



**MARIN MUNICIPAL  
WATER DISTRICT**

**BOARD POLICY**

**No.:** 4

**Date:** 10/19/93

---

**Subject:** DISPOSAL OF SURPLUS NON-WATERSHED REAL PROPERTY  
(per Government Code Sections 50569, 50570 and 54221 through 54238.6)

---

**I. Determination of Surplus Property**

On or before December 31 of each year, the District shall make an inventory of all of its lands to determine if any of these lands are surplus to its existing or future needs. (Government Code Section 50569)

- A. A list of potentially surplus property will be prepared and reviewed by the Manager of Operations and Maintenance, the Manager of Engineering, and the Manager of Environmental Resources before recommendation of surplus status to the General Manager and the Board of Directors of the District.
- B. The Board of Directors will review staff's recommendations regarding potentially surplus properties, and instruct staff to proceed with disposal of those parcels which are deemed surplus to the needs of the District.
- C. A legal description of each parcel found to be surplus shall be maintained by the Secretary of the Board and be made available without charge to anyone requesting it.

**II. Exchange of Property**

If it is in the best interests of the District, property may be exchanged for property of like value without notification to the local agencies as outlined in Section III below.

**III. Offer to Lease or Sell**

**A. Statutory Notification**

Prior to disposing of surplus property the District shall send a written offer to lease or sell the property as follows:

- 1. A written offer to sell for purposes of developing low- and moderate-income housing shall be sent to any local public entity authorized to engage or assist in the development or operation of housing for persons and families of low- and moderate income;



# MARIN MUNICIPAL WATER DISTRICT

## BOARD POLICY

No.: 4

Page: 2

2. A written offer to sell or lease for park and recreational or open space purposes shall be sent to any park or recreation department of a city or county within which the land is situated; any regional park authorities or open space districts having jurisdiction within the area in which the land is located; and the State Resources Agency.
3. A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located;
4. A written offer to sell or lease for enterprise zone purposes in an area designated as an enterprise zone pursuant to Government Code Section 7073 shall be sent to the non-profit neighborhood enterprise association corporation in that zone;
5. A written offer to sell or lease any surplus property in a designated program area, as defined in Government Code Section 7082(i), shall be sent to the program area agent; and
6. Housing sponsors as defined by Health and Safety Code Section 50074 shall, upon written request, be sent a written offer to sell or lease surplus land for the purpose of developing low- and moderate-income housing.

An entity or association desiring to purchase or lease surplus land for low- and moderate-income housing purposes, or for park and recreation purposes, or for open space purposes or for public school purposes, or for enterprise zone purposes shall notify the District in writing of its intent to purchase or lease within sixty days of receipt of the District's notification of intent.

### B. Notification of Others

Concurrently with the notifications given in Paragraph II A., above, the District shall send notice of its intent to sell or lease surplus property to the following groups within whose jurisdiction the property is located:

1. Local community service districts;
2. Adjacent property owners including local homeowners groups;
3. County or applicable city having planning jurisdiction over the property;
4. Conservation groups.



# MARIN MUNICIPAL WATER DISTRICT

## BOARD POLICY

No.: 4

Page: 3

- C. Surplus land exempt from the foregoing notification requirements is land described in Government Code Section 54221(e)(2) as follows:

Surplus land which is (A) less than 5,000 square feet in area, (B) less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less, or (C) has no record access and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency which is used for park, recreational, open-space, or low- and moderate-income housing purposes and is not located within an enterprise pursuant to Section 7073 nor a designated program area as defined in Section 7082. If the surplus land is not sold to an owner of contiguous land, it is not considered exempt surplus land and is subject to the provisions of this article.

The notification requirements contained III.A. and III.B. above shall not apply to exempt surplus land.

If the District receives offers from more than one of the above, first priority shall be given to the entity which agrees to use the site for park, recreational or open space purposes if the land is already being used for such purposes or is designated for such use in the local general plan. Otherwise, highest priority shall be given to the entity which agrees to use the site for low- and moderate-income housing. When the District receives an offer from an entity to purchase the land, the District shall enter into good faith negotiations to determine a mutually satisfactory sales price. If the price or terms cannot be agreed upon after 60 days of good faith negotiation, the land may be disposed of as provided below.

#### IV. Public Sale

1. Once the District has met the notification requirements, above, it may sell the property via public sale in accordance with the MMWD Code Section 2.90.090 if it is unable to dispose of the property to any of the entities receiving said notification.
2. In case of public sale, the Board of Directors shall fix the time and place for the receipt of bids and shall instruct the Secretary with respect thereto.
3. A notice calling for bids shall be published at least once in a news paper of general circulation which is published and circulated within Marin County in the State of California, at least 12 days prior to the date fixed for the receipt of such bids.



# MARIN MUNICIPAL WATER DISTRICT

## BOARD POLICY

No.: 4

Page: 4

4. All bids shall be accompanied by a deposit in an amount to be determined by the Board. The deposit shall be in the form of a cashier's check or certified check and made payable to "Marin Municipal Water District."
5. After review of the written bids by the Board of Directors as outlined above, and upon announcing the same, any person present may offer orally to increase the amount of the highest written bid by the sum of not less than five percent and to continue thereafter to bid in any amount until the highest oral bid is finally accepted, subject to the terms of Paragraph 10, below.
6. The successful oral bidder must deposit forthwith in cash, cashier's check, or certified check an amount not less than the deposit required by the Board in Paragraph 4 above.
7. Successful bidders will have 45 days (unless otherwise approved by the District) after bid acceptance to pay the balance of the bid price.
8. The Board of Directors may, at any time before acceptance by it of the final bid, reject any and all bids either written or oral, and call for new bids, or withdraw the property from sale.
9. The Board of Directors may, upon refusal or failure of the successful bidder to deposit the balance of his bid price, award the property to the second highest responsible bidder and retain the deposit of the initial bidder.
10. All sales are subject to completion of the planning agency notification process described in Section V below. The Board of Directors may elect to forego sale to a successful bidder if the planning agency disapproves of the disposal.

### V. Planning Agency Notification and Approval

Upon completion of negotiations or acceptance of the highest bid, if property is sold to the highest bidder, staff shall submit the location, the purpose, and the extent of the property disposition to the planning agency having jurisdiction for determination of conformity with the applicable adopted general plan or part thereof. The responsible planning agency has 40 days to determine conformity, and if not acted upon with the 40 days, conformity is assumed.

If the planning agency disapproves the location, purpose, or extent of the disposition, the MMWD Board can overrule such disapproval. (Government Code Section 65402)