

SALT LAKE CITY ORDINANCE

No. _____ of 2022

(Sale of significant parcels of real property and removal of lands
from the open space lands inventory)

An ordinance amending Section 2.58.040 of the Salt Lake City Code, relating to the sale of significant parcels of real property, and Section 2.90.070 of the Salt Lake City Code, relating to the removal of lands from the open space lands inventory.

WHEREAS, the city desires to make certain changes relating to an exemption, for certain special events, from the mandatory procedures of those sections; and

WHEREAS, the City Council of Salt Lake City, Utah, desires to amend Section 2.58.040 and Section 2.90.070 of the Salt Lake City Code, relating to such changes.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah that:

SECTION 1. Section 2.58.040 of the Salt Lake City Code, relating to the sale of significant parcels of real property, is amended as follows:

2.58.040: SALE OF SIGNIFICANT PARCELS OF REAL PROPERTY; NOTICE AND HEARING:

- A. A significant parcel of real property owned by the City or any significant legal interest therein shall not be sold, traded, leased or otherwise conveyed or encumbered until the City has provided reasonable notice to all interested parties and held at least one public hearing on the proposed conveyance as set forth herein.
- B. Reasonable notice of the proposed conveyance shall include the following:
 - 1. Notice of the proposed conveyance shall be mailed to all abutting property owners.
 - 2. Notice of the proposed conveyance shall be delivered to the Office of the City Council, posted in the Office of the City Recorder, delivered to a local media representative, and posted on the City's website.
- C. No significant parcel of City owned real property identified in section 2.58.035, including table 2.58.035C, of this chapter may be conveyed until after a public hearing has been held before one or more of the following as may be applicable: the Planning Commission, the Airport Board, the Public Utilities Advisory Committee, the Golf Enterprise Fund

Advisory Board, or the Parks, Natural Lands, Trails, and Urban Forestry Advisory Board.

- D. In addition to the public hearing required above, the City Council may also request a public hearing before the conveyance of the property. Any request for a hearing before the City Council must be delivered to the Office of the Mayor no less than fifteen (15) days after delivery of the notice to the Office of the City Council pursuant to subsection B2 of this section. If no request for a hearing is made within that time period, the City Council shall be deemed to have waived any right to request a hearing.

If a written call for hearing has been made by the City Council, the Mayor or his or her designee shall attend the hearing to hear and consider comments upon proposals to convey the property specified in the notice. The hearing shall take place before, after or in conjunction with a regularly scheduled City Council meeting, as determined by the Mayor.

- E. Any notice of a proposed conveyance of a significant parcel of City owned real property shall specify the following:
1. A description of the property to be conveyed or encumbered;
 2. The nature of the proposed conveyance or encumbrance, whether the property is to be sold, traded or encumbered, including the nature of the conveyance if the property is to be sold, or if a trade or lease of property is contemplated, a brief summary of the proposed transaction;
 3. Persons to whom interests are to be conveyed;
 4. Any consideration tendered;
 5. The name of the person, department or entity requesting such action;
 6. The basis upon which the value of the interest has been determined by the City;
 7. The date, time and location of the public hearing to be held before the Planning Commission, Airport Board, Public Utilities Advisory Committee, Golf Enterprise Fund Advisory Board, or Parks, Natural Lands, Trails, and Urban Forestry Advisory Board, as applicable. The notice shall further state that interested persons may appear and comment upon the proposal.
- F. The conveyance or encumbrance of a significant parcel of real property of the City may be finalized:
1. By the Mayor, at his/her discretion following notice and any public hearings required by this section; or
 2. By the Mayor, if the transfer is revocable and the Mayor has determined that an unanticipated combination of facts and conditions of pressing necessity has emerged

that requires that action be taken before a City Council hearing. Such conditions shall not be deemed to arise unless it appears that delay from the notice or a City Council hearing would produce:

- a. Great or irreparable injury to persons seeking the conveyance or encumbrance, with negligible impact upon City interests;
 - b. Serious detriment to the social or economic interest of the community as whole; or
3. Substantial economic loss to the City.
- G. Any decision by the Mayor to forego the City Council hearing provisions of this section shall be made in writing to the City Council, stating the specific reasons upon which the decision was based.
- H. The following shall be exempt from the mandatory procedures of this section:
- 1. The leasing of existing buildings, infrastructure, or facilities;
 - 2. Special events lasting (a) less than twenty-one (21) days or (b), with the approval of the Mayor for a reason identified by the Mayor in writing, more than twenty (20) days but less than thirty-one (31) days;
 - 3. The leasing of recreation areas in accordance with their intended use;
 - 4. The selling of burial rights in the Salt Lake City Cemetery; and
 - 5. The granting of easements or other rights that service the property, including grants in connection with utilities or safety equipment such as traffic signal poles. Any such easement or use right must be primarily for the benefit of the City. With respect to open space land under chapter 2.90 of this title, such easement or use right may be granted only with the approval of the City's Open Space Lands Manager.

