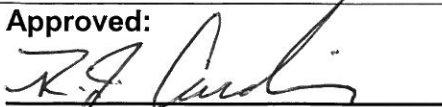




Maricopa County Parks and Recreation Department	Number: A200	Create Date: April 21, 1993 Revision Date: June 18, 2013
Approved:  Richard J. Cardin, Director	Subject: Land Acquisition and Disposal	

I. PURPOSE

- A. This policy serves to define the procedures for identifying appropriate land for acquisition and the circumstances under which land may be acquired for park purposes. It also provides guidelines for the disposal of lands and procedures involved.
- B. This Park Land Acquisition and Disposal Policy supersedes the previous Park Land Acquisition and Disposal Policy, A-11, revised November 1998 and A200, *Park Land Acquisition and Disposal*, revised April 21, 1993.

II. POLICY GUIDELINES

- A. A.R.S. § 11-251(9)(44)
- B. A.R.S. § 39-204
- C. A.R.S. § 11-941
- D. Maricopa County Board of Supervisors Agenda Item C-30-97-017-6, *Park Land Disposal Policy and Procedures*, adopted and approved by the County Board of Supervisors on January 8, 1997.

III. POLICY

A. Land Acquisition:

1. Any acquisition of land or lease of lands must be consistent with adopted long-range goals and objectives of the department and is subject to the availability of funds. The County shall not accept dedications, donations, land exchanges, conservation easements, or land patents that do not meet these goals and objectives.

2. Lease of Lands

Leasing of land to enhance the County Park System will be considered when economically feasible. Acceptable leasing programs would include:

- (1) Lease of State Trust Lands or private land while financial resources are being developed to provide funds for purchase.
- (2) Leases to reserve lands during the acquisition process.
- (3) Lease of federal lands from the Bureau of Land Management under the Recreation and Public Purposes Act.

B. Land Disposal

1. As a general policy, the County will not approve of the disposal of park lands held in any capacity by the County, believing that park lands should be held in perpetuity. Refer to Attachment 1, *Park Land Disposal Policy and Procedures*, adopted and approved by the County Board of Supervisors on January 8th, 1997 (C-30-97-017-6).
2. Additional policy clarifications to C-30-97-017-6:
 - a) Deeded Lands
 - (1) When sale or transfer of park lands to another political subdivision will result in that entity continuing to maintain and operate the premises for park purposes. Such transfers will include a reversionary clause whereby the land will revert to the County if it is no longer being used for park purposes.

Maricopa County Parks & Recreation Department	Number: A200	Create Date: April 21, 1993 Revision Date: June 18, 2013
Subject: Land Acquisition and Disposal		

b) Exchange of Lands

Any proposal to exchange existing owned, leased or managed park lands may be considered subject to the exchange must serve the long-range objectives of the County and the value of the exchanges land must be at least 90% of the appraised value of the lands given.

IV. PROCEDURE

A. Land Acquisition

A list of parcels that are desirable for acquisition by Parks will be maintained by the GIS Technician for reference on the Land Acquisition Parcel List on file with the Parks Department.

1. The Land Acquisition Parcel list will give a brief description of the desired parcel which includes the approximate number of acres and the reasons why the parcel is desired.
2. Each parcel shall have a map prepared showing the location of the parcel.
3. Each parcel will be rated and scored per the Land Acquisition Rating Criteria (Attachment No. 2).
4. The scoring shall be done on the Land Acquisition Matrix form.
5. Land will be purchased as funds become available based on the priority list.
6. Lands may be acquired that are not on the list or that are not on the top of the list when exceptions or opportunities arise. This action may be necessary when parcels become imminently threatened by development or other threats.
7. New parcels to be considered for adding to the Land Acquisition Parcel list should be submitted to the Parks Engineering Manager and the Parks GIS Technician. A Land Acquisition committee will be convened every two years or as needed to evaluate park land needs, assess current open space studies, and rate the proposed new parcels. The committee will be headed by the Parks Engineering Manager, include the Parks GIS Technician, others from the Parks Department, and may include others outside the department, with knowledge of Arizona lands.

