ORDINANCE NO. 26-53

AN ORDINANCE AMENDING SECTION 7-1-24 OF THE SANDY CITY MUNICIPAL CODE REGARDING THE DISPOSITION OF SURPLUS REAL AND PERSONAL PROPERTY, THE ACQUISITION OF REAL PROPERTY, AND THE INVENTORY OF CITY OWNED REAL PROPERTY

WHEREAS, the Sandy City Council ("Council") finds that the responsible acquisition, management, and disposition of public property are essential governmental functions that should be conducted in a transparent, efficient, and fiscally responsible manner; and

WHEREAS, the Council finds that amendments to Section 7-1-24 of the Sandy City Municipal Code will provide additional procedures governing the disposition of surplus real and personal property, establish processes for the acquisition of real property, require the maintenance of an inventory of City owned real property, and otherwise clarify and modernize existing provisions of the Municipal Code; and

WHEREAS, the Council finds that the proposed amendments promote accountability, transparency, sound public policy, and the efficient management of municipal assets while preserving the authority granted under applicable Utah law.

NOW, THEREFORE, the Sandy City Council ordains as follows:

Section 1. Adoption. Sandy City Municipal Code Section 7-1-24 is hereby amended to revise the provisions governing the disposition of surplus real and personal property, the acquisition of real property, and the inventory of City owned real property.

Section 2. Amendment. As set forth in Exhibit "A" (Redline) and Exhibit "B" (Clean), attached hereto and incorporated herein by this reference, Sandy City Municipal Code Section 7-1-24 is amended.

Section 3. Severability. The provisions of this ordinance shall be severable. If any provision of this ordinance, or the application of any provision under any circumstance, is held invalid, such determination shall not affect any other provision of this ordinance or its application under different circumstances.

Section 4. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND APPROVED by the Sandy City Council on _______________, 2026.

SANDY CITY COUNCIL

____
Marci Houseman, Council Chair

PRESENTED to the Mayor this ______ day of ____________________, 2026.

APPROVED by the Mayor this ______ day of ____________________, 2026.

____
Monica Zoltanski, Mayor

ATTEST:

____
Wendy Downs, City Recorder

RECORDED this ______ day of ____________________, 2026.

EXHIBIT "A"
REDLINE VERSION

Attached hereto is the redline version of the amendments adopted by Ordinance No. 26-53.

EXHIBIT "B"

CLEAN VERSION

Attached hereto is the clean version of the amendments adopted by Ordinance No. 26-53.

Exhibit "A"

Sec. 7-1-24. Disposition of Surplus Real and Personal Property, Acquisition of Real Property, and Inventory of City-Owned Real Property.

a. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. De minimus parcel means a parcel of real property that is no more than ¼ acre and lacks a reasonable independent use that is both physically possible and legally permissible under existing land use requirements, other than combining it with an adjacent parcel, and where the retention of the parcel by the City would constitute a nuisance for maintenance.

~~1.~~2. *Dispose* or *disposal* means to sell, lease, trade, gift, convey, or encumber surplus property.

~~2.~~3. *Exchange* means transactions where surplus property is transferred as a full or partial consideration for the transfer to the City of other property.

~~3.~~4. *Highest and best return* means maximizing economic return to the City as estimated by one or more of the following methods:

   a. Competitive bid which may include electronic auction or open marketing process;

   b. Evaluation by a qualified and disinterested appraiser;

   c. Other professional publications and valuation services; or

   d. In the case of personal property possessing readily discernible market value, a~~A~~n informal market survey by the City's Purchasing Agent ("Purchasing Agent")~~ in the case of items of property possessing readily discernible market value~~.

~~4.~~5. *Property* means real and personal property.

~~5.~~6. *Reasonable notice* means publication in a newspaper or newsletter of general circulation within the City, posting in public places within the City, posting on the City's website, posting on the Utah Public Notices website, or other means which the Purchasing Agent reasonably believes is likely to be a cost-effective and practical means of notification.

~~6.~~7. *Significant P~~p~~arcel of real property* means City-owned real property whose ~~reasonable~~ estimated fair market value ~~exceeds~~ is $~~40~~200,000~~.00~~ or more, or a lease agreement with an initial term of more than 10 years.

