

\* See 91-2

DAGGETT COUNTY

ORDINANCE NO. 88-4

AN ORDINANCE PROVIDING FOR THE DECLARATION OF COUNTY PROPERTY AS SURPLUS AND FOR THE DISPOSAL OF SURPLUS COUNTY PROPERTY.

The Daggett County Commission in a duly convened meeting, due notice having been given, finds that it is reasonable and necessary to adopt an ordinance with regards to the declaration as and disposal of surplus county property under the authority granted to it by Sections 17-4-3(4), 17-5-48, and 78-34-20 of the Utah Code.

NOW THEREFORE, the County Commission of Daggett County, Utah, does hereby ordain as follows:

Section 1. DECLARATION OF PROPERTY AS SURPLUS.

a. No county property may be disposed of unless and until it has been first declared to be surplus by the Daggett County Commission.

b. The Daggett County Commission must first find that it is in the public interest that the subject property be disposed of in order to declare any county property surplus.

c. In determining whether any property shall be deemed surplus, the Daggett County Commission shall take into consideration the following:

1. The County has, or anticipates that it will have no practical, economical, efficient, or appropriate use for the property, currently or in the reasonably foreseeable future.

2. The purpose served by the property can be better accomplished by other alternatives or property.

3. The purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands

of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the Daggett County Commission.

4. The property is so damaged, depreciated, or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive, or impractical.

Section 2. PROCEDURES.

a. The County Auditor shall maintain an official inventory of all county property and a list of all surplus county property in accordance with the provisions of Section 17-36-6(9), Utah Code Annotated (1953) as amended.

b. Upon the declaration of any county property as surplus property, the County Commission may dispose of such surplus county property as surplus property, including real or personal property, subject to the provisions of this ordinance.

c. Unless provided otherwise by this ordinance, the disposition of county surplus property may be by public sale, private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, trade-in, public auction, private auction, sale upon public advertisement by sealed bids, or by any other lawful and reasonable means.

d. No disposition of surplus county property shall be made for less than a fair market value and consideration unless the County Commission determines that it is in the best public interest that disposition of county surplus property may be made for less than a full market value and consideration. Consideration and fair market value may be in forms other than cash payment and may include the exchange of property or services as may be reasonably determined by the Daggett County Commission as the case may be.

e. The County Commission shall maintain records of the manner and date of the disposal of all county surplus property as well as the amount and nature of consideration received for such property and provide copies thereof to the County Auditor.

Section 3. DISPOSAL OF PERSONAL PROPERTY.

a. If a county official or a department head having county personal property under his or her control or supervision which he or she deems unusable or undesirable to the use of his or her department or division, he or she shall notify the County Auditor who shall in turn notify all other Daggett County Officials and/or department heads of the availability of such property. If any other official or department head requests the designated surplus property for their respective department or office, the County Commission may, at its option, transfer the property to the requesting officer or department head and notify the County Auditor of such transfer.

b. If no requests for the offered property are received from any county department head or division superintendent and the County Commission deems it reasonable and in the public interest to dispose of the property, the County Commission may then proceed to declare the property as surplus and to dispose of such personal property in accordance with the provisions of this ordinance as it deems to be in the best interest of the county.

c. If surplus personal property is not readily marketable or marketable for a fair market value because of its deterioration or condition, the County Commission may determine that such property be sold as scrap and if not saleable as such may dispose of such personal property by destruction or other reasonable means.

d. The County Commission shall notify the County Clerk of the designation of any personal property as surplus property for which the County Clerk holds title such as motor vehicles and the County Clerk shall execute and deliver the title to such property to the County Commission upon written request from the County Commission.

e. Upon the disposal of any personal property of the County, The County Commission shall notify the County Auditor of the disposition thereof including the date, amounts received, the manner of disposition, the party to whom the property was sold or transferred, and any supporting documentation.

Section 4. DISPOSAL OF REAL PROPERTY.

A. No real property acquired after July 1, 1983, may be sold on the open market unless the following conditions are met:

1. The real property is not property acquired by condemnation or by the threat of condemnation.

2. The real property has been offered for sale to the person or entity from whom the County acquired the property at the highest offer with first right of refusal; and the person or entity failed to accept the offer within ninety (90) days after notification by registered mail to their last known address.

3. The County has not rezoned the property or been involved in the rezoning of the property or the acquisition of additional property to enhance the value of the real property to be sold.

4. No real property may be disposed of or leased unless and until a public hearing has been held by the County Commission concerning disposition of the realty and the County Commission has approved of such

disposition. Such public hearing shall be held in the manner and with the notices required for public hearings by the County Commission.

5. Upon the completion of the public hearing and approval of the County Commission with respect to the disposition of real property, the County Clerk shall at the request of the County Commission execute and deliver to the County Commission any deed required for the conveyance of the title to the real property.

Section 5. COUNTY AGENCIES.

The provisions of this ordinance shall apply to all boards, commissions, authorities, committees, councils, or other bodies which are within the jurisdiction or under the authority of the County and which own real or personal property in the name of the County.

Section 6. EFFECTIVE DATE.

This ordinance shall become effective immediately upon adoption and publication in the manner required by law.

This ordinance was enacted on the 21 day of Sept. 1988, by the Daggett County Commission.

/s/ Laray Sadlier

/s/ Elbert J Steinaker Jr.

/s/ Duane Lamb

Attest:

/s/ Gene Briggs  
County Clerk

Posting Date: 9-21-88