

## **16 Property Management - Surplus Property and Disposal**

### **16.1 General**

Surplus Property and Disposal is under the Property Management Unit of the Right of Way Department supervised by the Assistant State Right of Way Administrator. Parcel disposal activities are completed under the direction of the Property Unit Manager (“*Manager*”). The steps and procedures for individual property disposals are assigned to a Right of Way Specialist (“*Specialist*”) for internal disposals. In the event an outside consultant resource is utilized for disposal activities, the word “*Specialist*” should be replaced with “*Consultant*” within the procedures of chapter 16.

### **16.2 Purpose**

The purpose of Surplus Property and Disposal is to operate a program which pursues both proactive and reactive disposal of the surplus property owned by the Department. The Property Management Unit will ensure every effort is made to accommodate the requestors of surplus property applications in an efficient and timely manner. The program will also continuously evaluate the surplus property inventory to identify potential disposals with a proactive approach. These disposal activities will be completed in a manner that conforms to O.C.G.A. § 32-7-4, 23 C.F.R. 710, Federal Highway Administration Regulations, Department Policy, and other Governing Codes.

### **16.3 Policy**

It is the policy of this unit to represent the Department in a professional and consistent manner that assures the citizenry of the State that their applications are processed in a competent and efficient manner.

It is the policy of the Department to create an environment conducive to the disposal of property.

It is the policy of the Department to establish and publish written priority for the disposal of surplus property as an essential function for reinvesting funds to the overall program.

It is the policy of the Department to establish clear direction for each Office outlining their responsibilities and authority related to disposal activities and opinion for surplus.

### **16.4 Application Procedures**

#### **A. Application Request for Disposal of Surplus Properties**

When the Department declares a parcel surplus or when an applicant inquires about a parcel, the Specialist will email an information email and request form to the applicant or instruct the applicant where to locate the form on the GDOT external website. Applicant information is to be logged for tracking purposes. Application forms shall be emailed within one business day.

## B. Application Request Received

1. When the application and supporting documents are received in the Property Inventory and Disposal Department the Specialist will log them in and forward to the Manager. Disposal actions are as follows:
  - a. Surplus request by application;
  - b. Department declared surplus;
  - c. Request to lease/rent;
  - d. Request to convey to another state or local government agency;
  - e. Transfer by Order of Commissioner;
  - f. Request for Exchange of property;
  - g. Request for change in Limited Access Right of Way; or
  - h. Request for Utility Easement
2. The Manager will assign the request to a Specialist based on the current assigned caseload.
3. The request application and supporting documents shall be reviewed by the Specialist within one day of assignment; written correspondence in the form of an email or written correspondence shall be sent to the applicant. Any information deemed required, and not furnished with application, should be requested with the response letter. This is to include any plat information or changes.

The application should include:

- a. Recorded Deed and plat granting the parcel(s)
- b. Copy of property tax data of parcel(s)
- c. Plat or tax map highlighting parcel(s) requested
- d. Copy of pending or approved development plans for parcel(s) (if available)
- e. Copy of map showing nearest intersection to parcel(s)
- f. Recorded deeds of property owned by applicant adjacent to the requested parcel when applicable.

