

*The Oregon Department of Transportation (ODOT) sells property the department considers “surplus”. Proceeds from the sale of surplus property are deposited in the state highway trust fund.*

## ▪ Types of ODOT-Owned Property

Property owned by ODOT can be divided into two categories.

**Project Property** is a part of an active highway construction or improvement project. Information about this type of property is available through regional Right of Way offices located in Portland, Salem, Roseburg, Bend and LaGrande.

**Non-Project Property** is not part of an active highway project. It falls into two classes:

- **Operating Property** is occupied by completed highway construction or improvement projects, such as roadways, or airports. It also may be the site of active stockpiles or quarries, or of maintenance, office or administrative structures. **It is not for sale.**

Sometimes, property may seem to be unused, but may be needed for future use such as road widening, intersection improvement, landslide correction and scenic setbacks. The department will not sell property needed for future transportation or public safety projects.

- **Non-operating (“excess”) property** may no longer be needed by ODOT. Once the department has determined property is no longer needed, it is classed as surplus property and can be sold.

## ▪ Establishing the Value

The minimum acceptable price of the property generally will be the higher of either the fair market value or ODOT’s fixed processing costs. Examples of fixed processing costs include appraisal and survey fees.

The price will be set using fixed processing costs when the property is small, irregularly shaped, not a building site and judged to have minimal value. In these cases, the value often does not cover the processing costs.

All surplus property sold by ODOT must be appraised. Appraisal fees range from \$300 to \$5,000, depending on the complexity of the appraisal.

Most property also must be surveyed if:

- It is not a legal Lot of Record
- Only a portion of the property acquired by ODOT is being sold.
- The purchase will involve creating or moving existing property boundaries.

## ▪ Types of Sales

The Oregon Department of Transportation sells property two ways:

### Auction Sales

Most surplus property is sold through oral or sealed bid auctions.

### Direct Sales

In certain cases, surplus property may be sold directly to a purchaser without going through an auction. These sales are either required by law,

or are held when circumstances indicate a direct sale to be the most reasonable course. Direct sales occur when:

- It is required by law. Property purchases after 1973 by way of a court proceeding called “condemnation” must be used within 10 years of purchase. If not, the property must first be offered to the owner from whom it was purchased. The direct purchase price will be original purchase price plus seven percent simple interest per year of ODOT ownerships.
- Other government agencies have priority acquisition rights. State law grants federal, state, county and city government’s priority acquisition rights. Before offering property for sale to the public, ODOT must consider purchase offers from government agencies at fair market prices.
- No bids were received at auction. If no bids were received at an auction, the property must be sold direct. The direct sale must occur within one year of the date of auction.
- The purchaser is an adjoining land owner. Direct sales may be made to an adjoining landowner if the property has a market value of less than \$5,000, only one adjoining landowner can or is willing to purchase the property, and the property cannot be recognized as a viable, legal and independent site.

## ■ How to Make a Purchase Request

- Write a brief explanation describing the nature of your interest in the property.
- Go to the courthouse in the county in which the property is located or to a title insurance company and obtain a quarter section map that shows the parcel. Clearly identify the parcel on the map.
- Obtain a copy of the vesting deed. The copy should allow the ownership passing to ODOT or another state agency.
- If the vesting deed shows ownership in a state agency other than the Oregon Department of Transportation, send your request, the map and the deed copy to:

Real Property Services Manager  
Facilities Division  
Dept. of Administrative Services  
1225 Ferry Street SE  
Salem, Oregon 97301-1561  
Phone: 503-378-3418  
Fax: 503-373-7643

- If the property is owned by ODOT, send your request, map and copy of the vesting deed to:

Property Management Unit  
ODOT Right of Way Section  
355 Capitol Street NE Rm. 411  
Salem, Oregon 97301-3871  
Phone: 503-986-3600  
Fax: 503-986-3625

Web: [www.oregon.gov/odot/hwy/propmgt](http://www.oregon.gov/odot/hwy/propmgt)

For property located in Multnomah, Washington, Clackamas, Columbia and Hood River counties, send your request, map and copy of the vesting deed to:

Property Management Unit  
ODOT Right of Way Section  
123 NW Flanders  
Portland, Oregon 97209-4012  
Phone: 503-731-8449  
Fax: 503-731-8458



# Acquiring Real Property from the Oregon Department of Transportation

## POLICY STATEMENT

The Right of Way Section will sell real property deemed surplus to ODOT as quickly as possible, in a manner that will provide the maximum benefit to the Highway Trust Fund and the State of Oregon.