

TITLE 8. CITY PROPERTY.

CHAPTER 8-100. REGULATION AND CONTROL.

8-101. Control of Property. See U.C.A. § 10-8-1 and 10-8-2.

8-102. Acquisition and Disposal. Unless otherwise stated herein, acquisition and disposal of City property shall be done in accordance with U.C.A. § 10-8-2.

8-103. Disposal of Personal Property. Disposal of property with a present value in excess of two hundred fifty dollars (\$250.00), and property that had a value in excess of five thousand dollars (\$5,000.00) on the date of its purchase by the City, shall be disposed of according to the mandates of U.C.A. § 10-8-2(2) by the Tremonton City Council. Disposal of any City personal property that does not fit the requirements of U.C.A. § 8-102(1), shall be disposed of administratively as defined below in U.C.A. § 8-102-2 without requiring the authorization of the Tremonton City Council.

8-104. Disposal of Personal Property not meeting requirement. Disposal of any City personal property that does not fit the requirements as defined above in U.C.A. § 8-102-1, shall be disposed of administratively without requiring the authorization of the Tremonton City Council. By the most economical means possible, which may include, but are not limited to, donation, gift, or sale of the property, Department Heads shall have the authority to dispose of City personal property that the Department Head estimates to have a present value of less than one hundred dollars (\$100.00) without approval of the Mayor or City Manager. The Mayor or City Manager shall consent to the disposal of any City personal property that the Department Head estimates to have a present value between one hundred and one dollars (\$101.00) and two and hundred fifty dollars (\$250.00) in the most economic way possible which includes donation, gift, or sale of the property.

8-105. Disposal of Real Property.

(1) Real Property owned by the City shall be considered for disposal as defined herein. As used in this Ordinance, the term “disposal of City real property” shall mean the transfer of control of City owned real property to another by any means including, but not limited to, sale, lease or other type

of conveyance of such real property

(2) Real property owned by Tremonton City is classified for disposal based on the use of the real property for a public purpose or a purpose protected by public policy. A request for the disposal of real property owned by the City shall be initiated by a written request by an Applicant and submitted to the City Recorder. The Application shall identify the name and address of the Applicant, the real property subject to the request for disposal, and contain a map or sketch of the real property identifying its dimensions and location within and accompanied by a fee, as approved by a resolution of the City Council.

(3) Upon receipt of an Application, proposal for disposal of City owned real property, the City Recorder shall forward the Application to the Development Review Committee for evaluation. The Development Review Committee shall notify the Applicant of the meeting whereby the Committee shall evaluate the proposed disposition and provide the applicant with an opportunity to appear before the Committee and present the request of the applicant. After considering the information provided by the Applicant for disposal of real property and reviewing the submitted Application, the Development Review Committee shall classify the subject property as either “Significant Real Property” or “Insignificant Real Property” and thereafter make a recommendation to the City Council for or against the proposed disposition. This classification of the property shall be based on the criteria in this section.

(4) Property considered “Significant City Real Property” will have one or more of the following attributes:

(a) Real property that has a national, regional, or local historic feature, which may include, but is not limited to: real property classified upon its acquisition or thereafter by the City as viewsheds or viewpoints, outdoor classrooms, and/or scenic and historic corridors.

(b) Real property that has an ecological feature not susceptible of economically reasonable mitigation, which may include, but are not limited to: excessively steep slopes (over 30%), water quality protection, drainage corridors, flood plain, significant geologic features, land classified upon acquisition or thereafter by the City as important wildlife habitat and/or vegetation important to erosion control.

(c) Real property that is development oriented open space may include, but are not limited to: required Development Code buffers, park strips, entryway features, infrastructure and capital facilities, and rights of way.

(d) Real property that has a recreational

feature may include, but are not limited to: recreational facilities, trails, natural areas, neighborhood parks, community parks, and regional parks.

(e) Real Property that does not meet the criteria for “Insignificant City Property”.

(f) Other factors in which the real property serves or may likely serve a public purpose or a purpose protected by public policy.

(g) Real Property that the City has purchased with federal funds, real property that has been deeded to the City with restrictions, or real property exacted from a person and the City has owned said real property for less than 15 years, unless the person who granted the property to City declines to have it reconveyed to them as per U.C.A. § 10-9a-508(3).

(5) Real Property considered “Insignificant Real Property” will have one or more of the following attributes:

(a) An easement or right of way that is located in a place that will not be used for an easement or right of way; no public facilities, roads or utilities are foreseeable using the easement or right of way.

