

ORDINANCE NUMBER 2011-04

AN ORDINANCE OF THE CITY OF WENDOVER, UTAH GOVERNING THE DISPOSITION OF REAL PROPERTY BY THE CITY

Recitals

A. Utah Code Annotated Section 10-8-2 requires that municipalities adopt an ordinance governing the disposition of a "significant parcel" of real property.

B. Said ordinance must provide: (1) for reasonable notice of a municipality's intent to dispose of real property; (2) allow public comment on a proposed sale of real property; (3) define what constitutes a "significant parcel" of real property; and (4) define the notice that must be given by the municipality.

C. The governing body of the City has determined that an ordinance should be adopted consistent with the requirements of U.C.A. §10-8-2.

Ordinance

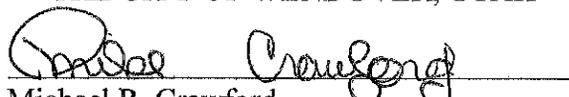
BE IT ORDAINED by the Governing Body of the City of Wendover, Tooele County, Utah as follows:

Section 1. Ordinance Adopted. Attached hereto as Exhibit "A" is the City's Disposition of Real Property Ordinance. Said Ordinance is incorporated herein by this reference.

Section 2. Effective Date. This ordinance shall become effective 20 days after publication or posting, or 30 days after final passage by the governing body, whichever is sooner.

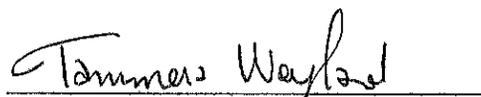
PASSED and ADOPTED this 21 day of December, 2011.

THE CITY OF WENDOVER, UTAH



Michael R. Crawford
Mayor

Attest:



Tammera Weyland
City Clerk/Recorder

Seal:

EXHIBIT "A"

CITY OF WENDOVER, UTAH DISPOSITION OF REAL PROPERTY ORDINANCE

1-101. Definitions. For purposes of this Ordinance, the following definitions shall apply:

(a) "Significant Parcel of Real Property" means a parcel greater than 0.1 acres or that has an appraised value in excess of \$5,000.

(b) "Reasonable Notice" shall mean and require the following:

(i) posting written notice in at least two (2) public places in the City;

(ii) mailing written notice to all owners of real property within 300 feet of the nearest boundary of the real property under consideration (as shown on the latest assessment rolls of Tooele County);

(iii) publishing notice in a newspaper of general circulation within the City;

(iv) posting notice on the City's web site; and

(v) posting notice on the State of Utah Public Notice web site.

1-102. City Authorized to Sell or Transfer Real Property. The City shall have the authority to sell, lease, convey and dispose of real and personal property for the benefit of the City as provided by Utah Code Ann. §10-8-2, as amended.

1-103. Procedure for Sale or Disposition of Real Property. Before the City may dispose of a Significant Parcel of Real Property, the City shall:

(a) provide reasonable notice of the proposed disposition at least 14 days before a scheduled meeting of the City Council at which the City will hear public comment;

(b) The Notice shall include the following information:

(i) A description of the real property to be conveyed;

(ii) the nature of the proposed sale or disposition such as a sale for cash, a trade for other property, an encumbrance;

(iii) the consideration to be received by the City or the method by which the highest or best economic return to the City will be determined (as outlined below in Section 1-103); and

(iv) the date, time and location of the public hearing; and other details deemed pertinent by the City relating to the proposed disposition of the property; and

(c) hold a meeting at which the City Council accepts public comment on the proposed disposition.

1-103. Highest and Best Economic Return.

(a) All sales and dispositions of real property owned by the City shall be based on the highest and best economic return to the city, except that consideration for

property conveyed may be based on other policy factors if the City Council makes a legislative determination that the consideration is adequate.

(b) Subject to the evaluation of other public policy factors described in subsection (a), above, the highest and best economic return to the city, as referred to in this Ordinance, shall be for cash, or its equivalent, and for not less than fair Market value as estimated by one or more of the following methods:

- (i) Evaluation by qualified and disinterested appraiser;
- (ii) Sealed competitive bid;
- (iii) Other professional publications and valuation services; or
- (iv) An informal market survey conducted by the Mayor or City Administrator under the authority of the City Council, in the case of parcels of real property possessing readily discernable market value.

1-104. Authority of City to Reject Proposals for Purchase. The City Council may reject any proposed sale or disposition of real property, if determined in the City Council's sole discretion not to be in the best interests of the City.

1-105. Completion of Sale or Disposition. The sale or disposition of real property under this Ordinance may be finalized upon approval by the City Council, by execution and delivery of a deed (executed by the Mayor) to the purchaser in exchange for the consideration approved by the City Council.

1-106. Proceeds of Sale or Disposition. The proceeds of the sale of real property shall be deposited in the general operating or capital improvement fund or the City. However, if the property was purchased with funds from an enterprise fund, then the proceeds shall be deposited within that fund's operating or capital improvements fund.