- g. The District may be asked to prepare a plat with metes/bounds/distances and legal description for the parcel(s) if the Right of Way office deems this as necessary.
    - i. If the entire parcel is being declared surplus for disposal, as originally acquired by the Department, a new survey is not required.
    - ii. If only a portion of the original acquired parcel is declared surplus or if the originally acquired parcel is being modified in any way, a new survey must be performed for the completion of a plat and proper legal description.
  - h. The Applicant may be asked to prepare a plat with metes/bounds/distances and legal description for the parcel(s) if the Right of Way office deems this as necessary.
4. A Utility Easement Application must come from the utility company or local government that will be operating and maintaining the facility. It will not be granted or sold to a private developer or other non-public entity.
- a. The Utility Easement Application must be accompanied by the checklist and documents listed on the checklist.
  - b. The Utility Facility must serve the general public.
  - c. A facility to be placed in the highway right of way should be permitted through the Traffic Operations / Access Management office in the District instead of by means of an easement.
5. The Specialist shall check TPro (*at the time the application is assigned*) to determine if the parcel(s) requested are in inventory. If parcel(s) is not inventoried the parcel(s) shall be entered in TPro after Department ownership of the parcel(s) is verified. TPro tab “Inv/Appl” shall be completed including the Project Information fields and Title Information fields; for leased property the State Owned Type will be shown as “Rental”
6. If the parcel(s) already exist in TPro the applicant information shall be entered for the existing PM file number. The TPro tab “Appl/Apvl” Applicant Section shall be completed. In the event there is a previous applicant for a parcel(s), the previous applicant information shall be copied and moved to the comments section with a statement added “Previous Requester”. If no applicant, but the Department has declared surplus enter “GDOT PROPERTY SALE” in the applicant section.
7. The File Status tab in TPro will be made “ACTIVE” and the Specialist shall be selected.

8. The District/ Design, Office request for review letters shall be sent to the appropriate District and Design Office (*If request is an Intermodal Property a review request will also be sent to Intermodal*); along with the application, plats and any other supporting documents. The request for review shall be forwarded to the appropriate offices within two business days after assignment (*If all documents are received with application*). Dates sent shall be entered into TPro on the “Appl/Apvl” tab under the “GO Design and District” fields.
9. The parcel data will also be transmitted to the Office of Innovative Program Delivery as “Notice of Disposal”. That Office is not required to conduct an official review, but rather to screen the parcel related to special use.
10. Application review response tracking shall begin the next business day after written correspondence is sent to the District/Design/Intermodal Office. The individual Offices shall have 14 calendar days to respond.
  - i. A reviewing Office can request a time extension for evaluation of the parcel by giving notice to the Specialist before the expiration of the 14 day review period through written or electronic mail.
  - ii. A time extension is defined as one additional week in time.
  - iii. A time extension request must outline the reasoning for the extension and be approved by the Manager.
  - iv. No more than two separate time extensions shall be granted to an individual Office by the Manager or R/W Administrator unless written documentation is provided from the Chief Engineer for further determination.
  - v. If neither a response or time extension is received, the Manager shall contact the individual Office to request a response or status.
  - vi. The District/ Design responses should be evaluated for advancement of the parcel disposal activities. If there are conflicting opinions, the final determinations should be completed by the R/W Administrator or Director of Engineering and, if necessary, the Chief Engineer.
11. When the parcel being requested has been owned by the Department for less than 30 years, the Specialist shall identify the original owner or successor in title of the parcel being requested. If the requester is not the original owner or successor in title, a note shall be placed in the file for future reference. At this time, the Specialist shall determine if the original owner or successor in title have already waived their right of repurchase.
12. The Specialist shall prepare a “Right of Way Document Research Request Form” requesting the Review Appraiser Report “R/W 532” (*required*), Acquisition

Settlement Statement (*required*), a copy of the acquisition deed if needed, and a plan sheet if needed.

#### **A. District Office Review**

1. The appropriate District Offices will be responsible for evaluating the parcel in regard to operational function, easements, and restrictions for sale.
2. The District Planning Office is responsible for evaluating the parcel in regard to future need of the Department.
3. The appropriate District Office shall review all applications and provide a determination of:
  - a. Surplus or lease of the parcel(s) or;
  - b. Surplus or lease of the parcel(s) with limitations (this will usually require the Districts to provide a new plat) or;
  - c. Denial of surplus or lease of the parcel(s)
4. The Districts may be asked to prepare a plat with metes/bounds/distances and legal description for the parcel(s) or a survey may be requested from a consultant through the Design Policy Office if the Property Management Unit deem this as necessary.
5. All responses shall be on the appropriate template letters and placed in the file.
6. TPro will be updated to reflect the receipt of the response by adding the date received and the appropriate status under the “Appl/Apvl” tab and “GO Design and District” field.

