

ORDINANCE 2016-09

**AN ORDINANCE AMENDING CHAPTER 10, PROPERTY DISPOSAL,
OF TITLE 1, GENERAL PROVISIONS, OF THE TOOELE COUNTY
CODE**

WHEREAS, the Tooele County Commission desires to update the policy regarding the disposal of County property.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF
TOOELE COUNTY, UTAH AS FOLLOWS:**

SECTION I – CHAPTER AMENDED. Chapter 10, *Property Disposal*, of Title 1, *General Provisions*, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

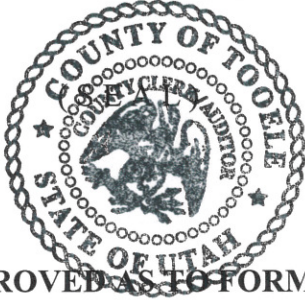
SECTION II - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION III - EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

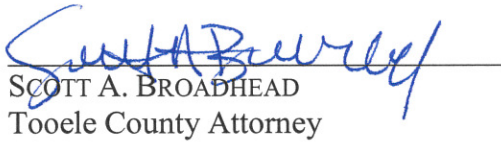
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 19th day of July 2016.

ATTEST:


MARILYN K. GILLETTE, Clerk/Auditor



APPROVED AS TO FORM:


SCOTT A. BROADHEAD
Tooele County Attorney

TOOELE COUNTY COMMISSION:


WADE B. BITNER, Chairman

Commissioner Bateman voted

aye

Commissioner Bitner voted

aye

Commissioner Milne voted

aye

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 10

PROPERTY DISPOSAL

Section

- 1-10-1. Purpose.**
- 1-10-2. Definitions.**
- 1-10-3. Means of property disposal.**
- 1-10-4. Adequate consideration.**
- 1-10-5. Disposal of a significant parcel of real property.**
- 1-10-6. Payment and conveyance.**
- 1-10-7. Title.**

1-10-1. Purpose.

This chapter is to comply with Section 17-50-312, Utah Code Annotated 1953, as amended in establishing for the manner of disposal of real or personal property.

1-10-2. Definitions.

For purposes of this chapter:

- (1) "Reasonable notice" means publication at least one time in a newspaper of general circulation in the county and shall include a description of the property including its location, the name of the proposed purchaser, and amount of the purchase;
- (2) "Significant parcel of real property" means a property with no assessed value, an assessed value of more than \$500,000, or a parcel of more than 10 acres in size; and
- (3) "Assessed value" as used in this chapter means the most recent tax value determined by the Tooele County Assessor.

1-10-3. Means of property disposal.

The county commission may dispose of any county property not in public use, including real or personal and lost or abandoned property, or any interest in such property, that in its discretion it determines to be in the public interest. The method used to dispose of property or any interest therein shall be at the county commission's discretion and may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade-in, public auction, public advertisement for open or sealed bids, or any other lawful means. Such disposition shall be for adequate consideration unless otherwise permitted by law. Consideration may be other than monetary.

1-10-4. Adequate consideration.

- (1) Adequate consideration is present fair market value, and shall be determined as follows:
 - (a) If the assessed value of real property to be disposed of is \$100,000 or less, the Tooele County Assessor shall determine the present fair market value for the real property by conducting

an informal market survey of comparable properties. The assessor shall provide documentation of the survey to the county commission prior to its approval of the sale.

(b) If the assessed value of real property to be disposed of is greater than \$100,000 but it is not classified as a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by an independent appraisal.

(c) If the property is a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by the average of two independent appraisals.

(2) The county may in its discretion choose to keep the appraisals conducted under Subsections (1)(b) and (1)(c) protected from public disclosure until after a sale is completed.

(3) In any case, the county shall not dispose of any real property for less than its present fair market value as defined in Subsections (1)(a) through (1)(c). If the county chooses a method to dispose of real property that results in more than one offer or bid that meets or exceeds the property's present fair market value, the county commission may exercise its discretion to select the offer or bid that in its judgment is in the public's best interest.

1-10-5. Disposal of a significant parcel of real property.

Before the county may dispose of a significant parcel of real property, the county shall provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment, and allow an opportunity for public comment on the proposed disposition during a public hearing before the county commission.

1-10-6. Payment and conveyance.

(1) Unless agreed otherwise, a purchaser of property for cash must tender 10% of the purchase price upon the county commission's approval of the sale.

(2) Unless agreed otherwise, the purchase price shall be paid in full within 30 days of the sale. In no case shall the property be conveyed to the purchaser until paid in full.