SECTION 2. Section 2.90.070 of the Salt Lake City Code, relating to the removal of lands from the open space lands inventory, is amended as follows:

2.90.070: REMOVAL OF LANDS FROM THE OPEN SPACE LANDS INVENTORY:

- A. Open space lands, conservation easements or other interests in open space land placed in the open space lands inventory shall remain in the inventory in perpetuity unless: 1) they are transferred to a qualified public or nonprofit land conservation entity; or 2) a sale, conversion from undeveloped open space land to developed open space land, exchange, or other transfer of the land, conservation easement or other interest in land is approved by the mayor, subsequent to the following mandatory procedures:

1. Any proposal to sell or transfer open space land must be in writing, signed by the mayor, and must include a description of the land to be sold or transferred, the purpose of the proposed sale or transfer, the proposed purchaser of the land, the amount of the proposed purchase price, the anticipated future use of the land, any anticipated change in zoning that would be required to implement that proposed future use, and a statement by the mayor explaining why the proposed sale or transfer of the open space land is in the best interest of the city.
2. Holding a public hearing before the mayor and the city council.
3. Providing notice of the proposed sale or transfer and the public hearing by:
 - a. Publication of a notice for two (2) successive weeks, beginning at least thirty (30) days in advance of the hearing, in a newspaper of general circulation in the city, no less than one-fourth ($\frac{1}{4}$) page in size, with type no smaller than 18-point, surrounded by a one-fourth inch ($\frac{1}{4}$ ") border, in a portion of the newspaper other than where the legal notices and classified advertisements appear, containing the information set forth in the form below;
 - b. Posting two (2) signs measuring at least two feet by three feet (2' x 3') each, on the land proposed for sale or transfer at least thirty (30) days in advance of the hearing, containing the information set forth in the form below; and
 - c. Mailing notice, at least thirty (30) days in advance of the hearing, to all property owners of record within one thousand feet (1,000') of the land proposed for sale or transfer, containing the information set forth in the form below.
 - d. Any notice published, posted or mailed pursuant to this section shall state substantially as follows:

*NOTICE OF PROPOSED SALE OR TRANSFER OF PUBLICLY OWNED
OPEN SPACE LAND*

The Mayor of Salt Lake City is proposing to sell or transfer certain Open Space Lands owned by Salt Lake City located at [street location] for \$[proposed amount of sale] to [proposed buyer] for future use as [proposed future use].

A public hearing on this proposal will be held before the Mayor and the City Council on [date of hearing] at the Salt Lake City & County Building, 451 South State Street, room 315, Salt Lake City, Utah, at [time of hearing] p.m.

Any individual wishing to address this proposal is invited to attend and to express their views to the Mayor and the City Council at that hearing.

4. Following the public hearing, the city council may elect to conduct an advisory vote as to the proposed sale or transfer of the open space land.
5. No sale or transfer of open space land may occur until at least six (6) months after the conclusion of the public hearing in order to provide an opportunity to explore other alternatives to the proposed sale or transfer of the open space land.

- B. Any open space lands, conservation easements or other interests in open space land: 1) acquired by the city in partnership with other entities, units of government, or other parties; or 2) received by donation, bequest, devise, or dedication, may only be authorized for sale, conversion from undeveloped open space land to developed open space land, exchange or other transfer if such action is allowed for in the instrument under which the open space land, conservation easement or other interest in open space land was conveyed to, or acquired by, the city.
- C. The following shall be exempt from the mandatory procedures of this section:
1. The leasing of existing buildings, infrastructure, or facilities;
 2. Special events lasting (a) less than twenty-one (21) days or (b), with the approval of the mayor for a reason identified by the mayor in writing, more than twenty (20) days but less than thirty-one (31) days;
 3. The leasing of recreation areas in accordance with their intended use;
 4. The selling of burial rights in the Salt Lake City Cemetery.
 5. The granting of easements or other rights that service the property, including grants in connection with utilities or safety equipment such as traffic signal poles. Any such easement or use right must be primarily for the benefit of the city. With respect to open space land under this chapter, such easement or use right may be granted only with the approval of the city's open space lands manager.

SECTION 3. This ordinance shall take effect immediately after it has been published or posted in accordance with Utah Code section 10-3-711 and recorded in accordance with Utah Code section 10-3-713.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2022.

ATTEST AND COUNTERSIGN:

CITY RECORDER

CHAIRPERSON

Salt Lake City Attorney's Office
Approved as to Form
Date: 3-1-22
By: <i>Boyd Ferguson</i>
Boyd Ferguson, Senior City Attorney

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2022.

Published: _____.