ARTICLE XVII

SALE OF TOWN LAND

Section 1. Purpose

The purpose of this ARTICLE XVII is to establish a process to allow for the sale of land to accommodate that portion of main buildings initially constructed on land owned by the Town.

Section 2. Establishment of Sale Price

The Council may by ordinance declare as no longer needed for a public purpose, and abandon, sell and convey by deed, certain Town-owned land on which a portion of a main building has been constructed, subject to the requirements of this section. The sales price is set at $1.00 per square foot.

Section 3. Request for Purchase

A request to purchase the Town-owned land must be submitted to the Town Office by the owner of the main building. The request for purchase must be accompanied by four (4) copies of an identification plat prepared by a civil engineer, surveyor or other competent person, indicating by metes and bounds, bearings and distances, or by lot, block and subdivision, the portion of Town-owned and its area for which the deed is sought, and showing the adjoining properties and streets and rights of way, north point and scale, and any other pertinent information. The land for which a deed is sought must be outlined in red and using a unique line type.

Section 4. Planning Commission and Historic Preservation Commission Duties

Copies of the request for purchase shall be promptly forwarded to the Planning Commission and the Historic Preservation Commission. The Planning Commission and Historic Preservation Commission shall, in open meeting:

(a) Determine whether the sale of the Town-owned land will create an additional building lot, and whether public ownership of this portion serves any present or foreseeable public use or function.

(b) Ensure that sufficient information has been submitted for that portion of the main building constructed on Town-owned land to document its dimensions and materials, and the current degree of non-compliance as defined in the Washington Grove zoning ordinance and as may be required for a current or future building permit application for this portion.

Section 5. Recommendations

Recommendations from the Planning Commission and the Historic Preservation Commission regarding the request for purchase will be provided to the Town Council.

Section 6. Conveyance of Land

Upon consideration of the owner application and the recommendations of the Planning Commission and Historic Preservation Commission, and upon a finding by the Town Council that the Town-owned property is no longer needed for a public use, the Town Council may introduce an ordinance authorizing

conveyance of the Town-owned land, set a date for the required public hearing and provide at least twenty days prior public notice of the intent to sell.

Section 7. Deed Requirements

Any ordinance authorizing the sale of public land under the section must require that the deed include the following covenants, which will run with the land and be enforceable by the Town against the owner and any successor or assigns:

(a) Only the structure, or portion thereof, currently located on the Town-owned land and referenced in the metes and bounds/plat identification submitted with the owner's application, may be maintained, repaired, replaced or reconstructed. Any repair, reconstruction or replacement shall adhere to the same dimensions, without enlargement of any non-compliance, shall require a building permit but only to the extent that a permit is otherwise required under existing Town ordinances or County or State laws, and shall comply with all Town ordinances.

(b) The property may not be combined with adjoining land to meet minimum building lot square footage requirements, percentage of lot coverage requirements, or set back requirements, for purposes of erecting or replacing any structure.

(c) The property will not be combined with the adjoining land to change or increase the current front and/or side lot lines.

(d) That the Town shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms conditions, covenants and agreements imposed upon the transfer of the property, and/or the owner, pursuant to the provisions of the deed. Further that the Town would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of the deed and that the Town is entitled to reimbursement for all reasonable costs of enforcement including reasonable attorneys' fees. The deed shall transfer a defeasible fee simple interest in the property, which shall revert by operation of law to the Town for failure to comply with any covenant of the deed.

Section 8. Applicable Properties

This Article applies to the following properties:
1 Circle
2 Circle
13 Circle
15 Circle
17 Circle
203 Second Avenue
404 Fourth Avenue
409 Fifth Avenue
315 Grove Avenue

Section 9. Costs

The owner shall bear all costs of the sale of the Town-owned land, the preparation and recordation of the deed and the lot line adjustment required to reflect the transfer.