(3) In the event the purchaser fails to pay in full within 30 days of the sale or as otherwise agreed, the sale will be canceled and the county will retain any or all money paid to it sufficient to pay for any or all damages caused by the purchaser's failure to pay in full, including, but not limited to, publication costs, costs of the sale, personnel costs, attorney fees and costs, and loss of the benefit of the bargain. Any remaining money shall be timely returned to the purchaser.

1-10-7. Title.

Title to real property shall be conveyed or transferred as it was received by the county, except as otherwise provided by law.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 10

PROPERTY DISPOSAL

Section

1-10-1. Purpose.

1-10-2. Definitions.

1-10-23. Means of property disposal.

1-10-4. Adequate consideration.

1-10-35. Disposal of a significant parcel of real property.

1-10-6. Payment and conveyance.

1-10-7. Title.

1-10-1. Purpose.

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1-10-2. Definitions.

For purposes of this chapter:

(1) "Reasonable notice" means publication at least one time in a newspaper of general circulation in the county and shall include a description of the property including its location, the name of the proposed purchaser, and amount of the purchase;

(2) "Significant parcel of real property" means a property with no assessed value, an assessed value of more than \$500,000, or a parcel of more than 10 acres in size; and

(3) "Assessed value" as used in this chapter means the most recent tax value determined by the Tooele County Assessor.

1-10-23. Means of property disposal.

The county commission may dispose of any county property not in public use, including real or personal and lost or abandoned property, or any interest in such property, that in its discretion it determines to be in the public interest. The ~~disposition~~ method used to dispose of property or any interest therein shall be at the county commission's discretion and may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade-in, public auction, public advertisement for open or sealed bids, or any other lawful means. Such disposition shall be for adequate consideration unless otherwise permitted by law. Consideration may be other than monetary.

1-10-4. Adequate consideration.

(1) Adequate consideration is present fair market value, and shall be determined as follows:

(a) If the assessed value of real property to be disposed of is \$100,000 or less, the Tooele County Assessor shall determine the present fair market value for the real property by conducting an informal market survey of comparable properties. The assessor shall provide documentation of the survey to the county commission prior to its approval of the sale.

(b) If the assessed value of real property to be disposed of is greater than \$100,000 but it is not classified as a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by an independent appraisal.

(c) If the property is a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by the average of two independent appraisals.

(2) The county may in its discretion choose to keep the appraisals conducted under Subsections (1)(b) and (1)(c) protected from public disclosure until after a sale is completed.

(3) In any case, the county shall not dispose of any real property for less than its present fair market value as defined in Subsections (1)(a) through (1)(c). If the county chooses a method to dispose of real property that results in more than one offer or bid that meets or exceeds the property's present fair market value, the county commission may exercise its discretion to select the offer or bid that in its judgment is in the public's best interest.

1-10-35. Disposal of a significant parcel of real property.

(1) Before the county may dispose of a significant parcel of real property, the county shall provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment, and allow an opportunity for public comment on the proposed disposition during a public hearing before the county commission.

(2) For purposes of this section:

(a) ~~“reasonable notice” means publication at least one time in a newspaper of general circulation in the county and shall include the name of the proposed purchaser and amount of the purchase;~~

(b) ~~“significant parcel of real property” means a property with a market value of more than \$100,000; and~~

(c) ~~“assessed value” means the most recent tax value determined by the Tooele County Assessor.~~

(3) Adequate consideration shall be determined as follows:

(a) ~~If the assessed value of the property is \$100,000 or less, the assessed value shall be considered the fair market value for the parcel of real property.~~

(b) ~~If the assessed value of the property is more than \$100,000, Tooele County may either:~~

~~(i) accept the assessed value as the fair market value for the parcel of real property;~~

~~or~~

~~(ii) accept the average of two independent appraisals as the fair market value for the parcel of real property.~~

1-10-6. Payment and conveyance.

(1) Unless agreed otherwise, a purchaser of property for cash must tender 10% of the purchase price upon the county commission's approval of the sale.

(2) Unless agreed otherwise, the purchase price shall be paid in full within 30 days of the sale. In no case shall the property be conveyed to the purchaser until paid in full.

(3) In the event the purchaser fails to pay in full within 30 days of the sale or as otherwise agreed, the sale will be canceled and the county will retain any or all money paid to it sufficient to pay for any or all damages caused by the purchaser's failure to pay in full, including, but not limited to, publication costs, costs of the sale, personnel costs, attorney fees and costs, and loss of the benefit of the bargain. Any remaining money shall be timely returned to the purchaser.

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