

## Chapter 3.66 - TAX SALE OF CONTAMINATED PROPERTIES

### Sections:

#### 3.66.010 - Purpose.

The purpose of this policy is to set out the circumstances under which the council deems it in the best interest of the public for the county auditor to withdraw environmentally contaminated property scheduled for final tax sale from that sale and to designate appropriate procedures governing the sale of such properties.

(Ord. 1473 (part), 2001: Ord. 1339B § 1 (part), 1996)

#### 3.66.020 - Legislative findings.

The council makes the following findings with respect to the sale of environmentally contaminated properties and the ability of the county to manage, control, and direct the sale of those properties and the management of any properties which might come into county ownership.

- A. The county finds that it has insufficient resources to manage properties impacted by environmental contamination which might be struck to the county at a final tax sale.
- B. The county lacks the resources to coordinate or perform either the remediation of contaminated properties or litigation directed to establishing responsible parties and pro rata contribution by those parties.
- C. The involuntary acquisition of such properties by Salt Lake County and the ongoing responsibility for their management at public expense is not in the public interest.
- D. The effective solicitation of bids for properties with environmental contamination requires specialized advertising and bidding procedures not generally applicable to other tax sale properties.
- E. The best public interest requires that the properties with environmental contamination be withdrawn from the final tax sale when either further information is required with respect to the subject property or no acceptable bids are received either prior to or at the sale.

(Ord. 1473 (part), 2001: Ord. 1339B § 1 (part), 1996)

#### 3.66.030 - Research and disclosure.

- A. In the first year a property is subject to final tax sale and environmental concerns are alleged or discovered, the property will be withdrawn from the sale unless the county can comply with the balance of the policy and procedures set out in this chapter.
- B. After initial withdrawal, the county auditor may acquire and place on file information which is readily available from public sources relating to the alleged contamination. Such information may include sites in Utah listed on the Nation Priorities List ("NPL"), the Comprehensive Environmental Response, Compensation and Liability Information System ("CERCLIS"), and the Leaking Underground Storage Tank ("LUST") list. Such information will be made available in the offices of the county auditor for inspection by any member of the public. The county makes no representation that the information on file is accurate, exhaustive or complete. Potential bidders are encouraged to conduct such other research consistent with ASTM Standard E-1527-93 (Standard Practice for Environmental Site Assessments) as they deem necessary or appropriate. Information maintained with respect to any parcel may be supplemented by the county or any other party at any time prior to the sale.

(Ord. 1473 (part), 2001: Ord. 1339B § 1 (part), 1996)

3.66.040 - Sale procedures.

A. Notice.

1. Notice of the potential sale shall be given as required by law to all interests of record.
2. Public notice shall be given by advertising at such times and frequency as are provided for by law. Properties alleged to be affected by environmental contamination shall be segregated in the final tax sale notice with a designation that environmental contamination has been alleged with respect to the properties.

B. Diminution of Original Parcel Not Allowed.

1. The council determines that it is not in the public interest to allow the environmentally affected portions of any parcel to be severed from the balance of the property and accordingly will not accept bids for diminishing portions of the property. Full parcels only will be sold to the bidder offering the highest amount in excess of the taxes, penalties, interest and costs.
2. Aggregation of Parcels. Two or more contiguous parcels owned by the same owner may be combined when:
  - a. The parcels are a single economic or functional unit;
  - b. The combined sale will best protect the financial interest of the delinquent property owner; and
  - c. Separate sales will reduce the economic value of the unit by reducing the likelihood of remediation or the likelihood that the contaminated parcel or portion of any parcel will be sold.

C. Registration. Any party wishing to bid on environmentally affected property offered for sale must register in advance and submit a written, sealed bid accompanied by certified funds for an amount of not less than the tax, penalty, interest and costs as determined by the county treasurer; and submit in conjunction with the submission of its sealed bid, an executed indemnification and release agreement and an executed environmental covenant, copies of which are available from the county auditor at least twenty calendar days prior to the day of the tax sale. The successful bidder must agree to the recordation of the environmental covenant, if in the opinion of the county it is deemed necessary. In the event one or more bids are received prior to the time of sale of the property, the property will be offered and, upon completion of the bidding, will be awarded to the highest bidder. Certified funds must be on deposit with the county treasurer in the amount equal to the bid price at the time the bid is offered and accepted. If no qualifying bid is received, the auditor shall cause the property to be withdrawn from sale and recertified to a subsequent sale or subject to county council approval, may if no qualifying bid is received, strike the property to the county.

D. Excess Receipts. Any amount in excess of the taxes, penalty, interest and costs will be transferred to the State Treasurer as required by statute. For purposes of this chapter, costs shall include not only the standard administrative fee established by the council for all properties offered at final tax sale, but also any additional expenses incurred by the county in acquiring and making available for inspection evidence related to alleged contamination and any additional advertising costs incurred as a result of complying with this chapter.

(Ord. 1628 § 2, 2008: Ord. 1610 § 2, 2007: Ord. 1473 (part), 2001: Ord. 1339B § 1 (part), 1996)