

ORDINANCE 2016-10

AN ORDINANCE AMENDING SECTION 1-10-4, ADEQUATE CONSIDERATION, OF CHAPTER 10, PROPERTY DISPOSAL, OF THE TOOELE COUNTY CODE

WHEREAS, the Tooele County Commission desires to update the policy regarding the disposal of County property by modifying the procedure for determining the fair market value of property assessed at \$100,000 or less.

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

SECTION I – SECTION AMENDED. Section 1-10-4, *Adequate consideration*, of 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 Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.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 20th day of September 2016.

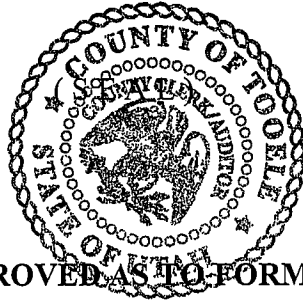
Ord. 2016-10

ATTEST:



MARILYN K. GILLETTE, Clerk/Auditor

TOOELE COUNTY COMMISSION:


WADE B. BITNER, Chairman



APPROVED AS TO FORM:


SCOTT A. BROADHEAD
Tooele County Attorney

Commissioner Bateman voted aye
Commissioner Bitner voted aye
Commissioner Milne voted aye

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 10

PROPERTY DISPOSAL

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 \$10,000 or less, the County Commission may use its discretion in determining the present fair market value.

(b) If the assessed value of real property to be disposed of is between \$10,000 and \$100,000, the assessed value is considered the present fair market value.

(c) 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.

(d) 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)(c) and (1)(d) 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)(d). 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.

TOOELE COUNTY CODE
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(a) If the assessed value of real property to be disposed of is \$10,000 or less, the County Commission may use its discretion in determining the present fair market value.

~~(a) (b) If the assessed value of real property to be disposed of is between \$10,000 and \$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 the assessed value is considered the present fair market value.~~

~~(b) (c) 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.~~

~~(e) (d) 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)(c)~~ and ~~(1)(e)(d)~~ 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)(e)(d)~~. 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.