

ORDINANCE 22-03

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL AMENDING SURPLUS PROPERTY DECLARATION AND DISPOSAL

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinances of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 6 which is the Finances And Taxation Ordinance; and

WHEREAS the City Council has determined there is need and good cause to amend the Finances And Taxation Ordinance to, among other things, modify the process by which Surplus Property is declared and disposed of;

NOW, THEREFORE, the North Logan City Council hereby adopts, passes and publishes the following:

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BE IT ORDAINED by the City Council of the City of North Logan, Utah as follows:

SECTION I: Amend TITLE 6 Finances And Taxation, amending Surplus Property sections 6-301, 6-302, 6-303, and 6-304 as follows (highlighted portions added, crossed through items deleted):

6-301 Surplus Property Declaration

- A) No city property may be disposed of unless and until it has been first declared to be surplus by the City Council, **or the City Recorder, in accordance with the provisions in this Chapter. In order to be defined "property" for the purposes of this chapter, the property must meet any one of the following criteria:**
- 1) If the property is on the City's depreciation schedule it must go through the provisions of this chapter before property disposal may occur.**
 - 2) If the City owned property is valued above \$50.00 at the market value, or above 3% of the original property purchase price, the property must go through the surplus provisions of this chapter before disposal may occur. The estimated market value may be determined by appraisal or market value assessment performed by the City Recorder, as determined appropriate by the City Administrator.**
 - 3) If the property is real estate property.**
- B) The City Council must first find that it is in the public interest that the subject property may be disposed of in order to declare any city property surplus.
- C) In determining whether any property shall be deemed surplus, the City Council shall take into consideration the following:
- 1) The city has, or anticipates that it will have, no practical, economical, efficient, or appropriate use for the property currently or in the reasonably foreseeable future **across any/all departments of the City.**
 - 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 city or as may be determined by a change of policy evidenced by an ordinance or resolution of the City Council.

ORDINANCE 22-03

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL AMENDING SURPLUS PROPERTY DECLARATION AND DISPOSAL

- 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.

6-302 Procedures

- A) Upon the declaration of any city property as surplus property, the City Council may authorize the disposition of such surplus city property, including real or personal property, subject to the provisions of this ordinance.
- B) Unless provided otherwise by this ordinance, the disposition of city 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 bid, or by any other lawful and reasonable means.~~ **must follow the bidding steps indicated below:**
- 1) Market value must be determined by the City Recorder in accordance with the provisions of this chapter.**
 - 2) At a minimum the property to be sold/leased must be advertised for sale/lease on the City's website and in written form in two public buildings for a period of no less than three weeks.**
 - 3) Three sealed bids must be solicited through the open advertising of the property to be sold/leased. The City shall accept the highest bid received. If three bids are not obtained after the three weeks of advertising have occurred the City will have the discretion to accept the highest bid of those received. If no bids have been received after three weeks, then the City Recorder may lower the price to 25% below the fair market value assessed and advertise the property until the property is sold/leased.**
- ~~C) No disposition of surplus city property shall be made for less than a fair market value and consideration unless the City Council determines that it is in the best public interest that disposition of city surplus property may be made for less than a full market value. 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 City Council.~~
- ~~D)~~ **C)** The City Council shall designate that the City Recorder shall maintain records of the manner and date of the disposal of all city surplus property as well as the amount and nature of consideration received for such property.
- ~~E)~~ **D)** No lease or lease with an option to purchase of surplus property shall be entered without the prior consent of the City Council.

6-303 Disposal Of Personal Property

- A) If an Area Supervisor, Mayor, or Council Member having city ~~personal~~ property under his or her control or supervision which he or she deems unusable or surplus to the use of his or her work area, he or she shall notify the City Council, ~~who shall in turn notify~~ all other Area Supervisors of the availability of such property. If any other Area Supervisor requests the designated surplus property for their respective work area, the City Council may, at their option, transfer the property to the requesting Area Supervisor. If no requests for the surplus ~~personal~~ property are received, or if the City Council deems it reasonable and in the public interest to otherwise dispose of the property, they may then proceed to sell such personal

ORDINANCE 22-03

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL AMENDING SURPLUS PROPERTY DECLARATION AND DISPOSAL

property in accordance as deemed to be in the best interest of the city **with the surplus and disposal procedures of this ordinance.**

- B) If surplus personal property is not readily marketable or marketable for a fair market value because of its deterioration or condition, the City Council Recorder may determine that such property be sold as scrap **or recycled**, and if not salable as such may dispose of such personal property by destruction or other means. **If property is sold as scrap or recycled, the proceeds of such disposal must be given to the City Treasurer immediately upon return.**

6-304 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 city 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) **2) The city 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. However, the City may rezone the property after the sale of the property, depending on the needs of the City.**
- B) No real property may be **declared surplus**, disposed of or leased, unless and until a public hearing has been held by the City Council concerning disposition of the realty. Such public hearing shall be held in the manner and with the notices required for public hearings by the City Council.
- C) The city shall determine the fair market value of the real property (for purchase or lease) through an appraisal process. At a minimum, this can be accomplished by compiling three comparable real property sale prices within the last two years, located within a half mile radius of the property to be sold, and within a similar zone. If three comparables cannot be found within the initial half mile radius, the radius can be expanded to one mile, and one comparable may be sufficient.**
- D) The City shall solicit bids for the sale or lease of the property in accordance with the bidding provisions of this chapter.**
- E) The sale or lease of City real property shall be done by legal contract, prepared (or approved) by the City Attorney.**

6-305 City Agencies

The provisions of this ordinance shall apply to all bodies which are within the jurisdiction or under the authority of the city and which own real or personal property in the name of the city.

6-306 Effective Date

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

ORDINANCE 22-03

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL AMENDING SURPLUS PROPERTY DECLARATION AND DISPOSAL

SECTION II: CONFLICT. To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION III: SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IV: EFFECTIVE DATE. In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

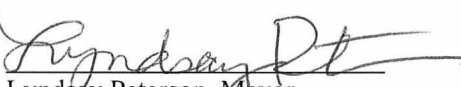
ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 2nd day of February, 2022

NORTH LOGAN CITY, A Utah Municipal Corporation

ATTEST:



Scott Bennett, City Recorder

By 
Lyndsay Peterson, Mayor

ORDINANCE 22-03

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CERTIFICATE OF DUE POSTING

I, SCOTT BENNETT, City Recorder of North Logan, Utah, hereby certify that I, on the 3rd day of February, 2022, in the City of North Logan, Cache County, State of Utah, posted the foregoing Ordinance No. 22- 03 in a likely manner, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 575 East 2500 North

WITNESS my hand this 3rd day of February, 2022.



Scott Bennett, City Recorder