OREGON DEPARTMENT OF TRANSPORTATION TECHNICAL SERVICES

Right of Way BULLETIN

SUBJECT	FINAL NUMBER	EFFECTIVE DATE	VALIDATION DATE	SUPERSEDES
Process for the Disposal of Surplus Property	RW06-01(B)	08/01/2006	9/6/2012	ODOT Procedure ROW 10-01 05/16/1989
	WEB LINK(S) http://www.oregon.gov/ODOT/HWY/TECHSERV/			
TOPIC/PROGRAM Surplus Property	APPROVED SIGNATURE Original Signed by Rick Crager, State Right of Way Manager			

PURPOSE

To establish uniform procedures for determining whether real property owned by the Oregon Department of Transportation (ODOT) for highway purposes is surplus to its needs for the operation of a safe and efficient highway system.

GUIDANCE

This Right of Way Bulletin outlines the process for disposing of surplus property and supersedes ODOT Procedure ROW 10-01, 05/16/1989.

DEFINITIONS

Excess Property: Any property owned ODOT that is not being used as operating Right of Way, not needed for system improvements for the foreseeable future or for the maintenance and operation of the highway system.

Surplus Property Process: Once the Department has formally determined excess property is no longer needed, it is classed as surplus property and can be sold through the Property Management Unit, Right of Way Section. According to ODOT Policy ROW 10, which supersedes ADM 06-04, the authority to create Surplus Real Property from Excess Property resides with the Region in which the property is located.

Surplus Property: The Manager of the Region where the excess property is located has the authority to declare excess property surplus to the State's needs. A formal review of excess properties by the Department's Preliminary Design, Environmental/Hazmat, Region Planner, Area Manager, Region Geologist, District and Region Managers to determine whether they may be surplus to ODOT's needs, and should consequently be sold in order to replenish the Highway Fund is performed to anticipate the need of the Region Manager. The surplus status is valid for a period of three years, including property that was purchased as excess at time of acquisition, and that purchase date was within the past three years, after which Property Management must again consult the Region Manager for approval to sell.

BACKGROUND/REFERENCE

The resources of the Department of Transportation are constitutionally dedicated to the Highway Fund under the Oregon Constitution. It is the policy of the Department to dispose of all real property that is surplus to its needs, returning the proceeds to the Fund for use in the operations of the public highway system.

RESPONSIBILITIES

RESPONSIBILITY	STEP	ACTION
Property Agent	1	Receives a written request from a member of the public, ODOT, or other state agencies, or government jurisdictions regarding the availability of ODOT owned real property. Contact District Office to assure it is worth sending on to others.
Property Agent	2	In accordance with Chapter 9 of the State's Right of Way Manual, the Property Agent distributes "Input Request" forms to needed personnel and disciplines requesting specific information regarding the existing and/or future use of the property and recommendations to declare the property surplus to State's needs. Includes maps, legal descriptions and other information necessary for identification of the property. The Office of Innovative Partnerships & Alternative Funding will be provided with the opportunity to submit comments on transactions that can be advantaged by the transfer of property in exchange for services. The ODOT Facilities Management Section will be provided an opportunity to submit comments on property over which it exercises authority.
Recipients	3	Completes the "Input Request" form, providing pertinent information regarding the need to retain or dispose of the property in question. Provides input as to any recommended restrictions on the property (e.g., access requirements, usage). The evaluation will be completed based on the Property Management Surplus Evaluation Criteria (Attachment 1) included with the "Input Request" form. Input Request forms for sale of excess property must be returned within 30 days or it will be assumed no objection to disposal exists.
Property Agent	4	Receives completed "Input Request" forms from the above mentioned units/managers. Forwards copies of all responses to the Region Manager for a final determination regarding disposal of the property.
Region Manager	5	Reviews input from the Regional Technical Center units received from the Property Agent . May request additional

		information as necessary to resolve apparent discrepancies in the information received. Provides a written decision on the Request for Sale of Excess Property form regarding the disposition of the property to the Property Management Unit.
Right of Way Manager	6	When a decision is made to retain the property, an appeal can be made to the Deputy Director, Highway Division, by the Right of Way Manager to review the decision. The Right of Way Manager and Region Manager will first try to resolve the issue and, if necessary, provide input to the Deputy Director who makes a final decision about whether to retain the property or declare the property surplus.
Property Agent	7	Receives decision from Region Manager or Deputy Director regarding disposition of the real property in question. Proceeds accordingly: 1) Includes all recommendations and the Region Manager's decision to retain the property in the permanent record on file at ODOT headquarters. Notifies the initiator of the request of the decision to surplus or retain the property. Updates Property Management's automated inventory system to reflect current status of the property. 2) Proceeds with arrangements to sell the property when the Region Manager or Deputy Director has declared the property as surplus. a) Initiates a request to State Lands to offer the property to other state agencies, counties, and cities prior to making the property available to the public. b) Sends notification to FHWA if federal funds were used to purchase the property. c) Requests a "Statement of Conformance" from the city or county to determine the legal zoning status of the property. d) Obtains a legal description of the property and determination of Fair Market Value for the property. e) Requests an approval to sell from the Right of Way Manager. f) Conducts appropriate public notifications if required. 3) Proceeds with the marketing, sale or exchange of the property. Notification of sale will be made to all adjoining property owners and "For Sale" signs will be posted on all properties offered for sale, except those sold directly to another public agency (as provided under OAR 734-035-0100) or when there is only one adjoining purchaser of the property. Updates Property Management's

automated inventory system to reflect current status of the property. Notifies the appropriate District Office when the property has been sold, and provides a map, description and photo for their records.

CONTACT INFORMATION

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