

Kent Cooper

From: John Mark Cobern <tituscountyattorney@gmail.com>
Sent: Wednesday, November 22, 2023 11:52 AM
To: Monica Walden
Cc: Barbara Shurbet; Kent Cooper
Subject: Rental property

Monica:

I met with Barbara earlier regarding the commercial lease. I wasn't real clear on the details as to what has been done. She mentioned that she didn't think any type of advertising had taken place. I did some quick research and found the statute that applies. As per the Texas Local Government Code, Chapter 263, Sections 263.001 and 263.007, we have two options:

1. **Public Auction:** We need to appoint a commissioner to conduct a public auction for leasing the property. The auction must be advertised in a local newspaper, once a week for three consecutive weeks, ending at least 20 days before the auction.
2. **Sealed-Bid Procedure:** Alternatively, we can adopt a sealed-bid or sealed-proposal method. This requires publishing a notice of intent to lease in a local newspaper on two occasions, with the second publication at least 14 days before awarding the lease. The notice should detail the property and the bidding process.

I would defer to Barbara on what process she recommends. Below is the statute.

****Sec. 263.001. SALE OR LEASE OF REAL PROPERTY.****

(a) The commissioners court of a county, by an order entered in its minutes, may appoint a commissioner to sell or lease real property owned by the county. The sale or lease must be made at a public auction held in accordance with this section unless this chapter provides otherwise.

(b) The appointed commissioner must publish notice of the auction before the 20th day before the date the auction is held. The notice must be published in English in a newspaper in the county in which the real property is located and in the county that owns the real property if not the same county. The notice must be published once a week for three consecutive weeks before the date the auction is held.

****Sec. 263.007. SALE OR LEASE OF REAL PROPERTY THROUGH SEALED-BID PROCEDURE.****

(a) The commissioners court of a county may adopt a procedure by which the county may sell or lease through a sealed-bid or sealed-proposal procedure any real property, including space in a building, owned by the county.

(b) The procedure must include a requirement that the county publish, before a sale or lease is made, a notice of its intent to sell or lease, as appropriate, the real property. The notice must:

(1) be published in a newspaper of general circulation in the county the commissioners court represents and, if the real property is located in another county, in a newspaper of general circulation in that other county;

(2) be published on two dates, with the date of the second publication occurring before the 14th day before the date the award of the sale or lease is made;

(3) include a description of the real property, including its location; and

(4) include a description of the procedure by which sealed bids or sealed proposals for the sale or lease may be submitted.

v/r

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