

67.0802 Sale or other disposition of county property.

- (1) As used in this section, "independent appraisal" means an appraisal made by:
 - (a) An individual or organization not affiliated with the county or its officers or employees, using a generally accepted national or professional standard; or
 - (b) A county's officers or employees using a nationally published valuation of property based on the most recent edition of the publication.
- (2) A county may sell or otherwise dispose of any of its real or personal property.
- (3) Before selling or otherwise disposing of any real or personal property, the county shall make a written determination setting forth and fully describing:
 - (a) The real or personal property;
 - (b) Its intended use at the time of acquisition;
 - (c) The reasons why it is in the public interest to dispose of it; and
 - (d) The method of disposition to be used.
- (4) Real or personal property may be:
 - (a) Transferred, with or without compensation, to another governmental agency;
 - (b) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
 - (c) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b);
 - (d) Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4);
 - (e) Transferred, with or without compensation, for economic development purposes, which shall include but not be limited to real property transfers for the elimination of blight;
 - (f) Traded towards the acquisition of the same or similar type of property if the value of the property the county is receiving in exchange equals or exceeds the actual fair market value of the property it traded as determined using an independent appraisal;
 - (g)
 1. Sold for its appraised fair market value or a greater amount if the property is valued at five thousand dollars (\$5,000) or less in an independent appraisal without using the procedure set out in paragraph (d) of this subsection.
 2. Property sold under this paragraph shall not be sold to a county officer or employee;
 - (h) Sold for scrap or disposed of as garbage, of which road millings and dirt may be considered as such, in a manner consistent with the public interest if the property has no value, or is of a nominal value as determined by an independent appraisal; or
 - (i) Sold by the Finance and Administration Cabinet under an agreement with the county.

- (5) If a county receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the county. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.
- (6) (a) Except as provided in paragraph (b) of this subsection, any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the county.
- (b) Any compensation resulting from the disposal of real or personal property that was acquired by forfeiture under KRS Chapter 218A or purchased using funds restricted under KRS 218A.420(4)(a) shall be transferred to the account used for such forfeiture proceeds and upon transfer shall remain subject to the restrictions of KRS 218A.420(4)(a).

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 12, sec. 1, effective June 27, 2019; and ch. 69, sec. 1, effective March 25, 2019. -- Amended 2004 Ky. Acts ch. 153, sec. 2, effective July 13, 2004. -- Created 2000 Ky. Acts ch. 223, sec. 2, effective July 14, 2000.

2020-2022 Budget Reference. See State/Executive Branch Budget, 2020 Ky. Acts ch. 92, Pt. III, 33 at 937.

Legislative Research Commission Note (6/27/2019). This statute was amended by 2019 Ky. Acts chs. 12 and 69, which do not appear to be in conflict and have been codified together.