#### **B. Design Office Review**

1. The Design Office will be responsible for evaluating the parcel in regard to operational function, easements, and restrictions for sale.
2. The appropriate Design Office shall review all applications and provide a determination of:
  - a. Surplus or lease of the parcel(s)
  - b. Surplus or lease of the parcel(s) with limitations (*this will usually require the Districts to provide a new plat*)
  - c. Denial of surplus or lease of the parcel(s)

3. All responses shall be on the appropriate template letters and placed in the file.
4. TPro will be updated to reflect the receipt of the response by adding the date received and the appropriate status under the “Appl/Apvl” tab and “GO Design and District” field.

#### **C. Office of Environmental Services**

- a. Parcels of greater than 5 acres in size must be submitted to OES for environmental review and a GEPA report.
- b. Parcels within the operating limits of an interstate and those acquired with federal funds and being transferred for less than market value will require a NEPA report.

#### **D. ACCESS BREAKS**

- a. All access break requests must be approved by the Chief Engineer.

### **16.5 Appraisal Process**

#### **A. Internal Appraisal**

1. Once the parcel is deemed available for surplus, the Specialist shall notify the District that an in-house appraisal may be performed.
2. The District will evaluate the staff workload for a determination of availability. If the District has the available resources, the District will assign the parcel(s) to a District Right of Way Acquisition Manager who will notify the Specialist of the assigned Appraiser. If the District does not have the available resources needed, the Specialist will proceed to the procedures for the use of a consultant appraiser, as outlined within *Step 16.5.B*.
3. The assigned District Right of Way Acquisition Manager and/or the Specialist should gather all information (deed, plat, zoning, etc.) on the subject property and inspect the subject property and the surrounding market area. The assigned staff should continue the valuation process by gathering comparable sales and compiling all data utilizing the appraisal format as determined by the Scope of the Appraisal, typically in the 388PM format.
4. If the property value is estimated to be under \$75,000.00, an in-house estimate may be used in place of the full appraisal. Such estimate will include supporting data

and analysis and will be approved by the Specialist's Supervisor or Supervising Appraiser. A formal review is not required.

5. The in-house appraisal or estimate shall be forwarded to the Property Management Unit within (30) thirty days of notification.
6. TPro "Appr/MOD" tab shall be updated under the Appraisal field to reflect the appraisal is being prepared in-house.
7. The TPro "Appr/MOD" tab shall be maintained with current status information throughout the processing, including the date the appraisal begins and the date the appraisal is completed and returned.

## **B. External Appraisals**

1. If the District is unable to perform the Appraisal, an independent consultant appraiser will be utilized.
2. The Specialist will assemble all possible information regarding the property as needed by the appraiser to make an informed fee quote.
3. The Specialist will determine the scope of the appraisal required, confirmed by the Manager.
4. The Specialist will solicit quotes from two or more appraisers on the approved contractor list. Special parcels or locations may require a consultation with the Review Office for a recommendation of appraisers in the area.
5. The Manager will select the appraiser from the fee quotes and contact the assigned Reviewer and Appraiser for a consultation to ensure they are both in agreement regarding the requirements of the appraisal.
6. Concurrent with the Appraiser consultation, the Specialist will submit a Procurement Requisition Form to the Office of Procurement.
7. The Office of Procurement shall prepare a purchase order and forward a Notice to Proceed and a Purchase Order to the awarded Appraiser via email, copying the Specialist.
8. TPro “Appr/MOD” tab shall be updated under the Appraisal field to reflect the appraisal is being prepared externally.
9. The TPro “Appr/MOD” tab shall be maintained with current status information throughout the processing, including the date the appraisal begins and the date the appraisal is completed and returned.
10. The Appraiser will have 30 days from issuance of NTP/PO to submit the appraisal report. In the event the appraisal is not returned in thirty days, the Manager shall be notified, and the Specialist shall request a status from the appraiser.
11. The appraisal shall be submitted on the 388PM form.
12. When the appraisal package is received, the it shall be reviewed by the Manager or a Team Specialist. TPro shall be updated with the start date of the review and the approved value.

