

## CHAPTER 5 - PROPERTY

### ARTICLE 1 - REAL AND PERSONAL PROPERTY – GENERALLY

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**Sections 5-1-101 to 5-1-199, inclusive. Personal property - disposition.**

**Section 5-1-101 Notice of sale of personal property - contents. (REPEALED)**

**Source:** R.O. Pierre, 1957, 1.0302, Rev. of Ord., 1990.

**Statutory reference:** SDCL 9-28-3, publication of notice of sale - not required for small amounts.

**Section 5-1-102 Opening and conditions of bids for purchase of personal property. (REPEALED)**

**Source:** R.O. Pierre, 1957, 1.0303, Rev. of Ord., 1990.

**Statutory reference:** SDCL 9-28-4, filing for bids for property - acceptance or rejection; and, 9-28-5, auction sale minimum price.

**Section 5-1-103 Deposit may be required to accompany bids. (REPEALED)**

**Source:** R.O. Pierre, 1957, 1.0305, Rev. of Ord., 1990.

**Section 5-1-104 Readvertising or negotiation of sale of personal property if all bids rejected. (REPEALED)**

**Source:** R.O. Pierre, 1957, 1.0304, Rev. of Ord., 1990.

**Section 5-1-105 Instrument of conveyance upon sale of personal property. (REPEALED)**

**Source:** R.O. Pierre, 1957, 1.0306, Rev. of Ord., 1990.

**Section 5-1-106 Determination of surplus property.**

The Commission may sell, trade, destroy or otherwise dispose of any land, structures, supplies, equipment or other property which the Commission has, by appropriate motion, determined is no longer necessary, useful or suitable for the purpose for which it was acquired.

**Source:** Rev. of Ord., 1990.

**Statutory reference:** SDCL 6-13-1, determination of surplus property.

**Section 5-1-107 Appraisal of value of surplus property - filing of report.**

After the Commission has made a determination of surplus property, they shall appoint three real property owners of the City to appraise the value of such property. Such real property owners shall file a report of the appraisal with the finance officer. The Commission may employ a person or persons licensed by the state to do fee appraisals to assist the property owners conducting an appraisal pursuant to this chapter.

**Source:** Rev. of Ord., 1990.

**Statutory reference:** SDCL 6-13-2, appraisal of value of surplus property - filing of report

**Section 5-1-108 Notice of sale of surplus property - contents.**

Any surplus property appraised at five hundred dollars or less may be sold at a private or public sale without notice. A notice of the sale of all other surplus property shall be made by publishing a notice of such sale in the official newspaper at least once each week for at least two consecutive weeks. The first such publication may not be less than fifteen days prior to the date of the sale. Such notice shall describe the property to be sold and shall state the appraised value of such property and the time when sealed bids will be opened by the Commission. Property to be transferred to another political subdivision need not be advertised.

**Source:** Rev. of Ord., 1990.

**Statutory reference:** SDCL 6-13-4, publication of notice of sale.

**Section 5-1-109 Opening and conditions of bids for purchase of surplus property.**

Sealed bids received on the surplus property shall be filed with the finance officer and shall be opened at a Commission meeting at the time specified in the notice required by Section 5-1-108. The Commission shall sell such property to the highest bidder if such bid is equal to, or greater than, ninety percent of the appraised value of the surplus property. If no bids are received that are equal to or greater than ninety percent of the appraised value, the governing board may have the surplus property reappraised or may, within twelve months thereafter, sell the property at private sale for not less than ninety percent of the appraised value without further publication or appraisal.

**Source:** Rev. of Ord., 1990.

**Statutory reference:** SDCL 6-13-5, filing for bids for property - acceptance or rejection.

**Section 5-1-110 Auction of surplus property.**

In lieu of sealed bids, the Commission may sell surplus property at auction. The Commission shall advertise such auction by publication pursuant to Section 5-1-108. Surplus property may be sold to the highest bidder at such auction.

**Source:** Rev. of Ord., 1990

**Section 5-1-111 Instrument of conveyance upon sale of surplus property.**

When a sale of personal property has been made hereunder, the mayor shall execute a proper instrument of conveyance transferring to the purchaser the property sold upon payment of the purchase price. All sales shall be for cash.

**Source:** Rev. of Ord., 1990.

**Section 5-1-112 to 199, inclusive. Reserved.**

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**Sections 5-1-201 to 299, inclusive. Real property - acquisition and disposition. Reserved.**

**Statutory reference:** SDCL 6-13, acquisition and disposition of real property; SDCL 9-5-11, title to city property after annexation; SDCL 9-24-6, city property exempt from execution; SDCL 9-6-12, disposition of property upon dissolution; SDCL 9-12-5, lease of transfer of property to state agency for public purposes; SDCL 9-37-2, implementation of housing and re-development projects.