~~7.~~8. *Surplus property* means City property that is so used, obsolete, depreciated, excess or is no longer necessary to current and projected needs as to be unfit or undesirable for use or retention by the City.

b. Personal Property: The Purchasing Agent shall dispose of surplus personal property pursuant to existing state law and as follows:

1. All department heads shall, from time to time, identify and give notice in ~~a signed~~ writing to the City's Chief Administrative Officer (CAO) and the Purchasing Agent of surplus property within the control of that department.

   ~~2.~~ Whenever the surplus property is ~~real property, or~~ personal property with a reasonable estimated value of more than $~~2~~5,000.00, prior ~~to its~~notice of the disposal ~~the CAO or his designee shall disclose the disposal~~shall be given to the Mayor's Cabinet and the Executive Director of the City Council.

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~~3. Before any disposal of a significant parcel of real property, the City shall allow an opportunity for public comment on the proposed disposal providing reasonable notice at least 14 days before such public comment.~~

~~4.~~2. The Purchasing Agent shall dispose of the surplus property in a method likely to produce the highest and best return, unless in the opinion of the Purchasing Agent:

   a. The value of the surplus property is considered negligible in relation to the time, labor and expense of competitive bidding or bidding procedures are deemed unlikely to produce a competitive offer; or

   b. The surplus property is disposed to units of government or other public or charitable organizations pursuant to existing state law.

c. Real Property: Surplus real property shall be disposed of pursuant to state law and as follows:

1. The City may appoint a Real Property Manager whose duties shall be defined by the City Administrator. These duties shall include coordinating disposal of surplus parcels of real property.

2. All department heads shall, from time to time, identify and give notice in writing to the City's Chief Administrative Officer (CAO) and the Real Property Manager of surplus real property within the control of that department.

3. The CAO and Real Property Manager shall evaluate and make a determination of the property's potential for City use to promote affordable housing, open space and other City needs.

4. The CAO or designee shall disclose the proposed disposal to the Mayor's Cabinet and the Executive Director of the City Council.

5. The Real Property Manager shall coordinate the disposal of the surplus property in a method likely to produce the highest and best return, unless in the opinion of the Real Property Manager and CAO:

   a. The value of the surplus property is considered negligible in relation to the time, labor and expense of competitive bidding, or bidding procedures are deemed unlikely to produce a competitive offer;

   b. The surplus property is disposed to units of government or other public or charitable organizations pursuant to existing state law;

   c. Real property is conveyed to accomplish the reasonable goals of creation of affordable housing or open space so long as such conveyance complies with Utah law; or

   d. The surplus property is a de minimus parcel of land to be sold to the owner of an adjacent parcel.

6. All exceptions under Section (5) must be disclosed to the Mayor's Cabinet, the Executive Director of the City Council, and City Council with a written summary of why the proposed disposal qualifies as an exception.

d. In addition to the requirements set forth in subparagraph c, before a proposed disposition of a Significant Parcel of real property,

1. Written notice of the proposed disposition shall be given to the Mayor, the Chief Administrative Officer, the City Council Executive Director, and the City Council.

2. The City Council shall allow an opportunity for public comment on the proposed disposal at a regular City Council meeting, providing reasonable notice at least 14 days before such public comment.

3. The City Council shall pass a resolution approving the disposition of the property in a public meeting prior to the disposal of such property. No disposition of the property may occur unless and until the City Council approves the proposed disposition.

4. The disposition of any Significant Parcel of real property shall comply with all publication, posting, and public meeting requirements set forth in Utah Code Ann. §§ 11-1-203 and 11-1-204, including publication of the intent to dispose of the property for the required statutory period, posting of a physical notice on the property, and announcement of the proposed disposition in a public meeting, as well as approval by the Governing Body. These requirements are in addition to the procedures set forth in this subsection (g).

e. When any surplus property has been disposed of, the monies or credit received therefrom shall be credited as follows, unless otherwise provided in the City's budget or by subsequent appropriation of the City Council:

~~5. When any surplus property has been disposed, the monies or credit therefor shall be credited:~~

1. ~~a.~~ To the City department or City office which requested its disposal if the disposal has been contemplated in the current annual budget;

2. ~~b.~~ To the City's General Fund if the disposal has not been contemplated in the current annual budget; or

3. ~~c.~~ To a revenue account within the specific enterprise fund if originally procured from an enterprise fund or from properties attributable by the Mayor to use by an existing enterprise fund.