### **C. Appraisal Adjustment**

1. The following situations, but not limited to, present justification for an appraisal adjustment:
  - a. Discovery of any fundamental errors within the original appraisal.
  - b. Discovery of new market conditions which greatly affect the determination of the Fair Market Value (FMV) including, but not limited to - zoning changes, new overlay standards, changes in surrounding development, new information specific to the parcel conditions.
2. The Specialist will present the appraisal to the Manager when an appraisal adjustment is deemed necessary. The Manager, if a State Certified General Real Property Appraiser (CG), may perform minor adjustments to the Review Evaluation Conclusion. If the current Property Unit Manager does not hold a CG certification, the appraisal will be submitted to a Review Appraiser or returned to the Appraiser for appropriate adjustments.
3. If the parcel experiences expiration of a Public Bid in which no bids were received or received bids were much lower than the acceptable bid value, the Specialist should present the appraisal to the Manager for approval of a back-up appraisal.

### **16.6 Federal Highway Administration Review**

- A. Federal Highway Administration (FHWA) review and approval shall be required for the following:
  1. Disposal of Land, Leasing of Land, and Disposal of Access Rights within the operational limits of the Interstate System in accordance with current C.F.R. and the Georgia Federal-Aid Stewardship and Oversight Agreement.
  2. Remnant Parcels (“R” parcels) do not require FHWA Review based on their location outside the operational limits of the Interstate System.
- B. An approval package shall be prepared for transmittal to the FHWA.
  1. The request package shall include:
    - a. Application request form

- b. Plats identifying property requested
  - c. Approval letters from the District and Design Office
  - d. National Environmental Policy Act Clearance Report
  - e. Any other documents deemed necessary by the Specialist or the Manager
2. A National Environmental Policy Act (NEPA) Clearance Report shall be requested from the Office of Environmental Services, or performed by outside consultant resources, after the District and Design offices approve the parcel(s) for surplus.
  - a. If the NEPA Clearance Report is to be performed by an outside Consultant, the scope for the required NEPA activities should be clearly defined by the Office of Environmental Services prior to contracting with said Consultant.
3. When the National Environmental Policy Act Clearance Report is received, the Specialist shall assemble the entire approval package and forward to the Manager for approval.
4. The Manager shall forward the approval package to the Federal Highway Administration and advise the Specialist the package has been submitted.
5. The Specialist shall update the TPro “Appl/Apvl” tab Federal Highway Administration fields.

## **16.7 Supervisor Review**

1. The Specialist shall schedule a file review with the Manager when all required approvals or a denial has been received.
2. The Manager will review the file with the Specialist and approve the next step of the process.

## 16.8 Applicant Notification

### A. Disposal approved

1. The Applicant shall be sent an “Applicant Notification Letter”. The “Applicant Notification Letter” shall include the following:
  - a. TPro “PM File” number
  - b. An outline of the steps required to complete the sale of surplus parcel(s)

### B. Disposal of parcel(s) denied

1. The applicant shall be sent an “Applicant Denial Letter”.
2. TPro File status is changed from “ACTIVE” to “HOLD FOR FUTURE NEED” or “INACTIVE”, depending on the reason for the denial.
3. The file is given to the Manager for final review.

### C. Lease approved

1. The applicant shall be sent an “Applicant Notification Letter”. The “Applicant Notification Letter” shall include the following:
  - a. TPro “PM File” number
  - b. An outline of the steps required to complete the lease of surplus parcel.

