otherwise provided in this section. The county board shall also have the power to sell or negotiate, without recourse upon the county, the notes and mortgages so taken; but they shall not be sold for less than par value including accrued interest. Except as otherwise provided, ~~in this section~~, no sale or lease for a period of more than ten years shall be made by any county board of real estate costing the county more than three thousand dollars, until such proposition shall have been approved by a majority of the electors of the county voting thereon. If such sale or lease for a period of more than ten years shall be to another governmental subdivision, then no election shall be required and the sale or lease may be on such terms and conditions as may be agreed upon by the county and such other governmental subdivision evidenced by the adoption of a resolution or ordinance of each of the governmental subdivisions involved. Real estate acquired because of the existence of an old age assistance lien may be sold without submitting the matter to the electors regardless of the value of such property or the amount of the old age assistance lien.

Sec. 2. (1) Any county board shall have power to sell or lease real estate owned by the county and not required for county purposes at a fair market value regardless of the assessed value of the property. The county board of such county shall hold an open and public hearing prior to any such sale or lease at which any interested party may appear and speak for or against the sale or lease, and raise any issue regarding the fair market value of the property as determined by the county board. Public notice of any such public hearing shall be run for three consecutive days during the week prior to the hearing date in any newspaper or legal publication distributed generally throughout the county.

(2) The county board shall set a date of sale, which shall be within two months of the date of public hearing pursuant to subsection (1) of this section, and proceed to offer such real estate for sale or lease to the highest bidder.

(3) The county board, prior to the sale or lease, shall cause to be printed and published at least ten days in a legal newspaper in the county, an advertisement for bids on the property to be sold or leased. The advertisement shall state the legal description and address of the real estate and that the real estate shall be sold or leased to the highest bidder.

(4) If the county board receives no bids or if the bids received are substantially lower than the fair market value or the assessed value, the county board may negotiate a contract for sale or lease of the real estate if such negotiated contract is in the best interests of the county.

Sec. 3. That original section 23-107, Revised Statutes Supplement, 1974, is repealed.