~~6.~~ f. The Finance Director shall report any disposal of surplus property to the City Council in the Comprehensive Annual Financial Report.

g. ~~c.~~ Notwithstanding the provisions of this section:

1. ~~Every~~ All conveyances or encumbrances of City real property shall be ~~made~~ executed by the Mayor, or ~~under~~ pursuant to the Mayor's express written ~~authority~~authorization, in accordance with this section and applicable ~~and pursuant to existing state~~ law.

2. The City may impose limitations or conditions on the future use of surplus property, in addition to those required under other titles or City ordinances, which limitations or conditions must be disclosed by the Purchasing Agent prior to its disposal.

3. No provision of this section shall be construed to require or to invalidate any sale, conveyance, transaction, transfer or encumbrance by the City, nor to vest rights of action of any kind against the City, its officers, agents or employees.

h. Municipal Acquisition of Real Property. Real property may be acquired for the benefit of the City and its citizens in accordance with state law and the terms of this section as follows:

1. If the City desires to purchase real property valued at or less than $200,000 for the benefit of the City, the Mayor is hereby authorized to effectuate such purchase without prior approval from the City Council, provided that sufficient funds have been appropriated for that purpose.

2. If the City desires to purchase real property valued at more than $200,000, the Mayor shall first provide prior written notice to the City Council of the City's desire to purchase such real property and requesting the appropriation of funds for said purchase.

3. If the City Council passes a resolution approving the proposed appropriation of funds for the acquisition of real property, the Mayor may proceed with the purchase consistent with any direction for acquisition given by the City Council in its approving resolution.

4. Nothing in this section shall restrict the authority of the Mayor or the Mayor's designee to investigate, evaluate, negotiate, conduct due diligence regarding, or enter into agreements relating to the acquisition of real property, provided that any agreement requiring the expenditure of funds not previously appropriated by the City Council shall be expressly contingent upon such appropriation.

i. Inventory of City-Owned Real Property.

1. The Mayor, of the Mayor's designee, shall maintain a current inventory of all real property owned by the City in a book or report form.
2. Annually, the Mayor, or the Mayor's designee, shall prepare and submit to the City Council a comprehensive inventory and report identifying all City owned real property and its current use, intended use, or strategic purpose. The report shall include all municipal real property holdings, including parks, buildings, trails, open space, and other real property assets, but need not include easements or water rights, and shall identify undeveloped, underutilized, surplus, or potentially redeployable properties. The report shall distinguish between assets actively utilized for municipal purposes and those that may warrant further evaluation for future municipal use, disposition, redevelopment, or other strategic purposes.
3. The annual report shall be submitted to the City Council by the first regularly scheduled meeting in March of each year, or as otherwise directed by the City Council.

j. Reservation of Discretion. Nothing in this section shall be construed to:

1. Limit the City's discretion to determine whether to dispose of or acquire public property;
2. Require the City to accept any offer or proposal;
3. Limit the City's authority to negotiate the terms and conditions of any disposition or acquisition; or

~~3.~~ 4. Impair the City's authority under and other applicable provision of law. The City expressly retains all discretion afforded under Utah Code Ann. § 11-1-203(4) and other applicable law.

~~(Revised Ords. 1978, § 11-1-24; Ord. No. 18-07, § 1(exh. A, § 11-1-24), 3-20-2018; Ord. No. 21-29, § 1(Exh. A), 11-16-2021)~~

Exhibit “B”

Sec. 7-1-24. Disposition of Surplus Real and Personal Property, Acquisition of Real Property, and Inventory of City-Owned Real Property.

a. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. De minimus parcel means a parcel of real property that is no more than ¼ acre and lacks a reasonable independent use that is both physically possible and legally permissible under existing land use requirements, other than combining it with an adjacent parcel, and where the retention of the parcel by the City would constitute a nuisance for maintenance.