### D. Lease of parcel(s) denied

1. The Applicant shall be sent an “Applicant Denial Letter”.
2. TPro File status is changed from “ACTIVE” to “HOLD FOR FUTURE NEED”.
3. The file is given to the Manager for final review

## 16.9 Determination of Sale Process

1. Once the parcel has undergone all the required Office reviews and been cleared for disposal, the Specialist shall coordinate with the Manager for the appropriate process for sale.
2. If an offer to the previous owner is applicable, the Specialist should adhere to the conveyance requirements as listed under *16.13.A – “Original Offer or Successor in Title”*.
3. Once the Specialist has determined the previous owner rights have expired, been waived or the offer to previous owner is rejected, the Department may exercise several options for the sale of the surplus property:
  - a. Upon the determination of estimated value or the completion of the official appraisal, the parcel is equal to or less than \$75,000 in value, the Department may enter into negotiations as outlined within *16.13.F – Negotiations*.
  - b. If the parcel is of high value, high demand, or has other special characteristics, a Broker may be utilized for sale of the parcel as outlined within *16.13.H – Broker Sale* at the discretion of the Manager.
  - c. If negotiations are not applicable and the use of a Broker is not utilized, the sale of the parcel will be taken to market through Public Auction or Public Bid as outlined within procedures *16.13.G* and *16.13.I* of this Chapter.

## 16.10 High Value Parcels

1. High Value properties are defined as properties with a FMV greater than or equal to \$100,000 as determined during the estimated value determination period or the official appraisal.
2. A Broker may be utilized, and should be highly considered, for the marketing and sale of High Value properties.
3. The Broker must be on the Department’s approved Broker list and in accordance with O.C.G.A 32-7-4.

## 16.12 Property Bundles

1. The Specialist should evaluate the potential to bundle adjacent parcels for one transaction to create a more appealing property for sale.
2. For one or more parcels to be sold as part of a property assemblage, the following requirements are to be completed:
  - a. The Specialist is required to obtain the approval of the Manager for any property assemblage.
  - b. Each individual parcel, which is a part of the Property Bundle, is required to be cleared for sale by the appropriate Offices of the Department consistent with the requirements of this Chapter.
  - c. Any previous owner rights must be either expired, waived or an official Previous Owner Offer declined, for both parcels, in order to bundle with other surplus parcels.
  - d. FMV must be established for the property bundle.
  - e. The Specialist shall make the proper arrangements so that the Appraisal is completed for the property assemblage and not separate appraisals for the individual parcels.

## 16.13 Conveyance Process

### A. Original Owner or Successor in Title

1. If the requested parcel has been owned by the Department less than thirty (30) years, the Specialist shall notify the original owner of the parcel(s) at the time of its acquisition using the “Original Owner Offer Letter” if they have not waived their rights or repurchase.
2. In the event the tract from which the Department acquired the parcel(s) has been subsequently sold, the Specialist shall notify the owner of abutting land holding title through the original owner of the acquired property (*Successor in Title*) using the “Successor in Title Offer Letter”.

3. If the original owner's or successor in title's address is unknown, the Specialist shall conduct a search of the land and probate records (*District can provide this assistance*), internet search, and acquisition records.
4. If the above sources are unsuccessful in locating an address of the original owner or successor in title, a public advertisement in a newspaper of general circulation in the county where the property is located shall be completed. The original owner or successor in title shall have thirty (30) calendar days to respond. (*The Specialist shall prepare a Previous Owner Legal Ad*)
5. If the address of the original owner or successor in title cannot be found, documentation of the effort to locate the parties shall be placed in the file.
6. The Specialist shall update TPro under the "Appl/Apvl" tab, Previous Owner Rights fields by checking or filling all fields that apply.
7. When a search has been unsuccessful or the right of acquisition is not exercised within thirty (30) days after due notice, the Specialist shall move to the next step – *Public Bid Advertisement for Sale of Surplus Properties*.