(b) Unimproved isolated parcel(s) or a remnant parcel surrounded by development and not received originally as viewshed, required buffer or required open space.

(c) The parcel is not defined as having cultural or ecological significance.

(d) The disposal of the real property will not cause a violation of the standards in the Development Code by surrounding or adjacent lands.

(e) The parcel no longer serves a public purpose or the purpose that was originally intended for the land is not viable.

(6) Upon receipt of the classification of the subject property and the recommendation from the Land Use Authority, the City Council may decide to terminate the proposal and vote to not dispose of either Insignificant or a Significant parcel of real property.

If the City Council determines to proceed with the Application for disposal, then the City Council shall reaffirm or amend the Development Review Committee’s classification as a “Significant Real Property” or “Insignificant Real Property” using the same criteria contained in this section. If the City Council classifies the real property proposed for disposal as “Insignificant Real Property” of the City, the City Council may consider and approve the disposition of the parcel without a public hearing. If the City Council classifies the subject real property as “Significant Real Property”, a public hearing shall be scheduled and the City shall provide reasonable

notice for the public hearing which shall include, at a minimum, a fourteen (14) day notice period with a notice being published in a newspaper of general circulation at least twice.

(7) At the public hearing, the City Council shall receive public comments on the Application. After the close of the public hearing, the City Council may consider and decide whether or not to dispose of the City owned real property.

Every disposition of City real property shall require the payment to the City of a sum set by the City Council in the vote to approve the disposition of the City property. The City Council may require an estimated value in writing from the Box Elder County Assessor or other appraisal authority as determined appropriate by the City Council in considering the value required to be received by the City in exchange for disposal of the City real property, and the Applicant shall be required to reimburse the City for any additional costs associated with the disposition such as surveying costs etc.

(8) In addition to process contained in this Ordinance the City shall follow the processes contained in U.C.A. § 10-9a-608 and 10-9a-609 for vacating, altering or amending a subdivision plat and U.C.A. § 10-9a-609.5 for vacating a street, right-of-way, or easement and the Applicant shall pay the fee associated with these process, as contained in the City’s Consolidated Fee Schedule, adopted by Resolution of the City Council.

8-106. Erection and Care of Buildings. See U.C.A. § 10-8-5.

Part 8-110. Control of City Property.

8-111. Unlawful Use. Unless authorized by permit or other written authorization issued by the City or unless authority is granted by provisions of this Code or other Ordinance of the City now or hereafter enacted, if found in violation of this Ordinance a person shall be subject to the fine amount and severity of punishment contained in the City’s Consolidated Bail Schedule, adopted by Resolution of the City Council.

(1) Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this City or utility, canal, ditch, construction or building.

(2) Enter upon any property of this City contrary to posting or marking restricting or prohibiting use of the area.

(3) Intentionally use or perform acts upon property of the City which materially impair, alter, or damage the property.

8-112. Repair or Restoration. The City Council,

in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this City to repair or restore the property to its original condition prior to the damage, alteration or change.

necessary to carry out the act.

Rev 10-18.1

8-113. Franchise.

(1) The City Council may grant any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this City, and the provisions of Sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

(2) Any franchise or easement granted by this City shall be in writing and any franchise or easement not in writing shall be void.

8-114. Acts Exempted. It shall not be a violation of this part where any person uses the public property of this City in the manner or for the purpose or purposes for which such property has been made available for public use.

8-115. Transportation Corridor Property Acquisition.

(1) Tremonton City shall comply with all statutory requirements codified in U.C.A. § 10-8-2, as amended, regarding the acquisition and disposal of real property.

(2) When acquisition of real property is assisted by state or federal funds, Tremonton City shall comply with all of the requirements identified in U.C.A. § 57-12-1 *et seq.*, as amended.

(3) With regard to the acquisition and disposal of real property, when state or federal funds are used by Tremonton City, the City shall ensure:

(a) All payments and assistance shall be administered in a manner which is fair and reasonable and which is uniform in its application;

(b) That any displaced persons who make proper application for payment authorized under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall be paid promptly after a move, or in hardship cases, be paid in advance;

(c) That any person aggrieved by a determination of eligibility for a payment authorized by this act, or the amount of payment, may have his application reviewed by the Mayor and City Council;

(d) The City shall adopt all other regulations and provisions of the Utah Relocation Assistance Act as may be