2. *Dispose* or *disposal* means to sell, lease, trade, gift, convey, or encumber surplus property.

3. *Exchange* means transactions where surplus property is transferred as a full or partial consideration for the transfer to the City of other property.

4. *Highest and best return* means maximizing economic return to the City as estimated by one or more of the following methods:

   a. Competitive bid which may include electronic auction or open marketing process;

   b. Evaluation by a qualified and disinterested appraiser;

   c. Other professional publications and valuation services; or

   d. In the case of personal property possessing readily discernible market value, an informal market survey by the City's Purchasing Agent ("Purchasing Agent").

5. *Property* means real and personal property.

6. *Reasonable notice* means publication in a newspaper or newsletter of general circulation within the City, posting in public places within the City, posting on the City's website, posting on the Utah Public Notices website, or other means which the Purchasing Agent reasonably believes is likely to be a cost-effective and practical means of notification.

7. *Significant Parcel of real property* means City-owned real property whose estimated fair market value is $200,000 or more, or a lease agreement with an initial term of more than 10 years.

8. *Surplus property* means City property that is so used, obsolete, depreciated, excess or is no longer necessary to current and projected needs as to be unfit or undesirable for use or retention by the City.

b. Personal Property: The Purchasing Agent shall dispose of surplus personal property pursuant to existing state law and as follows:

1. All department heads shall, from time to time, identify and give notice in writing to the City's Chief Administrative Officer (CAO) and the Purchasing Agent of surplus property within the control of that department.

   Whenever the surplus property is personal property with a reasonable estimated value of more than $5,000.00, prior notice of the disposal shall be given to the Mayor's Cabinet and the Executive Director of the City Council.

2. The Purchasing Agent shall dispose of the surplus property in a method likely to produce the highest and best return, unless in the opinion of the Purchasing Agent:

a. The value of the surplus property is considered negligible in relation to the time, labor and expense of competitive bidding or bidding procedures are deemed unlikely to produce a competitive offer; or

b. The surplus property is disposed to units of government or other public or charitable organizations pursuant to existing state law.

c. Real Property: Surplus real property shall be disposed of pursuant to state law and as follows:

1. The City may appoint a Real Property Manager whose duties shall be defined by the City Administrator. These duties shall include coordinating disposal of surplus parcels of real property.
2. All department heads shall, from time to time, identify and give notice in writing to the City's Chief Administrative Officer (CAO) and the Real Property Manager of surplus real property within the control of that department.
3. The CAO and Real Property Manager shall evaluate and make a determination of the property's potential for City use to promote affordable housing, open space and other City needs.
4. The CAO or designee shall disclose the proposed disposal to the Mayor's Cabinet and the Executive Director of the City Council.
5. The Real Property Manager shall coordinate the disposal of the surplus property in a method likely to produce the highest and best return, unless in the opinion of the Real Property Manager and CAO:
    a. The value of the surplus property is considered negligible in relation to the time, labor and expense of competitive bidding, or bidding procedures are deemed unlikely to produce a competitive offer;
    b. The surplus property is disposed to units of government or other public or charitable organizations pursuant to existing state law;
    c. Real property is conveyed to accomplish the reasonable goals of creation of affordable housing or open space so long as such conveyance complies with Utah law; or
    d. The surplus property is a de minimus parcel of land to be sold to the owner of an adjacent parcel.
6. All exceptions under Section (5) must be disclosed to the Mayor's Cabinet, the Executive Director of the City Council, and City Council with a written summary of why the proposed disposal qualifies as an exception.

d. In addition to the requirements set forth in subparagraph c, before a proposed disposition of a Significant Parcel of real property,

1. Written notice of the proposed disposition shall be given to the Mayor, the Chief Administrative Officer, the City Council Executive Director, and the City Council.

2. The City Council shall allow an opportunity for public comment on the proposed disposal at a regular City Council meeting, providing reasonable notice at least 14 days before such public comment.