## **B. Exchange of Property**

1. The Specialist shall prepare and send an Exchange Agreement Letter to the person(s) requesting the exchange.
2. An exchange may only be made when the Department is receiving equal or greater value.
3. The Offer will be valid for thirty (30) days.
4. The Specialist shall provide to the Manager a cover letter and two prepared Quitclaim Deeds with plats.
5. The Manager shall review the cover letter and Quitclaim Deeds; then return to the Specialist to route to the Legal Department for review and for internal signatures.
6. The Specialist will be responsible for tracking the Quitclaim Deeds until it is returned to the Property Management Unit.
7. When the Deeds are returned to the Specialist; he/ she shall schedule a closing.

8. The Specialist shall obtain the deeds from the Grantor of the parcel(s) to be conveyed to the Department.
9. One signed Quitclaim Deed for the Georgia Department of Transportation parcel(s) to be conveyed in the exchange shall be forwarded to the Grantee; the second will be retained in the file.
10. The Specialist shall forward the exchanged conveyance deeds for parcel(s) to be Georgia Department of Transportation's to the appropriate District Pre-Construction Engineer to be recorded in the appropriate county. A recorded copy is to be returned to this office.
11. The Grantee will have thirty (30) days to close the transaction and return to the Property Management Unit a copy of their recorded deed. An extension may be allowed upon review of a written request submitted by the purchaser.
12. A notification letter to the District shall be sent by the Specialist advising them that the parcel has been exchanged. A copy of the deed for the new Department property will be provided to the District.

### **C. Conveyance to Local Authorities or by Order of Commissioner**

1. The Specialist shall provide to the Manager a cover letter and two prepared Quitclaim Deeds with plats.
2. The Manager shall review the cover letter and Quitclaim Deeds; then return to the Specialist for routing to the Legal Department for review and forwarding for internal signatures.
3. The Specialist will be responsible for tracking the Quitclaim Deeds until it is returned to the Property Management Unit.
4. When the Deeds are returned to the Specialist; he/ she shall schedule a closing.
5. One signed Quitclaim Deed for the Georgia Department of Transportation parcel(s) to be conveyed to the Grantee; the second will be retained in the file.
6. The Grantee will have thirty (30) days to close the transaction and return to the Department a copy of their recorded deed. An extension of this time period may be granted after review of a written request for an extension as submitted by the purchaser.

7. A notification letter to the District shall be sent by the Specialist advising the parcel has been conveyed.

#### **D. Sale of Limited Access Modification Process**

1. The Specialist shall prepare and send an Offer Letter to the approved person(s).
2. The Offer will be valid for thirty (30) days.
3. The Specialist shall provide to the Manager two (2) prepared Quitclaim Deeds with plats.
4. The Manager shall review the Quitclaim Deeds and return to the Specialist for routing to the Legal Department for review and internal signatures.
5. The Specialist will be responsible for tracking the Quitclaim Deeds until it is returned to the Property Management Unit.
6. When the Deeds are returned to the Specialist; he/ she shall schedule a closing.
7. The Specialist shall obtain all funds from the Grantee, including:
8. One signed Quitclaim Deed will be turned over to the Grantee; the second will be retained in the file.
9. The Grantee will have thirty (30) days to close the transaction and return to the Department a copy of the recorded deed.
10. A notification letter to the District shall be sent by the Specialist advising them the parcel is no longer Department property and should be removed from the records. *(A letter shall also be sent to Transportation Data when an Order of Commissioner is involved).*

#### **E. Lease of Property Process**

1. The Specialist shall prepare and send an Offer Letter to the approved person(s).
2. The Offer will be valid for thirty (30) days.
3. The Specialist shall provide to the Manager two prepared Lease Agreements with plats.

4. The Specialist will forward the lease agreements to the applicant requesting execution.
5. The Manager shall review the Lease Agreements and return to the Specialist for routing to the Legal Department for review and internal signatures.
6. The Specialist will be responsible for tracking the Lease Agreements until they are returned to the Property Management Unit.
7. When the Lease Agreements are returned to the Specialist:
8. The Specialist shall obtain all lease funds from the approved Lessee
9. One signed Lease Agreement will be provided to the Lessee; the second will be retained in the file.
10. The Lessee will be granted specified use of the property per the effective date of the Lease Agreement.
11. A notification letter to the District shall be sent by the Specialist advising them the parcel is covered under a Lease Agreement and maintenance will be assumed by the Lessee.