B. Land Disposal

Refer to Attachment 1, *Park Land Disposal Policy and Procedure*.

Attachment No. 1 Park Land Disposal and Procedure, C-30-97-017-6

EFFECTIVE AS OF THE DAY ADOPTED BY THE BOARD OF SUPERVISORS THESE POLICIES SHALL REPLACE OR SUPERSEDE THE FORMER PARK LAND DISPOSAL POLICY ADOPTED APRIL 21, 1993 AND ANY OTHER PREVIOUSLY ADOPTED POLICIES OR REGULATIONS THAT WOULD OTHERWISE BE IN DIRECT CONFLICT WITH THESE POLICIES AND PROCEDURES.

A. General Policy

As a general policy, the County will not approve of the disposal of park lands held in any capacity by the County, believing that park lands should be held in perpetuity. However, in the event that such a disposal is proposed, disposal of park land will not proceed without public hearings by both the County Parks and Recreation Commission and the County Board of Supervisors as provided by law and this Policy.

B. Procedure

In no event shall any real property within the County Park System be sold, traded or otherwise alienated, exchanged or deleted from the County Park System without first conducting public hearings as follows:

1. Any proposal to sell, trade, exchange, alienate or delete land from the County Parks system, whether such property is held in fee, by easement, by private donation with a reversionary clause, was acquired through the Recreation and Public Purposes Act or other such program which provides for a reverter to the Federal Government, or managed through a lease or other such agreement, must first be referred to the County Parks and Recreation Commission (Commission) through the Recreation Services Department (or its equivalent).
2. Upon written receipt of such a proposal by the Recreation Services Department or initiation, in writing, of such a proposal by the County through its Recreation Services Department, the matter will be placed on the next agenda for the Commission at which time the Commission will set the proposed transaction for public hearing before the Commission, or a duly appointed sub-committee thereof, after a minimum of 30 days public notice by publication pursuant to A.R.S. § 39-204.
3. There shall be a minimum of two public hearings on the proposal, at least one of which shall be in a community near the Park containing the lands which are the subject of the request for status change. Such public hearings shall be held no less than 45 days nor more than 120 days from the date the Commission first acted on the matter as set forth above. The Commission may set additional public hearings as it deems necessary. If more than one Park is involved, public hearings shall be held in communities near each affected Park.
4. Following conclusion of the public hearings the Commission, upon formal action, shall prepare and forward a summary of its findings and a recommendation to the County Board of Supervisors within 90 days.
5. Upon receipt of the Commission's findings and recommendations, the Board of Supervisors shall conduct a public hearing on the Commission's findings and recommendation pursuant to A.R.S. § 11-251(9)(44) or A.R.S. § 39-204 and any other applicable statutory requirements after at least 30 days public notice by publication.

6. The value received, whether money, land or other considerations shall be greater than or equal to the park lands given as determined by an independent appraisal conducted or directed by the County.
7. Results of the disposal must serve the present and long-range Park plan, mission, needs and objectives of the individual park or parks and of the County Park System as a whole as they relate to public use and the public trust.

C. Special Provisions

The provisions of Section B above shall not apply to the following:

1. When the disposal of County park lands is to another political subdivision which will result in that entity continuing to maintain and operated the premises for public park and recreation purposes.
2. When reconfiguration of park lands due to rights-of-way or other circumstances results in an uneconomic remainder or isolated parcel, no longer suitable for public park and recreation purposes.
3. When the use for which the land was acquired is no longer feasible and no other public park and recreation purpose can be realized.
4. Under the circumstances of subsections 1, 2 or 3 above, one public hearing shall be held either in the vicinity of the Park involved or at or near the regular meeting place of the Commission. Said hearing shall be held after 30 days' notice to the public pursuant to A.R.S. § 39-204. If, as a result of that public hearing, a majority of the members of the Commission present at a formal meeting finds that circumstances warrant further public hearings, such hearings shall be set by the Commission.
5. At the conclusion of the public hearing process, the Commission, upon formal action, shall prepare and forward a summary of its findings and a recommendation to the County Board of Supervisors within 45 days.
6. Upon receipt the Commission's findings and recommendation, the Board of Supervisors shall conduct a public hearing pursuant to A.R.S. § 11-251(9)(44) or A.R.S. § 39-204 and any other statutory requirements.
7. Deeds or other agreements for land conveyed under subsection "1" above shall contain a clause requiring reversion to the County or other appropriate governmental entity if the land is no longer used for public park and recreation purposes or used contrary to any other provisions in the deed or agreement.

D. Granting of Easements

The following policy shall apply to requests for easements upon park lands for roads, canals, pipelines, power lines, etc.:

1. Easements requested for private or public use or benefit, which are not in conflict with Park policy, require the public hearing procedures of Section B above.
2. All easements must comply with Park standards and park-approved plans for construction and operation.

3. Easements shall contain provisions permitting cancellation for violation of park rules or park protection measures or when the purpose for which the easement was granted no longer exists.
4. Proceeds from easements shall be deposited in the County Parks Operation and Enhancement Fund pursuant to A.R.S. § 11-941 as provided in Section E below.

E. Proceeds From Disposal

If any disposition of park property or interests in cash proceeds to the County, such proceeds shall be deposited in the County Parks Operation and Enhancement Fund pursuant to A.R.S. § 11-941, for future park acquisition, expansion, enhancement or development.

Maricopa County Parks & Recreation Department	Number: A200	Create Date: April 21, 1993 Revision Date: June 18, 2013
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Attachment No. 2: Land Acquisition Rating Criteria

Primary Criteria (0-100 points for each criterion):

- **Need To Manage/Stewardship:** Is the current property management inadequate to sustain the current natural quality level & types of use? What is the degree of threat to the land if no action is taken?
- **Unique Natural/Cultural/Historical Landscape:** Does the property contain or abut natural features such as signature landmarks, remarkable outcrops of bedrock, mountain summits, riparian habitat, naturally occurring ponds, drainages, rare plants, archeological sites, or historical significance?
- **Recreational Attributes:** Does the property have the potential to support our primary recreation opportunities; hiking, biking, water sports, wildlife viewing, interpretive, equestrian & camping?

Secondary Criteria (0-10 points for each criterion):

- **Revenue Opportunities:** Does the property contain potential for operational cost recovery? Is the size adequate to protect and allow for recreational development? Will cost of development be cost prohibited?
- **Add to Existing Park:** Does the property abut an existing MCPRD property?
- **Access:** Does the property contain public roads, or trails? Are there public easements? Is there close proximity to current or planned transportation corridors?
- **Location:** Is the property in an area of the county that needs closer access to a county park? Is there planned development close to this location? Is there public demand or a request from a local community to develop a parcel for a park?
- **Lack of Hazardous Sites:** Does the property contain obvious hazards such as mines, past chemical dumping, etc.? Will potential cleanup or remediation be costly? Are there public safety issues to consider? Has there been degradation from previous fires? Are there existing land encumbrances?
- **Habitat Quality:** Does the property contain a native assemblage of flora, or is it largely comprised of non-native flora? Is there an education potential for the site? Are there invasive species on the site? Does the parcel have associated water rights?
- **Viewshed Quality:** Does the property contain or protect the natural viewshed present in that particular area? Is there historical value to the site?
- **Opportunity to Obtain:** Is the property currently or likely to be available to the MCPRD? Is there a potential for partnerships in obtaining the site?
- **Improve Park Geometry:** Will the acquisition create a more uniform park boundary that considers topography and facilitate management actions & allowing the public to better understand where the boundaries are?