3. The City Council shall pass a resolution approving the disposition of the property in a public meeting prior to the disposal of such property. No disposition of the property may occur unless and until the City Council approves the proposed disposition.

4. The disposition of any Significant Parcel of real property shall comply with all publication, posting, and public meeting requirements set forth in Utah Code Ann. §§ 11-1-203 and 11-1-204, including publication of the intent to dispose of the property for the required statutory period, posting of a physical notice on the

property, and announcement of the proposed disposition in a public meeting, as well as approval by the Governing Body. These requirements are in addition to the procedures set forth in this subsection (g).

e. When any surplus property has been disposed of, the monies or credit received therefrom shall be credited as follows, unless otherwise provided in the City's budget or by subsequent appropriation of the City Council:

1. To the City department or City office which requested its disposal if the disposal has been contemplated in the current annual budget;
2. To the City's General Fund if the disposal has not been contemplated in the current annual budget; or
3. To a revenue account within the specific enterprise fund if originally procured from an enterprise fund or from properties attributable by the Mayor to use by an existing enterprise fund.

f. The Finance Director shall report any disposal of surplus property to the City Council in the Comprehensive Annual Financial Report.

g. Notwithstanding the provisions of this section:

1. All conveyances or encumbrances of City real property shall be executed by the Mayor, or pursuant to the Mayor's express written authorization, in accordance with this section and applicable law.
2. The City may impose limitations or conditions on the future use of surplus property, in addition to those required under other titles or City ordinances, which limitations or conditions must be disclosed by the Purchasing Agent prior to its disposal.
3. No provision of this section shall be construed to require or to invalidate any sale, conveyance, transaction, transfer or encumbrance by the City, nor to vest rights of action of any kind against the City, its officers, agents or employees.

h. Municipal Acquisition of Real Property. Real property may be acquired for the benefit of the City and its citizens in accordance with state law and the terms of this section as follows:

1. If the City desires to purchase real property valued at or less than $200,000 for the benefit of the City, the Mayor is hereby authorized to effectuate such purchase without prior approval from the City Council, provided that sufficient funds have been appropriated for that purpose.
2. If the City desires to purchase real property valued at more than $200,000, the Mayor shall first provide prior written notice to the City Council of the City's desire to purchase such real property and requesting the appropriation of funds for said purchase.
3. If the City Council passes a resolution approving the proposed appropriation of funds for the acquisition of real property, the Mayor may proceed with the purchase consistent with any direction for acquisition given by the City Council in its approving resolution.
4. Nothing in this section shall restrict the authority of the Mayor or the Mayor's designee to investigate, evaluate, negotiate, conduct due diligence regarding, or enter into agreements relating to the acquisition of real property, provided that any agreement requiring the expenditure of funds not previously appropriated by the City Council shall be expressly contingent upon such appropriation.

i. Inventory of City-Owned Real Property.

1. The Mayor, of the Mayor's designee, shall maintain a current inventory of all real property owned by the City in a book or report form.
2. Annually, the Mayor, or the Mayor's designee, shall prepare and submit to the City Council a comprehensive inventory and report identifying all City owned real property and its current use,

intended use, or strategic purpose. The report shall include all municipal real property holdings, including parks, buildings, trails, open space, and other real property assets, but need not include easements or water rights, and shall identify undeveloped, underutilized, surplus, or potentially redeployable properties. The report shall distinguish between assets actively utilized for municipal purposes and those that may warrant further evaluation for future municipal use, disposition, redevelopment, or other strategic purposes.

3. The annual report shall be submitted to the City Council by the first regularly scheduled meeting in March of each year, or as otherwise directed by the City Council.

j. Reservation of Discretion. Nothing in this section shall be construed to:

1. Limit the City’s discretion to determine whether to dispose of or acquire public property;
2. Require the City to accept any offer or proposal;
3. Limit the City’s authority to negotiate the terms and conditions of any disposition or acquisition; or
4. Impair the City’s authority under and other applicable provision of law. The City expressly retains all discretion afforded under Utah Code Ann. § 11-1-203(4) and other applicable law.