

CHAPTER 3

DISPOSAL PROCEDURES FOR LANDS HELD IN THE NAME OF WYOMING STATE PARKS AND CULTURAL RESOURCES

Section 1. Authority. These rules are promulgated pursuant to W.S. §§ 36-4-106(g) and 36-4-115(a).

Section 2. Purpose. The purpose of these rules is to establish procedures for disposal of lands owned by the Department of State Parks and Cultural Resources and used as an Outdoor Recreation Area and Facility. These rules also address how the Department may designate or remove from designation lands for an Outdoor Recreation Area or Facility. To qualify for disposal, designation or removal from designation, the following criteria must be met:

- (a) The disposal, designation or removal of designation is de minimus in nature;
- (b) The action conforms to either the Department's mission or the current strategic plan of the Department;
- (c) The action conforms to the provisions of the Department's current master plan for the park or site where the property is located; and
- (d) The action is presented to the Joint Travel, Recreation, Wildlife and Cultural Resources Interim Committee for informational purposes prior to completion of the action.

Section 3. Definitions. As used in these rules:

- (a) "Commission", means the State Parks and Cultural Resources Commission of Wyoming.
- (b) "De minimus", means the land in question is less than five (5) acres in size.
- (c) "Department", means the Department of State Parks and Cultural Resources.
- (d) "Director", means Director of the Department.
- (e) "Disposal" means selling or otherwise relinquishing property right(s) owned by the Department.
- (f) "Fair Market Value" means the highest price estimated in terms of money, which the land would bring if exposed on the open market. Fair market value shall be determined by an appraisal completed by a State Certified Appraiser.

(g) “Outdoor Recreation Area and Facility” means State parks, public recreation grounds, historical parks, and historical, archaeological, geological and ecological sites now in existence or hereafter created.

(h) “Relinquish” means transferring land to a city, county, State or other governmental entity.

(i) “Senior Management Team” consists of the State Parks and Historic Sites Division Administrator, Regional Managers, Trails Manager, Field Support Chief, and Field Operations Chief.

Section 4. Disposal Methods. Department owned lands used as an Outdoor Recreation Area and Facility may be disposed of when the lands are considered to be no longer needed for recreational or cultural purposes and when the requirements in Section 2 are met. Disposal methods may include the following:

(a) Sell by private agreement to adjacent landowners for not less than fair market value.

(b) Sell at public auction after providing public notice.

(c) Relinquish to a city, county or other governmental entity or organization for local public purposes. At the Director’s discretion, compensation from the city, county or other government entity or organization may not be required.

(d) At the Director’s discretion, the value received pursuant to Sections 4(a) and (b) may be in-kind.

Section 5. Process for Disposal of Lands.

(a) The process for disposal of Department owned lands shall begin with a nomination and/or request. The nomination/request shall be sent to the Department. The nomination/request may be initiated by the Department.

(b) The nomination/request shall initially be reviewed by the Department’s Senior Management Team and the State Historic Preservation Office. The Senior Management Team shall forward its recommendation to the Department Director and the Commission. After its review, the Commission shall provide its recommendation to the Director. These recommendations shall include whether the land is suitable for disposal and identify the preferred method of disposal (private sale, public sale or relinquishment).

(c) Following the receipt of the Commission’s recommendation, the Department Director shall make his decision and shall forward his decision to the Joint Travel, Recreation, Wildlife, and Cultural Resources Interim Committee for informational purposes.

(d) If required, and at the Director's direction, the nominating/requesting party may be required to obtain and pay for surveys, archaeological reports and appraisals. All appraisals shall be prepared by a State Certified Appraiser and submitted to the Department for review.

(e) Existing Historical Monuments or Markers may be required to remain on disposed land. If that requirement is necessary, it will be described in the disposal documents.

Section 6. Methods of Public Sale. Department land may be offered for public sale by any of the following methods as determined by the Director.

(a) Public Auction. When this method is used, notice shall be given by advertising in at least one newspaper of general circulation in the county where the land is located for a minimum of one time each week for three consecutive weeks prior to sale. The notice shall contain the location of the land, the time and place of sale, conditions of sale and persons to contact to inspect the land.

