

Ky. OAG 77-399, 1977 WL 247665 (Ky.A.G.)

Office of the Attorney General

Commonwealth of Kentucky

OAG

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July 6, 1977

WATER DISTRICTS - Commission, powers and duties

SYLLABUS: A water district is not required to use the bidding statute in selling its surplus land.

Marcus A. Hanna  
Campbell County Kentucky Water District  
512 York Street  
Newport, Ky.

After acquiring, in 1972, 20 acres to construct a new district office, the Campbell County Kentucky Water District constructed the office but was left with an unused balance of 14 acres. In 1975, the district advertised the 14 acres for sale. No offers were made. This residual tract of 14 acres has become more valuable in view of its proximity to I-275 Highway, which road will be completed shortly.

Your question is whether the sale of this excess property by the water district would require new bids to be advertised because of the change in circumstances, namely, the completion of I-275.

The bidding statute, [KRS 424.260](#), requires newspaper advertisement for bids where a contract for materials, supplies or equipment, or a lease, or a contract for nonprofessional services, involves an expenditure in excess of two thousand five hundred dollars (\$2,500). But this statute applies only where the governmental unit is the purchaser or lessee. It does not apply to sales of governmental property. We conclude that the bidding statute does not apply to the water district in this situation. The sale of such surplus property can be negotiated. It can, though it is not required, be let out on bids. However, the water commission should not sell it at a price less than the appraised value, after appraisal by a competent appraiser or by competent appraisers. See [KRS 64.070](#). Further, before sale, it must appear to the commission that the tract is no longer necessary to the functions of the water district. Cf. [KRS 65.010](#) and [82.060](#).

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