

Salt Lake County Ordinance 3.36: Real Property Disposal

Proposed Amendments

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Summary

It is the purpose of Chapter 3.36, as amended, to:

- **Define** the roles of various County actors in the disposition of real property
- **Enumerate** the types of conveyances that constitute dispositions
- **Foster** greater collaboration among Real Estate Division, Mayor, and Council in disposing of significant parcels of real property
- **Create** a dedicated real property disposal ordinance

3.36.010: Purpose of provisions-Statutory authority

Amended to specify the roles of the Real Estate Division, Council, and Mayor in the disposition process.

- **Real Estate division** shall have discretion over the disposition and manner of disposition of real property, under the direction of the **Mayor**
- No dispositions of real property shall be finalized without the approval of the **Council**

3.36.015: Definitions

This new section defines important terms, including:

- Real property
- Improvements
- Public hearing
- Significant parcel of real property

The ordinance's value-based threshold for a "significant parcel" has been changed from **>\$50,000** to **>\$250,000**, in accordance with changing market conditions and federal guidelines.

3.36.020: Disposal of real property-interests

Chapter 3.36 governs the conveyance of the following interests in real property:

- Fee interests
- Easement interests
- Some leasehold interests, subject to the provisions of Section 3.36.030

3.36.030: Disposal of real property-methods

- **Subsection A.4** provides that the Mayor and Real Estate Division shall notify Council of their recommended manner and method of disposition for significant parcels of real property, thus fostering greater intergovernmental collaboration, cooperation, and transparency.
- **Subsection A.5** limits the number of leases treated as dispositions to 1) leases of significant parcels of real property, 2) leases with terms of 20+ years, and 3) leases of real property below fair market value.

3.36.040: Recordkeeping

This section is amended to delete most specific recordkeeping requirements (such as descriptions of real property, the identity of the person to whom the real property was conveyed, etc.). This amendment will afford the real estate division greater flexibility in recording many different types of real property dispositions.

3.36.050: Applicability of provisions-Credits for certain agencies

This section is amended to delete the provision that net proceeds of \$1000 or less will be credited to the general fund. This provision is most often used in disposal of personal property and thus is not relevant to the new real property disposal ordinance.

3.36.060: Public library system materials

This Section is amended to remove references to the disposal of personal property in the library system, as well as to vest authority over the disposition of library real property in the real estate division (such authority had previously been granted to the contracts and procurement division, before real estate existed as a separate office).

Deleted Sections

- **Former Section 3.36.030: Personal property.** This Section was deleted because the new ordinance focuses exclusively on real property.
- **Former Section 3.36.050: Public hearings.** This Section was deleted in favor of a definition of “public hearing” provided in the new section 3.36.015.
- **Former Section 3.36.090: Purchase of property-Fee required.** This Section was deleted because many disposals of real property are for a substantial consideration requiring preliminary assurance in excess of the \$100 fee provided for in the Section.