

**CITY OF MOAB ORDINANCE NO. 2022-04**  
**AN ORDINANCE ENACTING PROCEDURES FOR DISPOSAL OF PARCELS OF**  
**REAL PROPERTY OWNED BY THE CITY.**

The intent and purpose of this ordinance is as follows:

- a. From time to time the City may elect to dispose of real property.
- b. State law mandates that municipalities must only dispose of real property where it is in the public interest. See U.C.A. § 10-8-2(1)(a). Additionally, municipalities are bound to define what is a “significant” parcel of real property and enact elevated procedures for public participation prior to disposal of significant parcels. Id. at (4)(a).
- c. There is a need to provide for guidance, consistency, and transparency with respect to City real property transactions.

Therefore, the City enacts the following:

**Chapter 2.32**  
**Disposal of Real Property**

**2.32.010 Definitions.**

- A. “Adequate consideration” means cash or other things of value at least equal to a real property’s fair market value.
- B. “Disposal” means the conveyance or transfer of an interest in land, including by sale, exchange, lease, grant of an easement, or the grant of an option.
- C. “Real property” means land and improvements affixed to land.
- D. “Significant parcel” means real property: i) having a fair market value in excess of one hundred thousand dollars (\$100,000); ii) having a land area in excess of one acre (43,560 square feet); **or** iii) set aside for, or used as, a public park or public recreation area.

**2.32.020 Policy.**

- A. It is the general policy of the City to retain all real property and real property interests that it owns in-trust for the present and future benefit of the City and its residents. The City may dispose of lands that are not needed for municipal purposes. Prior to disposing of real property the City should give due consideration to: i) existing and planned utility needs; ii) existing and planned roads, sidewalks, and non-motorized trails; iii) needs for open space, recreation areas, or other public facilities; iv) existing or planned municipal buildings and

structures; and v) advisory documents of the City [i.e. road plans, utility plans or the General Plan].

B. Real property held by the City is only subject to disposal if it is determined that: i) the real property is not needed for present or reasonably anticipated City operations; ii) the conveyance is in the public interest; and iii) the conveyance is made in exchange for adequate consideration. The disposal of real property by the City is a legislative act approved by the City Council by ordinance or resolution, as appropriate.

**2.32.030 Significant Parcels.**

A. Prior to disposing of a significant parcel of real property the City Council shall first hold a public hearing allowing for comment on the proposed transaction. The City shall provide reasonable public notice disclosing the date, time, and place of the hearing, as well as a statement describing the subject property in reasonable detail and explaining the purpose of the hearing. The public shall be provided access to all relevant details of the proposed transaction.

B. The notice of public hearing shall be given not less than fourteen (14) days prior to the hearing via: i) publication on the Utah public notice website; ii) at least one (1) publication in a newspaper of general circulation in Moab; and iii) via posting on the City's website.

**2.32.040 Exemptions.**

- A. The following transactions are exempt from the provisions of this Chapter:
1. Parcels conveyed as part of a boundary line agreement;
  2. Parcels conveyed or created by a right-of-way vacation, plat amendment, or easement vacation;
  3. Leases or conveyances executed between the City and other governmental entities; or
  4. Settlements of boundary or title disputes, whether judicially approved or otherwise.

**2.32.050 Appraisal.**

A. If the City reasonably believes that a proposed transaction may involve a Significant Parcel, as defined by this Chapter, it shall first obtain an appraisal of the fair market value of the parcel from a suitably qualified real estate appraiser. The appraised value is not binding upon the parties, but it may be used to inform the City in the review of any proposed transaction. The City may require that a prospective purchaser pay for the costs of appraisal as

part of the transaction terms.

PASSED AND APPROVED by a majority of the City of Moab City Council. This ordinance shall take effect immediately upon passage.

SIGNED:

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Joette Langianese, Mayor

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Date

ATTEST:

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Sommar Johnson, Recorder

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