

DAGGETT COUNTY
ORDINANCE NO. 01-07

AN ORDINANCE PROVIDING FOR THE INTERIM DISPOSAL OF PROPERTY IN
DUTCH JOHN COMMUNITY PENDING ADOPTION OF A COMPREHENSIVE
PLAN AND DISPOSAL POLICY.

The Daggett County Commission in a duly convened meeting, due notice having been given, finds that it is reasonable and necessary to adopt an ordinance for the limited disposal of property in Dutch John Community to meet the immediate needs of serving community residents and uses in and around Dutch John, pending the final adoption of a revised Dutch John Community Plan, and a final disposal policy, pursuant to Utah Code Annotated Section 17-50-312.

NOW, THEREFORE, the Board of County Commissioners of Daggett County, hereby ordains as follows:

Section 1. PROPERTY IN DUTCH JOHN FOR POTENTIAL SALE.

a. Surveyed lots within the platted subdivision of Dutch John Community, as transferred from the United States to Daggett County, may be made available for sale by the Daggett County Commission. This ordinance applies only to lands within the Dutch John Community where lands have previously been subdivided into lots, and shall not make properties available for sale outside the platted properties received from the United States pursuant to Public Law 105-326, Dutch John Federal Property Disposition and Assistance Act of 1998.

Section 2. PROCEDURES.

a. Finding of Public Need. Upon a finding that disposal of property within Dutch John Community is necessary to accomplish the immediate public needs and is in the public interest of the Community and Daggett County, the Daggett County Commission may sell property available through a competitive process at no less than fair market value.

b. Notice. Prior to sale, the Daggett County Commission shall provide a

minimum of 21 days notice in newspapers of circulation and locations determined by the County, including the Daggett County Courthouse, Dutch John Post Office, of sale of property in Dutch John Community. Such notice shall include a legal description and acreage of the property, appraised value or value as otherwise determined by the County Assessor, the process and location for submitting written and oral bids, the zoning/land use allowed for the property, other restrictions to be placed on the use property by Daggett County Commission by deed restriction, and such other information considered relevant by the Commission, and indication that the property will be sold to the highest bidder.

c. Sale. The Daggett County Commission, after due notice as provided in this section, shall sell property through fixed price written bids and public auction. All written bidders will be required to provide 10 percent of offer price at time of sale through a cashier's check. All bids shall be for not less than the appraised value as identified in the legal notice of sale. Fixed price sealed written bids may be submitted to the County until 5 p.m. on the day prior to the sale. On the day of the auction sale, the highest written bid will be the starting point for oral bidding. If no bids exceed the written bid, the offered property shall be awarded to the highest written bid, subject to the terms and conditions identified by the County in the legal notice. All participants in the public auctions shall submit to the County a cashier's check for 10 percent of the appraised value or an amount set by the Daggett County Commission as identified in the legal notice of sale. The cashier's checks shall be returned to the unsuccessful bidders. Bidding shall be open for a minimum of one-half hour, and shall continue until the highest bidder is determined. The County may reject any and all bids. The sale shall be binding on the County only upon award of the bid and delivery of the Quit Claim Deed to the successful bidder. Such award shall be made at the next regular meeting of the Daggett County Commission following the bidding.

d. Conditions for Sale. The County may establish conditions for sale, including a

maximum time between the sale and development of the property, development standards, connection fees, provision for affordable housing, and conditions as determined by the Daggett County Commission.

e. Payment. Payment by cashier's check shall be completed within 14 days of sale. If the highest bidder fails to complete the sale, the County may keep the 10 percent down payment and may select the next highest bidder for sale.


James M. Briggs, Chairman
Daggett County Commission

Attest:


Vicky McKee County Clerk

Votes of Commission Members:

Commissioner Briggs	<u> X </u>	Aye	<u> </u>	Nay
Commissioner Walters	<u> X </u>	Aye	<u> </u>	Nay
Commissioner Reed	<u> X </u>	Aye	<u> </u>	Nay