#### **F. Negotiations**

1. When the value of a parcel is less than or equal to \$75,000 as determined by an in-house estimate, the Manager may sell the whole parcel by negotiating with the potential buyer. However, the parcel cannot be sold for less than the value for which it was originally acquired.
2. If only a remnant or portion of the original parcel is declared surplus for sale, the parcel may be sold utilizing either - Public Bid, Public Auction or Sale by a Broker. For each situation a Fair Market Value must be established.

#### **G. Public Bid Advertisement**

1. When the original owner or successor in title declines to purchase a surplus parcel or cannot be located, an advertisement to bid a parcel(s) shall be prepared.
  - a. The legal advertisement shall run for two consecutive advertisements and include the following:

1. A description sufficient to enable the public to identify the property
  2. The time and place for submission and opening of sealed bids
  3. The right of the department or the county or municipality to reject any one or all of the bids
  4. All the conditions of sale
  5. The address and contact person to obtain a “Surplus Property Bid Package”
- b. A public advertisement shall be inserted once a week in the Legal Organ (newspaper) of the County where the property is located.
1. The first advertisement to be at least two weeks prior to the opening of bids.
  2. The second advertisement to follow one week after the first publication.
- c. In parallel with the Legal Organ Advertisement, the parcel may be posted for advertisement utilizing three (3) additional forms of web-based advertising/ marketing.
1. The Advertisement for Public Bid will be posted to the *GDOTLAND.com* web-site.
  2. The two (2) remaining forms of advertisement should be chosen from the approved list of advertising websites maintained by the Manager.
- d. The Specialist will notate each form of advertisement utilized within the parcel files and print the proper documentation as proof of such advertisement.
2. In accordance with O.C.G.A. §32-7-4(b)(1)(B), the Bid Opening date shall be set a minimum of one(1) week after the second week of advertisement at 2:00P.M. It is recommended that the bid opening date be two (2) to three (3) weeks after the last advertisement.

3. Bids shall be maintained in the file along with copies of deposit checks, any applicable fee payments, and any financing documentation.
4. Bid Packages shall be printed on Department bond paper.
5. A deposit shall be required for each bid based on the bid amount:
  - a. Less than \$100,000 = 10% deposit
  - b. \$100,000 - \$500,000 = 5% deposit
  - c. Greater than \$500,000 = 2.5% deposit
  - d. Residential parcels = \$1500 deposit
6. Bidders certify that they have the funds necessary to close the transaction when they place the bid.
7. The down payment or any deposits and fees will be forfeited by the successful bidder if the funds are not available at the time the bids are opened.

#### **H. Brokers:**

1. The use of a licensed broker may be utilized for the disposal of High Value or potential High Demand parcels.
2. The assigned broker will be utilized in accordance with O.C.G.A. 32-7-4 and chosen from the list of approved brokers for GDOT R/W activities.
3. When a broker is engaged for disposal, the parcel should be ready for the “*Advertisement for Public Bid*” procedural step.
4. The parcel must be listed with the broker for at least 3 months through various methods and documentation to prove this should be in the file.
5. The parcel must be listed in the legal organ of the county for at least 2 weeks starting at the beginning of the broker’s listing and the name of the broker along with contact information must be listed.
6. The broker will concurrently use their own network/listing for sale of the parcel.
7. All marketing costs will be incurred by the broker.
8. All inquiries will be directed to the broker.

9. The highest offer should not be sold at less than FMV and the Department holds the right to reject any at its discretion.
10. Once the highest offer is accepted by the broker, the broker will contact the manager for review. If acceptable, the offer paperwork will move to the Office of the Commissioner for review.
11. Once the sale is approved, the broker then will act as a liaison between bidder and GDOT to help provide a smooth closing.
12. Compensation of the broker will be set forth by the engagement contract.

