

R657. Natural Resources, Wildlife Resources.

R657-61. ~~Valuation~~Acquisition, Disposal and Exchange of Real Property ~~Interests for Purposes of Acquisition or Disposal.~~

R657-61-1. ~~Purpose and Authority.~~

~~(1) Pursuant to Utah Code Sections 63-34-2179-2-403, 23A-2-203, and Section 23A-6-201, and 23A-6-205, this rule defines the process by which the division may acquire, dispose of, and exchange real property, and ensure that the value of the real property is determined for purposes of congruent with the proposed price and other terms of the acquisition or disposal by the Division, or exchange.~~

R657-61-2. ~~Definitions.~~

~~(1) For purposes of this rule:~~

~~(1) Terms used in this rule are defined in Title 23A, the Wildlife Resources Act, and elsewhere in the Utah Code.~~

~~(a) "Appraisal" means an independent analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, an identified parcel of real property, and conducted by a state" as defined in Subsection 61-2g-102(1)(a)(i).~~

~~(b) "Appraisal review assignment" as defined Subsection 61-2g-102(1)(a)(ii)(B).~~

~~(c) "Real property" as defined in Subsection 57-1-1(3).~~

~~(d) "State-certified general appraiser;" as defined in Subsection 61-2g-102(1)(v).~~

~~(b) "Value" means as an opinion on the worth of an identified parcel of real property or interest therein at a specific time and may be comprised of one or more of the following values, as commonly understood within the real estate and appraisal services business communities: assessed value, insurable value, use value, investment value, going concern value, business enterprise value, market value, and public interest value.~~

R657-61-3. ~~Obtaining an Opinion of Value.~~

R657-61-3. ~~Acquisition of real property.~~

~~(1) ~~When purchasing or disposing~~The division may acquire real property interests for authorized activities of the division, including:~~

~~(a) to protect and enhance wildlife populations;~~

~~(b) to provide the public the opportunity to hunt, trap, or fish; and~~

~~(c) to conserve, protect, and enhance wildlife habitat.~~

~~(2) When acquiring real property, the ~~Division~~division shall obtain a written opinion and determine the fair market value of the property interest in the form of an appraisal, and an appraisal review assignment to verify the real property's value.~~

~~(a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and compliant with the Uniform Standards of Professional Appraisal Practice (USPAP).~~

~~(b) The division will keep and maintain the written opinion of value in its real property may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division is utilizing federal funds for the acquisition and disposal files.~~

~~(3) Subsection (2) ~~An appraisal is does~~ not required under the following circumstances:~~

~~(a) The market value apply to the acquisition of real property if:~~

~~(a) the ~~subject~~value of the real property interest is less than ~~One Hundred Thousand Dollars (\$100,000, per Subsection 79-2-403(3)(b)~~, as estimated by the ~~Division~~division;~~

~~(b) ~~The~~the asking price for the real property interest is considerably below ~~prevailing~~fair market conditions value, as estimated by the ~~Division~~division;~~

~~(c) ~~The~~the asking price for the real property interest is reasonable based upon ~~prevailing market conditions, but the Division will a value estimated by the division and the division may lose the opportunity to purchase~~acquire the real property if time is taken to conduct an appraisal prior to making an offer and appraisal review assignment;~~

~~(d) ~~An~~an appraisal has been conducted on the ~~subject~~real property interest within the past twelve months;~~

~~(e) the real property is a gift, contribution, or donation to the division; or~~

~~(f) the real property is a right-of-way, easement, lease, or other less-than-fee title acquisition, excluding the acquisition of a conservation easement.~~

~~(4) If any exception(s) listed in Subsection (3) are used, the division shall create and keep a memo-to-file describing:~~

~~(a) an explanation of which exception(s) are being utilized for the acquisition and why;~~

(b) the division's estimation of value; and

(c) the decision made by the division.

(5) When acquiring real property, the division shall not compensate more than the fair market value for the real property.

(6) When acquiring title to real property held in private ownership, the division shall comply with Sections 23A-6-202 and 23A-6-203.

R657-61-4. Disposal of real property.

(1) The division may dispose of real property when the property no longer serves as wildlife habitat or for wildlife-related recreational opportunities, or when it is in the best interest of the division to do so.

(a) This Section does not apply to real property disposals of less-than-fee title interest such as easements and leases, which are subject to requirements under Rule R657-28.

(2) If the real property is still serving as wildlife habitat or for wildlife-related recreational opportunities, but a disposal cannot be avoided, mitigation may be required in addition to compensation for fair market value. The division may require compensation for impacts of the disposal, based upon the following factors:

(a) number of acres impacted;

(b) species impacted;

(c) impacts to wildlife and wildlife habitat;

(d) impacts to public access; and

(e) impacts to public opportunities to engage in wildlife-related activities.

(3) The division may not dispose of real property without first obtaining written approval of person(s) or entities, if any, holding contractual, funding or proprietary interests in the real property. Additional requirements may be necessary to obtain approval.

(4) When disposing of real property, the division shall determine the fair market value in the form of an appraisal and an appraisal review assignment, to verify the real property's value.

(a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and complaint with the Uniform Standards of Professional Appraisal Practice (USPAP).

(b) The division may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division utilized federal funds when the property was acquired.

(5) Subsection (4) does not apply to the disposal of real property if:

(a) The value of the real property is less than \$100,000, per Subsection 79-2-403(3)(b), as estimated by the division;

(b) The real property will be auctioned off or part of a bid process, in which the compensation will likely exceed the fair market value, as estimated by the division; or

(c) an appraisal has been conducted on the real property within the past twelve months;

~~_____ (e) The real property interest is a gift, contribution, or donation to~~ (6) If any exception(s) listed in Subsection (5) are used, the division; ~~or~~

~~_____ (f) The real property interest is a right of way, lease, or other less than fee interest that is not perpetual.~~

~~_____ (3) A written opinion of value shall be rendered by a state certified general appraiser conducting an appraisal.~~

~~_____ (4) When values other than market value are considered in addition to or in place of an appraisal rendered by a state certified general appraiser the Division shall create and keep a memo-to-file describing:~~

~~_____ (a) the Division's consideration~~ an explanation of said value ~~which exception(s);~~

~~_____ (b) the Division's rationale in said consideration relative to the proposed price and other terms of the purchase, sale, or exchange; and~~

~~_____ (c) the acquisition or~~ are being utilized for the disposal and why;

(b) the division's estimation of value; and

(c) the decision made by the Division.

R657-61-4. Congruency in Value.

~~_____ (1) Based on~~ (7) When disposing of real property, the written opinion of value, the Division ~~division shall consider and weigh the various economic and social values associated with the real property in an effort to maintain~~ convey title through a levelquit claim deed.

(8) When disposing of ~~eongruency between the~~ real property, the division shall not receive compensation less than the fair market value for the real property.

(9) When disposing of real property to private ownership, the division shall comply with Section 9-8a-404.

R657-61-5. Exchange of real property.

(1) When exchanging real property, the division shall comply with both Sections (3) and ~~its values,~~(4) of this rule.

KEY: wildlife, land sales, property values

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