

ADOPTED

Representatives Stephens of the 164th and Fleming of the 121st offer the following amendment:

1 *Amend SB 397 (LC 45 0026) by replacing lines 1 through 3 with the following:*

2 To amend Chapter 9 and Chapter 37 of Title 36 of the Official Code of Georgia Annotated,
3 relating to county property generally and the acquisition and disposition of real and personal
4 property generally, respectively, so as to allow counties and municipalities to hire state
5 licensed real estate brokers to assist in the sale of real property;

6 *By inserting between lines 7 and 8 the following:*

7 Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property
8 generally, is amended in subsection (a) of Code Section 36-9-3, relating to the sale or
9 disposition of county real property generally, by revising paragraph (2) and adding a new
10 paragraph to read as follows:

11 "(2)(A) Counties may retain the services of a Georgia licensed real estate broker to
12 assist in the disposition of surplus real property; said brokerage services shall be
13 procured by request for proposals in response to an issued solicitation. The proposal
14 shall include the minimum stated broker qualifications and experience.

15 (B) In the event a county does retain the services of a qualified and experienced
16 Georgia licensed real estate broker to assist in the disposition of surplus real property,
17 the broker so retained shall:

18 (i) Represent the county and comply with the requirements of this Code section,
19 including, but not limited to, issuing a call or request for sealed bids from the public
20 and causing notice to be published once in the official legal organ of the county not
21 less than 15 days nor more than 60 days preceding the day of the auction or, if the sale
22 is by sealed bids, preceding the last day for the receipt of proposals. The legal notice
23 shall include a legal description of the real property to be sold. The notice shall also
24 contain a request for proposals and shall state the conditions of the proposed sale, the
25 address at which bid blanks and other written materials connected with the proposed
26 sale may be obtained, and the date, time, and place for the opening of bids;

27 (ii) Actively market the disposition of the real property;

28 (iii) Comply with all federal, state, and local laws;

29 (iv) Create a website which posts: the request for sealed bids; questions submitted by
30 interested parties; responses to submitted questions as prepared by the county; dates
31 the real property will be made available for public inspection; public information
32 regarding the property; and other related communication and marketing information;

33 (v) Immediately forward the sealed bids to the governing authority of the county,
 34 which shall open such bids at the specified date, time, and place;

35 (vi) Only serve in the capacity of a broker engaged by a seller as provided for in
 36 Code Section 10-6A-5. A real estate broker representing a county shall be prohibited
 37 from working with or aiding a prospective buyer in connection with the disposition
 38 of real property for which the real estate broker was contracted; and

39 (vii) Agree to accept the agreed upon sales commission based on the highest
 40 responsive bid received as so adjudicated by the governing authority of the county,
 41 in its sole discretion.

42 (C) In the event the county decides to reject all bids and not award the sale to any of
 43 the bidders, the broker shall agree to accept the minimum payment in lieu of the
 44 commission as so agreed upon by the parties in an engagement contract.

45 ~~(2)~~(3) This subsection shall not apply to:

46 (A) Redemption of property held by any county under a tax deed; the granting of
 47 easements and rights of way; the sale, conveyance, or transfer of road rights of way; the
 48 sale, transfer, or conveyance to any other body politic; and any sale, transfer, or
 49 conveyance to a nonprofit corporation in order to effectuate a lease-purchase
 50 transaction pursuant to Code Section 36-60-13;

51 (B) Any option to sell or dispose of any real property belonging to any county of this
 52 state if that option was granted by said county prior to March 17, 1959;

53 (C) The sale of any real property belonging to any county in this state where the proper
 54 governing authority of the county advertised the property for ten consecutive days in
 55 the newspaper in which the sheriff's advertisements for the county are published, and
 56 where the sale was awarded thereafter to the highest and best bidder, in accordance with
 57 the terms of the advertisement, and an option given in accordance with the sale for the
 58 purchaser who had deposited a part of the purchase price to pay the balance within 365
 59 days from the date of the execution of the option, where the sale was awarded and the
 60 option granted prior to May 1, 1961; or

61 (D) The exchange of real property belonging to any county in this state for other real
 62 property where the property so acquired by exchange shall be of equal or greater value
 63 than the property previously belonging to the county; provided, however, that within
 64 six weeks preceding the closing of any such proposed exchange of real property, a
 65 notice of the proposed exchange of real property shall be published in the official organ
 66 of the county once a week for four weeks. The value of both the property belonging to
 67 the county and that to be acquired through the exchange shall be determined by
 68 appraisals and the value so determined shall be approved by the proper authorities of
 69 said county."

70

SECTION 2.

71

By replacing "must" with "shall" on lines 40 and 73.

72

By redesignating Section 2 as Section 3.