

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) ~~Ŝ~~ **(a)** ~~←Ŝ~~ A county may dispose of a significant parcel of real property in exchange for  
59a less  
60 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.

62a **Ŝ** **→ (b) Subsection (6)(a) does not affect a county's authority to dispose of a significant parcel**  
62b **of real property in a manner different from Subsection (6)(a) and in accordance with**  
62c **applicable law. ←Ŝ**

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

- 65           (a) the potential purchaser's or lessee's offer is bona fide;
- 66           (b) the potential purchaser or lessee has the ability to pay the disposition price; or
- 67           (c) any future benefits to the county from the disposal of the significant parcel of real  
68 property are reasonably anticipated.

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

- 71           (a) the county is not required to consider the offer; and
- 72           (b) a person may not consider the offer in determining the present fair market value of  
73 the significant parcel of real property, unless considering the offer is warranted under generally  
74 accepted standards of professional appraisal practice.

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

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**