

VILLAGE OF EAU CLAIRE, BERRIEN COUNTY, MICHIGAN
ORDINANCE NUMBER 2024-3,

AN ORDINANCE TO PERMIT AND OUTLINE THE PROCEDURES FOR SALE OF
VILLAGE-OWNED PROPERTY IN THE VILLAGE OF EAU CLAIRE.

At a regular meeting of the Village of Eau Claire, Berrien County, Michigan, held at the Village of Eau Claire Hall on February 19th 2024, at 5:30 p.m., Council Member Gonzalez moved to adopt the following Ordinance, which motion was seconded by Council Member KARN:

THE VILLAGE OF EAU CLAIRE ORDAINS:

Section 1. Purpose

- A. Pursuant to MCL 67.4, the Village hereby authorizes the sale of real property owned by the Village.
- B. Any real property owned by the Village, excluding any part of a public park, may be sold by public sale. The sale may be by sealed bids or a public auction, as determined by the Village Council. The notice of sale by sealed bids or public auction shall meet the requirements set for this Section 1080.01. By resolution authorizing the sale of such real property, the Village Council shall establish an amount to be deposited with the Village Clerk and such other evidence that the bidder can close the transaction, as the Village Council may determine. The Village Council may hold the deposits of up to three bidders until the time of closing to ensure that the property will be sold.
- C. When determined to be in the best interest of the Village, the Council may sell any real property, excluding land designated as a public park, by private sale. The Village Council may sell the property and establish the terms and conditions, including the asking price for the property, in a commercially reasonable manner. In determining a proposed selling price, the Village Council is hereby authorized to rely upon the opinion of its assessor, a licensed real estate broker, or some other person the Council believes has sufficient expertise to provide an unbiased and knowledgeable opinion as to the fair market value of the property being sold by the Village.

Section 2. Prior Ordinances

All other ordinances or parts of ordinances in conflict with or superseded by this Ordinance are repealed except to the extent that any project, condition, violation or prosecution that was subject to the prior ordinance shall continue.

Section 3. Headings

The headings used in each section of this Ordinance are for the purpose of identification and are not a substantive part of this Ordinance.

Section 4. Severability

In the event that any one more sections, provisions, phrases or works of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 5. Effective Date

This Ordinance shall become effective immediately upon its publication.

Section 28. Publication

The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

Roll Call Vote:

Ayes: 3
Nays: 0
Abstain: 0
Absent: 2

Dated: 2/19, 2024

Ordinance declared adopted:

By: John Glassman, President
John Glassman

By: Shawn M. Foster, Village Clerk
Shawn Foster

CERTIFICATION

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Eau Claire at a regular meeting held on the 19 day of February, 2024, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as required by said Act, and published in the *Journal Era*, a weekly newspaper published in the Village of Eau Claire, in the issue of said newspaper dated and published on the 21 day of February, 2024.

Shawn M. Foster
Shawn Foster, Village Clerk

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