(b) Sale by Sealed Bid. When this method is used, notice shall be given by advertising in at least one newspaper of general circulation in the county where the land is located for a minimum of one time each week for three consecutive weeks prior to the advertised date for accepting bids. This notice shall contain the location of the land, persons to contact opened.

Section 7. Accepting Successful Bid.

(a) Following the public sale, the Director shall accept the highest bid. If two or more highest bids are identical, those bidders shall be given the opportunity to re-bid in an amount that is higher than their original bids.

(b) Bids that do not meet fair market value but are not less than seventy five percent (75%) of established fair market value shall be considered by the Director. The Director recognizes that a fair market value is based on an appraisal which is an opinion of value based on available sales data. Since it is an opinion, it may be in the best interests of the Department to sell the land at the bid price.

(c) All bids less than 75% of established fair market value shall automatically be rejected.

(d) On the day of the auction or when the bids are publicly opened, the successful bidder shall execute a sales contract prepared by the Department and tender a minimum of twenty five percent (25%) of the total purchase price for the land plus costs associated with the sale, in the form of cashier's check, certified check, or personal check with a letter of credit. If the successful bidder fails to sign the sales contract and pay a minimum of twenty five percent (25%) of the total purchase price for the land plus costs

associated with the sale the Director shall automatically reject that bid and the director shall accept the next highest bid.

(e) The successful bidder shall pay the balance of the purchase price prior to receipt of the deed or title.

(f) All costs incurred by the Department in advertising the public notice of sale shall be reimbursed by the purchaser.

(g) Legal instruments transferring rights to the land shall be approved by the Department and the Attorney General's office.

(h) Nothing herein shall be construed to imply that the Department must accept offers to buy, or will be liable for conditions of the land prior to or after the disposal. Decisions to accept offers to buy are at the sole discretion of the Director.

Section 8. Process for Removal of Designation.

(a) The Department may remove from designation any lands used an Outdoor Recreation Area and Facility. These lands may be removed from designation when the lands are considered to be no longer needed for recreational or cultural purposes and when the requirements in Section 2 are met.

(b) The process for removal of the designation of Outdoor Recreation Area and Facility shall begin with a nomination and/or request. The nomination/request shall be sent to the Department. The nomination/request may be initiated by the Department.

(c) The nomination/request shall initially be reviewed by the Department's Senior Management Team and the State Historic Preservation Office. The review shall include an evaluation of the condition of the Outdoor Recreation Area and Facility and the following criteria: geographic considerations, significant features, economic considerations, support, and suitability.

(d) The Senior Management Team shall forward its recommendation to the Department Director and the Commission. After its review, the Commission shall provide its recommendation to the Director. These recommendations shall include whether the land is suitable for removal from designation.

(e) Following the receipt of the Commission's recommendation, the Department Director shall make his decision and shall forward his decision to the Joint Travel, Recreation, Wildlife, and Cultural Resources Interim Committee for informational purposes.

Section 9. Process for Designation of Lands.

(a) The Department may designate any Department owned lands as an Outdoor Recreation Area and Facility. Lands may be designated when the requirements in Section 2 are met.

(b) The process for designation of lands as an Outdoor Recreation Area and Facility shall begin with a nomination and/or request. The nomination/request shall be sent to the Department. The nomination/request may be initiated by the Department.

(c) The nomination/request shall initially be reviewed by the Department's Senior Management Team and the State Historic Preservation Office. The review shall include an evaluation of the condition of the land and the following criteria: geographic considerations, significant features, economic considerations, support, and suitability.

(d) The Senior Management Team shall forward its recommendation to the Department Director and the Commission. After its review, the Commission shall provide its recommendation to the Director. These recommendations shall include whether the land is suitable for designation.

(e) Following the receipt of the Commission's recommendation, the Department Director shall make his decision and shall forward his decision to the Joint Travel, Recreation, Wildlife, and Cultural Resources Interim Committee for informational purposes.