

**GARFIELD COUNTY, UTAH**  
**RESOLUTION NO. 2020-5**  
**DISPOSAL OF COUNTY PROPERTY**

**A RESOLUTION OF GARFIELD COUNTY, UTAH TO RESCIND RESOLUTION NO. 2003-1, A RESOLUTION ESTABLISHING PROCEDURES FOR DISPOSAL OF COUNTY PROPERTY.**

**WHEREAS**, pursuant to Utah Code Annotated Section 17-50-312, a County may purchase, receive, hold, sell, lease, convey or otherwise acquire and dispose of any real or personal property or any interest in such property that it determines to be in the public interest; and

**WHEREAS**, Utah Code Annotated Section 17-50-312 requires that the County legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of.

**NOW THEREFORE**, the Board of Garfield County Commissioners hereby resolves as follows:

**Section 1      RESOLUTION NO. 2003-1 RESCINDED**

Resolution No. 2003-1, a resolution adopted by the Board of Garfield County Commissioners on January 13, 2003, is hereby rescinded in its entirety.

**Section 2      AUTHORITY**

The Board of County Commissioners may sell, lease, convey or otherwise acquire and dispose of any real or personal property or any interest in said property, subject to the provisions of this resolution.

**Section 3      PUBLIC SALE**

The sale, conveyance or transfer of real or personal property, or any interest in such property, shall be conducted at a public sale by public bid, closed bid or public auction, unless the County legislative body determines, in open Commission Meeting after notice to the public, that specific property should be sold in the interest of the public, without public sale, bid or auction.

**Section 4      NOTICE REQUIREMENTS**

Said sale shall be conducted only after fourteen (14) days previous notice given by a) publication in a newspaper of general circulation published in the County or b) posted in three public locations in the County and on Garfield County's Website. Such notice shall describe the property, real or personal, to be sold, the designated place of sale, the nature of the bidding, the terms of financing and any or all other pertinent information.

**Section 5      HIGHEST BIDDER; AMOUNT PAYABLE AT TIME OF SALE**

Said property real or personal, shall be conveyed, transferred or sold to the highest bidder within forty-eight (48) hours after the date and time of the sale. The successful bidder shall make arrangements with the County to pay the bid price in full. All bids shall be considered irrevocable offers to purchase.

**Section 6      CONVEYANCE OF TITLE**

Title shall not be transferred nor shall possession of the property be given to the successful bidder until the full purchase price has been paid. Title shall be conveyed or transferred as it was received by the County, except as otherwise provided by law. All property shall be sold "as is" with no warranty express or implied. All documents of conveyance shall be executed on behalf of the County by the County Clerk/Auditor.

**Section 7      RIGHT TO REJECT BIDS**

The County reserves the right to reject any or all bids for property sold pursuant to the terms of this resolution.

**Section 8      REMEDY FOR FAILURE TO PAY BALANCE OF PRICE**

In the event that real or personal property is purchased at a sale pursuant to the terms of this resolution, and the successful bidder pays less than the full purchase price at the time of sale, and should the purchaser fail to pay the balance, the County reserves the right to retain possession of the property along with any or all monies paid to the County as liquidated damages in order to compensate the County for damages caused by the failure of the bidder to pay the full bid price and/or complete the sale, including, but not limited to, publication costs, costs of the sale, personnel costs or loss of benefit of the bargain.

**Section 9      PAYMENT TO COUNTY TREASURER**

Proceeds from sales shall immediately be paid to the County Treasurer for the use and benefit of the County.

**Section 10     MINIMUM BID PRICES**

The Board of County Commissioners or the affected Department Head may set minimum bid prices on property, real or personal, based upon professional appraisals or by recommendations by the department or departments of the County involved in the sale.

**Section 11     PROCEDURE FOLLOWING UNSUCCESSFUL SALE**

If, after a good faith attempt to comply with the foregoing terms of this resolution, public sale of the property is not completed, the board of County Commissioners may then negotiate a sale, may list with a local multiple listing service for sale, or any other lawful method that the Board of County Commissioners determine to be in the best interest of the County, be available to dispose of the property at or above the appraised fair market value.

**Section 12 TRADES**

The County, by action of the Board of County Commissioners, may trade real or personal property of a corresponding appraised value when it is found to be in the best interest of the County.

**Section 13 LANDLOCKED PARCELS:**

The Board of County Commissioners, upon a determination that a parcel of real property owned by the County is landlocked, when it is found to be in the best interest of the County, may sell to the nearest and most adjacent property owner willing to purchase such landlocked parcel of real property at the current market value as determined by a competent appraisal.

**Section 14 ADJUSTMENT TO BOUNDARY LINES**

In situations where a minor adjustment to a boundary line is necessary to correct a surveying error or clear title to property, and it is found to be in the best interest of the County to do so, the Board of County Commissioners may sell or otherwise dispose of County property without complying with the notice and bidding provisions of this resolution.

**Section 15 PUBLIC RIGHTS-OF-WAY**

The Board of County Commissioners may sell real property owned by the County and held as a public right-of-way, at fair market value, as determined by an independent appraisal, to the owner of adjacent property when it is determined that the property is no longer necessary as and for a public right-of-way and the property could not otherwise be developed because of size, shape or other unusual features. In disposing of County roads, the Board of County Commissioners shall comply with the provisions of Utah Code Annotated Section 72-3-108, as periodically amended.

**Section 16 COUNTY OFFICERS OR EMPLOYEES**

County officers or employees may purchase County property pursuant to the terms of this resolution.

**Section 17 PROPERTY ACQUIRED WITH GRANT FUNDS**

Any property in possession of the County which was acquired, in whole or in part, by federal or state funds, shall be disposed of in compliance with any requirements imposed by or provided in a contract between the County and the federal or state agency which granted said funds.

**Section 18 FIREARMS**

No sale of a firearm owned by the County shall be made to a purchaser who is prohibited from owning or possessing a firearm by any applicable federal, state or local law, regulation or court order.

**Section 19 SALE, LEASE OR DISPOSAL OF REAL PROPERTY**

The Board of County Commissioners shall not sell, lease, trade or otherwise dispose of any real property unless the Board of County Commissioners finds such sale, lease, trade or other disposal is in the best interest of the County and complies with the requirements and terms of the County's comprehensive General Plan. Before selling, leasing, trading or otherwise disposing of any real property owned by the County, the Board of County Commissioners may submit the proposal to the Planning Commission for its recommendation.

**Section 20 TAX SALES**

The terms of this Resolution shall not apply to final tax sales.

**Section 21 EFFECTIVE DATE**

This Resolution shall take effect immediately upon its passage.

**Section 22 ADOPTION**

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 26<sup>th</sup> day of May, 2020.



Garfield County Commission, Chair  
Leland F. Pollock

ATTEST:



Garfield County Auditor/Clerk  
Camille A. Moore

County Seal:

