



# MARICOPA COUNTY INTERNAL POLICY

Policy Title: <b>PARKS LAND DISPOSAL POLICY AND PROCEDURE</b>	Policy Number: A2610
	Current Adoption Date: 10-10-2018 Current Implementation Date: 10-10-2018
Approved by: <b>BOARD OF SUPERVISORS</b>	Board Agenda Number: C-30-97-017-6-00
	Original Adoption Date: 04-21-1993

## I. PURPOSE

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.

## II. POLICY

### A. 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 Parks and Recreation Department (or its equivalent).
2. Upon written receipt of such a proposal by the Parks and Recreation Department or initiation, in writing, of such a proposal by the County through its Parks and Recreation 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

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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.

**B. Special Provisions**

1. The provisions of Section A above shall not apply to the following:
  - a. When the disposal of County park lands is to another political subdivision which will result in that entity continuing to maintain and operate the premises for public park and recreation purposes.
  - b. 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.
  - c. When the use for which the land was acquired is no longer feasible and no other public park and recreation purpose can be realized.
2. Under the circumstances of subsections a, b or c 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

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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.

3. 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.
4. 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.
5. 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.

**C. Granting of Easements**

1. The following policy shall apply to requests for easements upon park lands for roads, canals, pipelines, power lines, etc.:
  - a. 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.
  - b. All easements must comply with Park standards and park-approved plans for construction and operation.
  - c. 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.
  - d. 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.
2. This policy does not apply to easements required to provide utilities for the benefit or support of park lands consistent with approved park master plans. Easements granted under this exception shall remain subject to the procedures and approvals

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required by A.R.S. § 11-251(9) and any other applicable laws, rules regulations or ordinances.

**D. 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.

Revision History

<b>Version</b>	<b>Revision Date</b>	<b>Description of Revision</b>
1	04-21-1993	Initial version.
2	01-08-1997	Revision to include a requirement for an independent appraisal to determine that consideration given in any exchange equals or exceeds the value of the park land.
3	10-10-2018	Revision to exclude easements for utilities for the benefit or support of park lands consistent with approved park master plans. (C-30-97-017-6-00)