

## ORDINANCE 2023-09

### AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL TO AMEND TITLE 3 CHAPTER 1 SECTION 9 RELATED TO THE DISPOSAL OF A SIGNIFICANT PIECE OF PROPERTY

**WHEREAS:** the North Ogden City Council has reviewed the process for disposing of a significant piece of property under Utah Code 10-8-2; and

**WHEREAS:** the city has a desire to streamline the process for the uniform use and maintenance of some types of property owned by the city; and

**WHEREAS:** the North Ogden City Council has determined that the disposal of property for leases and other uses should be less stringent for smaller pieces of property owned by the city.

**NOW, THEREFORE, TITLE 3 CHAPTER 1 SECTION 9 IS AMENDED TO READ:**

#### **3-1-9: DISPOSAL OF CITY PROPERTY**

- A. Petition: Department Heads shall petition the City Administrator/Manager and mayor to declare property surplus, obsolete or unusable.
- B. Advertise: Any property thus classified with resale value shall be advertised for sale.
- C. No Resale Value: Property not deemed to have any resale value shall be disposed of by the Department Head in the manner deemed to be in the best interest of the public and approved by the City Administrator/Manager.
  1. List; Bid Refusal: The Department Head shall provide the Finance Director with a list of all such property disposed of so that it may be removed from the list of City assets. The City may refuse any or all bids on items offered for sale.
- D. Alternative Disposition: In accordance with the terms of Utah Code Annotated section 10-8-2, the City may make a finding that a use or disposition of certain City property provides for the safety, health, prosperity, moral well-being, peace, order, comfort or convenience of the inhabitants of the City, in which case the City Council may authorize the purchase, receipt, holding, selling, leasing, conveying and other disposition of real and personal property for the benefit of the City, whether the property is within or without the City's corporate boundaries and under the terms of such a finding is not obligated to sell such property at bid but may improve, protect, and do any other thing in relation to this property that an individual could do.
- E. Real Property:
  1. North Ogden City hereby determines that all real estate owned by the City constitutes a significant parcel of real property pursuant to Utah Code. A Utility easement do not constitute a significant parcel of real property pursuant to Utah Code.
  2. Before the disposition of a significant parcel of real property the City shall provide public notice on its website and in three physical locations throughout the City in compliance with Utah Code 10-8-2 and subsequent revisions.

- Property which is leased or used for less than a two-year term is not considered a significant parcel of real property if the parcel is less than 2 acres and the leased space is less than .5 acre leased or used by a private group, organization, or individual.

**PASSED and ADOPTED this 28<sup>th</sup> day of March 2023.**

**North Ogden City:**



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**Phillip Swanson**  
**North Ogden City Mayor Pro Temp**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>	
<b>Council Member Barker:</b>	___	___	<b>(excused)</b>
<b>Council Member Cevering:</b>	<u>  X  </u>	___	
<b>Council Member Dalpias:</b>	<u>  X  </u>	___	
<b>Council Member Swanson:</b>	<u>  X  </u>	___	
<b>Council Member Ekstrom:</b>	<u>  X  </u>	___	
<b>(In event of a tie vote of the Council):</b>			
<b>Mayor Berube</b>	___	___	<b>(excused)</b>

**ATTEST:**



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**Susan L. Nance, MMC**  
**City Recorder**

