

Chapter 2

SALES AND PURCHASES OF TOWN PROPERTY

2-2-1: PURPOSE:

2-2-2: DISPOSAL OF TOWN OWNED REAL PROPERTY:

2-2-1: PURPOSE:

In order to be in compliance with Utah code section [10-8-2](#), which requires municipalities to provide reasonable notice before disposing of a significant parcel of real property, the Town Council of Brian Head, Utah, hereby defines "significant parcel of property" and "reasonable notice". (Ord. 12-005, 6-29-2012)

2-2-2: DISPOSAL OF TOWN OWNED REAL PROPERTY:

The Town Council may declare any town owned significant parcel of real property (as defined) below to be surplus. The Town Manager may declare any town owned non-significant parcel of real property (as defined below) to be surplus if it is found that the parcel is no longer needed by the town. After town owned real property is declared to be surplus, the town may dispose of real property pursuant to the following guidelines:

A. Definitions: For the purpose of this section, the designated words shall have the following meanings:

NONSIGNIFICANT PARCEL OF REAL PROPERTY: Any parcel of real property that is not included in the definition of "significant parcel of real property".

REASONABLE NOTICE: A brief summary of the proposed disposition including: 1) a general description of the parcel (including the approximate address of the parcel, the approximate size of the parcel, the zone designation of the parcel, and the current use of the parcel); and 2) the date, time and location where the public can comment on the proposed disposition. The notice shall be published at least once in a newspaper of general circulation within Iron County and posted in at least three (3) locations within the town boundaries.

SIGNIFICANT PARCEL OF REAL PROPERTY: A parcel of real property that is larger than five (5) acres in size. The following parcels of real property are excluded from this definition, even if they meet the size standards set forth herein:

1. Parcels disposed of by the town as part of a boundary line agreement or adjustment.
2. Parcels created by a right of way vacation or an easement vacation.

3. Parcels that are undevelopable unless combined with an adjacent parcel. A parcel will be considered to be undevelopable if it cannot be developed as an independent parcel due to the town ordinance requirements and due to the physical characteristics of the parcel.
 4. Parcels acquired by eminent domain or other means if the town is statutorily or contractually obligated to first offer the parcel to a specific party, provided that the parcel is offered, sold or conveyed to the party holding the right to acquire the parcel.
- B. Disposal Of Significant Parcel Of Real Property: Before disposing of a significant parcel of real property, the town shall:
1. Notice: Provide reasonable notice of the proposed disposition at least fourteen (14) days before the opportunity for public comment; and
 2. Public Comment: Allow an opportunity for public comment on the proposed disposition. The opportunity for public comment shall take place at the Brian Head Town Council meeting.
- C. Manner Of Disposal: The town may dispose of real property by sale, trade, lease, sublease, or other means deemed to be in the best interest of the town by the Town Council for significant parcels of real property. (Ord. 12-005, 6-29-2012)
- 1) Trading Surplus Property
 - a) The Town Manager will maintain a prioritized list of properties designated by the Town Council as properties the Town has interest in obtaining through trade
 - b) Prior to listing any surplus properties for sale, the Town Manager will attempt to negotiate a trade for one or more of the properties on the prioritized trade list
 - c) The Town may trade any parcel or parcels from the surplus list for any parcel or parcels from the trade list if it is deemed in the best interest of the Town by the Town Council, regardless of the appraised value of any of the parcels involved in the trade.
 - 2) Selling Surplus Property
 - a) Listing the Parcel
 - i) The Town Manger may list for sale any parcel designated as surplus for which an advantageous trade cannot be identified
 - ii) An appraisal will be obtained for any surplus property prior to being listed for sale
 - iii) The Town Manager may set the list price within 10% of the appraised value
 - iv) Town Council approval is required for any listing price which varies in excess of 10% of the appraised value
 - b) Professional real estate services

- i) The Town Manager may contract with a real estate professional for services related to the disposal of surplus real property
 - ii) If the Town Manager chooses to contract for services, the Town Manager will follow the Town's purchasing policies related to contracting for professional services
 - iii) Commission for professional real estate services shall not exceed 6% of the sale price of the property without Town Council approval
- c) Final purchase price approval
- i) The Town Manager is authorized to (but not required to) accept an offer on the Town's behalf if the offer is within 10% of the appraised value
 - ii) Acceptance of any offer not within 10% of the appraised value requires Council approval
 - iii) All sales of significant property require Town Council approval. (amd Ord. 14-006, 7-22-2014)