

1 **DISPOSAL OF COUNTY PROPERTY AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Merrill F. Nelson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the disposal of county property.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ addresses the amount for which a county may dispose of a significant parcel of real
- 14 property;
- 15 ▶ states that a county may require a potential purchaser or lessee to provide certain
- 16 information;
- 17 ▶ addresses a county's treatment of an unsolicited offer to purchase or lease a
- 18 significant parcel of real property; and
- 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **17-50-312**, as last amended by Laws of Utah 2007, Chapter 291

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **17-50-312** is amended to read:

30 **17-50-312. Acquisition, management, and disposal of property.**

31 (1) As used in this section:

32 (a) "Adjusted present value" means:

33 (i) the disposition price; plus

34 (ii) the anticipated future value.

35 (b) (i) "Anticipated future value" means the total value of all reasonably anticipated
36 future benefits to a county from the disposal of a significant parcel of real property, including:

37 (A) increased tax revenues; and

38 (B) job creation or maintenance.

39 (ii) "Anticipated future value" does not include the present fair market value of the
40 significant parcel of real property.

41 (c) "Dispose" means to sell or lease.

42 (d) "Disposition price" means the price a potential purchaser or lessee offers to pay in
43 exchange for the sale or lease of a significant parcel of real property.

44 ~~[(1)]~~ (2) Subject to Subsection ~~[(4)]~~ (5), a county may purchase, receive, hold, sell,
45 lease, convey, or otherwise acquire and dispose of any real or personal property or any interest
46 in such property if the action is in the public interest and complies with other law.

47 ~~[(2)]~~ (3) Any property interest acquired by the county shall be held in the name of the
48 county unless specifically otherwise provided by law.

49 ~~[(3)]~~ (4) The county legislative body shall provide by ordinance, resolution, rule, or
50 regulation for the manner in which property shall be acquired, managed, and disposed of.

51 ~~[(4)]~~ (5) (a) Before a county may dispose of a significant parcel of real property, the
52 county shall:

53 (i) provide reasonable notice of the proposed disposition at least 14 days before the
54 opportunity for public comment under Subsection ~~[(4)]~~ (5)(a)(ii); and

55 (ii) allow an opportunity for public comment on the proposed disposition.

56 (b) Each county shall, by ordinance, define what constitutes:

57 (i) a significant parcel of real property for purposes of Subsection ~~[(4)]~~ (5)(a); and

58 (ii) reasonable notice for purposes of Subsection [~~(4)~~] (5)(a)(i).

59 (6) (a) A county may dispose of a significant parcel of real property in exchange for
60 less than the present fair market value of the significant parcel of real property if the adjusted
61 present value of the significant parcel of real property is equal to or greater than the present fair
62 market value of the significant parcel of real property.

63 (b) Subsection (6)(a) does not affect a county's authority to dispose of a significant
64 parcel of real property in a manner different from Subsection (6)(a) and in accordance with
65 applicable law.

66 (7) Before a county agrees to dispose of a significant parcel of real property, the county
67 may require the potential purchaser or lessee to provide evidence that:

68 (a) the potential purchaser's or lessee's offer is bona fide;

69 (b) the potential purchaser or lessee has the ability to pay the disposition price; or

70 (c) any future benefits to the county from the disposal of the significant parcel of real
71 property are reasonably anticipated.

72 (8) If a county receives an unsolicited offer to purchase or lease a significant parcel of
73 real property:

74 (a) the county is not required to consider the offer; and

75 (b) a person may not consider the offer in determining the present fair market value of
76 the significant parcel of real property, unless considering the offer is warranted under generally
77 accepted standards of professional appraisal practice.

78 (9) A county may presume that the present fair market value of a significant parcel of
79 real property is equal to the average of two appraised values each of which is based upon fair
80 market value and calculated by a unique, independent appraiser who is licensed or certified in
81 accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act.