

ORDINANCE 21-17

DISCUSS AND POSSIBLY ADOPT ORDINANCE 21-17 TO AMEND FILLMORE CITY MUNICIPAL ORDINANCE TITLE 1, CHAPTER 10, SECTION 11, DISPOSAL AND SALE OF PROPERTY, TO ALLOW THE GRANT OF CITY REAL PROPERTY FOR AFFORDABLE HOUSING PURSUANT TO UTAH CODE ANN. SECTION 10-8-501

The City Council of the City of Fillmore, Utah (referred to herein as the “City Council”), recites the following as the basis for adopting the following ordinance:

RECITALS

WHEREAS, pursuant to the 2021 Utah General Legislative Session, Utah Code Ann. § 10-8-501 was enacted which allows a municipality to grant real property owned by the municipality to an entity for the development of affordable housing, as defined therein; and

WHEREAS, Fillmore City previously adopted Fillmore City Municipal Ordinance Title 1, Chapter 10, Section 11, *Disposal and Sale of Property*, wherein it provides, “The disposition of property shall not be for less than adequate consideration except for property which is determined to lie within the boundaries of a street or highway, for properties which are conveyed or traded to another government entity, or for small parcels of property unusable by the City” and would not allow a grant of property otherwise; and

WHEREAS, affordable housing is greatly needed within Fillmore City; and

WHEREAS, to encourage the development of affordable housing, the City Council finds a change to Fillmore City Municipal Ordinance § 1-10-11 to allow the grant of real property owned by Fillmore City for affordable housing purposes to be in the best interest of Fillmore City and its residents and will promote the health, safety, and welfare of Fillmore City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FILLMORE:

SECTION 1. Adoption of Recitals. The Recitals set forth above are hereby adopted and incorporated into this ordinance by reference.

SECTION 2. Amendment of Title 1, Chapter 10, Section 11 of the Fillmore City Municipal Code. Title 1, Chapter 10, Section 11 of the Fillmore City Municipal Code is hereby amended to include in its entirety the following:

1-10-11: DISPOSAL AND SALE OF PROPERTY:

A. Means Of Disposal: Subject to subsection B of this section, definition of significant parcel of real property, the City Council may dispose of, or control the disposition of, any City real property, or any legal or equitable interest in such property, the disposition of which is determined to be in the public interest and in accordance with good property management. The disposition of property, or any interest therein, may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, public auction, public advertisement for sealed

bids, or any other lawful manner or means. The disposition of property shall not be for less than adequate consideration except for property which is determined to lie within the boundaries of a street or highway, for properties which are conveyed or traded to another government entity, for small parcels of property unusable by the City; for parcels of property within the Fillmore City Industrial Park; and for parcels of property governed by Utah Code Ann. § 10-8-501, or any successor section, governing the grant of real property for affordable housing. Such consideration may be other than monetary.

B. Definitions: For purposes of this section, the following words and terms shall have the meanings set forth in this subsection:

REASONABLE NOTICE: Posting notice of the proposed disposition in at least three (3) public places within the City, publishing notice of the proposed disposition on the State public notice website and publishing notice of the proposed disposition on the City website and Facebook page.

SIGNIFICANT PARCEL OF REAL PROPERTY: 1. Any parcel of real property having an estimated value, as determined by the City Council, of more than thirty thousand dollars (\$30,000.00).

2. Significant parcel of real property shall not include the sale, exchange, exchange and sale, lease, option to purchase, or lease with an option to purchase of any lot(s) in the Fillmore City Industrial Park, nor the sale, exchange, exchange and sale, lease, option to purchase, lease with an option to purchase or transfer of property to another governmental entity.

C. Notice Required: If the property to be sold by the City is a "significant parcel of real property", as defined in this section, then the City shall provide "reasonable notice", as defined above, of the proposed disposition, at least fourteen (14) days before City action on the proposed disposition, to provide the opportunity for public comment.

D. Public Comment: After the fourteen (14) day period, the City Recorder shall forward copies of any public comment received to the City Council. Thereafter, the City Council may determine not to dispose of the real property, may direct the Mayor to proceed with the disposition, or impose such additional terms and conditions as the City Council may adopt in regards to the disposition. (Ord. 19-04, 4-16-2019)

SECTION 3. Repeal of Conflicting Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Fillmore City conflict with the provisions of this Ordinance, such ordinances, resolutions, or policies are hereby amended to be in accordance with the provisions hereof.

SECTION 4. Savings and Severability Clause. To the extent that any paragraph, part, section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof, shall be published on the Utah Public Notice Website pursuant to Utah Code Annotated § 10-3-711.

SECTION 6. Effective Date. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this _____ day of _____, 2021.

Michael D. Holt, Mayor

ATTEST:

Kevin Orton, City Recorder

VOTING:

Dennis Alldredge	___ Yea	___ Nay
Kami Dearden	___ Yea	___ Nay
Eric Jenson	___ Yea	___ Nay
Kyle Monroe	___ Yea	___ Nay
Michael Winget	___ Yea	___ Nay