

**Town of Scarborough
Real Estate Disposition Policy
Adopted November 17, 2010**

I. Introduction

This Policy describes the process for the Town of Scarborough (the “Town”) to utilize when making decisions for the disposition of real estate by the Town other than those acquired by tax foreclosure in which case the Policy for Disposition of Tax Acquired Property shall govern. For purposes of this policy, the term “real estate” refers to fee simple ownership of the real estate by the Town.

II. Sale of Town Owned Real Estate

1. The Town will sell other real estate by sealed bid and only after the Town Council shall have authorized the bid process. Before the Town Council may take final action regarding the sale of real estate; the requirements of this paragraph shall be satisfied.
 - a) The Town Council shall refer the potential sale to the Scarborough Parks and Conservation Land Board (hereinafter “SPCLB”) for its formal review and recommendation, and to the Town Manager, who shall survey all municipal departments, the School Department, the Scarborough Sanitary District (hereinafter “SSD”), and the Scarborough Historical Society recommendations for significance and potential public uses. The Town Manager shall prepare a document containing the recommendations from the departments and a summary on how the property was attained.
 - b) The SPCLB shall have up to 60 calendar days to make a recommendation to the Town Council. The Town Council may not commence with the sale until the 60-day period has lapsed. All recommendations from staff, the SSD and the SPCLB are advisory and are not binding on the Town Council.
 - c) The Town Council shall schedule and hold a public hearing on the potential disposition of the real estate with the same notice requirements as are then in place for zoning variances. The Town Council may also have a site visit prior to the public hearing.
 - d) Notices shall be sent to all immediate abutters of the real estate to inform them that the process for potential disposition has begun. Notice of the sealed bid process shall be given to all abutters by regular mail.
 - e) The Town may wish to impose restrictions on the sale of the real estate in the form of encumbrances such as deed restrictions and/or covenants. In such case, any and all encumbrances shall be clearly identified in the bid documents.
 - f) Unless otherwise directed by the Town Council, the bid process shall be competitive and shall strictly conform to the requirements of the Formal Bid process as prescribed by the Purchasing Policy (Chapter 304). In certain cases the Town may choose to entertain a request-for-proposal process in attempt to ascertain details regarding the intended use.

III. Award of Bid

The Town Council maintains the sole discretion regarding the award of bids and the sale of real estate. Awards shall be to the highest and best bidder, considering such factors, where appropriate, as the value of the consideration offered, the use to which the property will be put after the sale, and the effect of such use on the Town. The Town Council shall reserve the right to accept or reject any or all bids. Upon award, the Town will issue a municipal release deed for the premises. In all agreements pertaining to the sale of the property, including, but not limited to, the purchase and sale agreement and the municipal release deed. It shall be made clear that should the property be resold, the Town of Scarborough will have the right to first refusal. The Town Council shall direct the appropriate repository for the proceeds of the sale.