

# DEPARTMENT OF ADMINISTRATIVE SERVICES

## DIVISION 45

### DISPOSITION AND ACQUISITION OF REAL PROPERTY INTERESTS

#### 125-045-0205

#### Definitions

The following definitions apply to the rules in this Division 045:

- (1) "Acquiring Agency" means an Agency that proposes to acquire a Real Property Interest and is not an Exempt Acquiring Agency.
- (2) "Acquisition" means obtaining rights of ownership in a Real Property Interest by an Agency through a purchase, exchange, conveyance or other transfer of that Real Property Interest.
- (3) "Administrator" means the Administrator of the Department's Facilities Division.
- (4) "Agency" means any board, commission, department or agency of the State of Oregon, whose costs are paid from funds held in the State Treasury and that are authorized to acquire or dispose of Real Property Interests.
- (5) "Appraisal" means a written report by a licensed and experienced real estate appraiser estimating the fair market value of a Real Property Interest prepared in accordance with OAR 125-045-0215.
- (6) "Appraised Fair Market Value" means the fair market value of a Real Property Interest as determined by an Appraisal.
- (7) **"Clearing House Process" means the notification process whereby agencies notify the Department of terminal dispositions or acquisitions of State Real Property Interests and Department notifies other state agencies and political subdivisions under OAR 125-045-0220 and 125-045-0225.**
- ~~(7)~~**(8)** "Department" means the Oregon Department of Administrative Services.
- ~~(8)~~**(9)** "Directed Appraisal" means a written report by a licensed and experienced real estate appraiser estimating the fair market value of a Real Property Interest with restrictions or for a particular use, zone or conditional use in accordance with OAR 125-045-0215.
- ~~(9)~~**(10)** "Director" means the Director of the Department.
- ~~(10)~~**(11)** "Disposing Agency" means an Agency that proposes to dispose of a Real Property Interest.
- ~~(11)~~**(12)** "Division" means the Facilities Division of the Department.
- ~~(12)~~**(13)** "Exempt Acquiring Agency" means an Agency that is not required by law to report to the Department its intentions to acquire a Real Property Interest. At the time of the adoption of these rules the Exempt Acquiring Agencies are:
  - (a) The Department of Transportation, if acquiring a highway right of way;
  - (b) The Oregon University System, if acquiring real property within the approved projected campus boundaries of institutions subject to its authority; and
  - (c) The Parks and Recreation Department, if acquiring park properties.
- ~~(13)~~**(14)** "Exempt Disposing Agency" means an Agency that is exempt by law from the requirement that it obtain Department approval prior to the Terminal Disposition of a Real Property Interest, unless the Terminal Disposition will be for less than the Appraised Fair Market Value. At the time of the adoption of these rules, the Exempt Disposing Agencies are:
  - (a) The Department of Fish and Wildlife;
  - (b) The Department of Forestry, if disposing of State forestlands;
  - (c) The Department of State Lands;
  - (d) The Department of Transportation;
  - (e) The Oregon University System;
  - ~~(e)~~**(f)** The Parks and Recreation Department; and
  - ~~(f)~~**(g)** Any legislative or judicial branch of the State.
- ~~(14)~~**(15)** "Governing Body" means a board or commission with constitutional or statutory governing authority to approve the Acquisition or Terminal Disposition of a Real Property Interest. The term "Governing Body" includes but is not limited to the following bodies:
  - (a) The Oregon Board of Forestry;
  - (b) The Oregon Board of Higher Education;
  - (c) The Oregon Fish and Wildlife Commission;

- (d) The Oregon Parks and Recreation Commission;
- (e) The Oregon Transportation Commission; and
- (f) The State Land Board.

~~(15)~~**(16)** "Improvements" means any and all structures on or attachments to Real Property Interests but excluding public improvements as defined in ORS 279A.010.

~~(16)~~**(17)** "In Reserve" as used in the Statewide Lands Inventory means an Agency-owned Real Property Interest that is not currently being used by the Agency, but that the Agency intends to use to fulfill an anticipated future requirement, need or benefit related to the mission of the Agency.

~~(17)~~**(18)** "In Use" as used in the Statewide Lands Inventory means a State Real Property Interest that is actively being used to serve the mission of the Agency.

~~(18)~~**(19)** "Long Term Lease" means any lease, which the State does not have the right of termination for convenience, to another Agency, Political Subdivision, private or public party, having a term, including options of twenty years or more.

~~(19)~~**(20)** "Office Quarters" means office space, office buildings and associated services, storage and parking facilities for Agencies. Office space may include factory-built modular or portable units but excludes stand alone storages and parking facilities.

~~(20)~~**(21)** "Political Subdivision" means a local governmental unit, including a county, city, town, port, dock, commission or district, that exists under the laws of Oregon and that has the power to levy taxes.

~~(21)~~**(22)** "Property Restrictions" means any restrictions placed on a Real Property Interest or on the sale proceeds from the Terminal Disposition of the Real Property Interest including deed reversion clauses or constitutional or statutory requirements to deposit all or a portion of the sale proceeds into specified funds other than the general fund.

~~(22)~~**(23)** "Proposal" means a written offer to purchase a State Real Property Interest submitted in response to a Request for Proposals.

~~(23)~~**(24)** "Proposer" means an individual or entity that submits a Proposal in response to a Request for Proposals.

~~(24)~~**(25)** "Public Lands Advisory Committee" (PLAC) means the advisory committee established under ORS 270.120.

~~(25)~~**(26)** "Real Property Interest" means any legal or equitable interest in land, or an option to acquire, or a leasehold interest with a term, including options to renew or extension provisions that contemplate a total period of occupancy of more than 20 years, together with all Improvements. For the purposes of these rules, a Real Property Interest does not include:

- (a) An Office Quarters lease, regardless of the term;
- (b) An easement, unless the easement has an Appraised Fair Market Value of \$100,000 or greater; or
- (c) Mineral or geothermal resources, as defined in ORS 273.755, the sale or other disposition of which is governed by ORS 273.775 to 273.790 or other provisions of law governing these resources.

~~(26)~~**(27)** "Request for Proposals" means a solicitation of offers to acquire a State Real Property Interest made pursuant to OAR 125-045-0235.

~~(27)~~**(28)** "Right of First Refusal" means a conditional privilege that the Disposing Agency, in the exercise of its discretion, may grant to a qualified Proposer by OAR 125-045-0230 to match the best Proposal for the purchase of a State Real Property Interest.

~~(28)~~**(29)** "State" means the State of Oregon.

~~(29)~~**(30)** "State Real Property Interest" means any Real Property Interest that is owned in the name of the State of Oregon.

~~(30)~~**(31)** "Statewide Lands Inventory" means the inventory of State Real Property Interests maintained by the Department on a computer database.

~~(31)~~**(32)** "Surplus" as used in the Statewide Lands Inventory means a State Real Property Interest that is not currently used or is not needed or desirable to support a future need, use or function of the Agency.

~~(32)~~**(33)** "Terminal Disposition" means the alienation of a State Real Property Interest through a sale, exchange, conveyance, donation, lease or other transfer of that interest.

Stat. Auth.: ORS 270.015(2) & 270.100(1)(d)

Stats. Implemented: ORS 244.010, 270.010, 270.100, 270.105, 270.110, 270.120, 270.130 & 270.135

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