#### **I. Public Auction**

1. The Department may sell a parcel to the highest Bidder at a public auction conducted by an auctioneer.
2. A public auction may be an oral auction at a physical location or may be conducted on-line so long as there is an auctioneer.
3. Notification in several mediums may be utilized to publicize the auction location, date and time for a public auction.
4. The Bidder must officially register their legal name or business entity in order to be eligible to bid on a parcel.
5. The highest qualified bid and Bidder for the parcel may be accepted by the Department.
6. A 10% deposit will be required at the time of the bid or the Department may choose to exercise a tiered deposit as listed within the *16.14.G – Public Bid*.
7. The Bidder will have 30 days to close the transaction.

#### **J. Supervisor Review**

1. The Specialist shall schedule a file review with the Manager prior to an offer letter being sent to the original owner, successor in title or highest bidder.
2. The Manager shall review the offer letter to be sent to the original owner or successor in title or shall review all bids received from an invitation to bid.
3. The Manager shall determine which acquisition requirement applies, based on the requirements under “*Sale Requirements*”, and approve the Specialist to proceed to the next step.

## **K. Sale Requirements**

1. When an entire parcel acquired by the department is being disposed of, it may be acquired by the original owner or successor in title at such price as may be agreed upon, but in no event less than the price paid for its acquisition.
2. When only remnants or portions of the original acquisition are being disposed of, they may be acquired by the original owner or successor in title for the fair market value at the time the Department decides the property is no longer needed.
3. Sale by sealed bid shall be made to the bidder submitting the highest of the sealed bids received. If the highest of the sealed bids received is less than but within 15 percent of the established market value, the Manager may accept the bid.
4. Sale by Broker or Auction shall be made to the party submitting the highest offer which meets or exceeds the appraised market value of the property.

## **L. Sale Closing**

1. The Specialist shall prepare and send an Offer Letter to the approved person(s).
2. The Offer will be valid for thirty (30) days.
3. The Specialist shall provide to the Manager two prepared Quitclaim Deeds with plats.
4. The Manager shall review the Quitclaim Deeds and return to the Specialist for routing to the Legal Department for review and internal signatures.
5. The Specialist will be responsible for tracking the Quitclaim Deeds until they are returned to the Property Management Unit.
6. When the Deeds are returned to the Specialist; that person shall schedule a closing.
7. If the Department has agreed to handling recording of the deed, the Specialist shall obtain all funds from the approved Grantee.
  - a. The Grantee will include in the final check to the Department an additional \$150.00 closing fee as well as funds to cover the recording fee and tax stamps for the parcel.

- b. The recording fee and tax stamps will be calculated at the closing.
8. The Grantee will have thirty (30) days for submitting payment to the Department.
9. The original deed will be recorded at the appropriate county courthouse by the Grantee or upon agreement with the Grantee, by GDOT R/W personnel.
10. If the deed is to be recorded by the Grantee, the original should be transmitted to the Grantee via Certified, Return Receipt mail.
11. If the Department has agreed to record the deed, the deed should be distributed to the appropriate District. The Clerk of Courts will be instructed to send copy of recordation directly to the Grantee, the second copy will be retained in the file.
12. A notification letter to the District shall be sent by the Specialist advising them the parcel is no longer Department property and should be removed from the records. *(A letter shall also be sent to Transportation Data when an Order of Commissioner is involved).*

## **16.10 District Remnant Parcel Process**

### **A. Remnant Parcel(s) Identified**

1. The Records Retention coordinator will communicate with the Manager to ensure all “R” parcels are identified as negotiation files are received from the District for all acquisition.
2. A Specialist will be assigned by the Manager for entry of all “R” parcels into the appropriate inventory records and databases.

### **B. Remnant Parcel(s) Processing**

1. The Manager will review the package for completeness and accuracy.
2. Each “R” parcel deed shall be placed in a folder along with the appropriate plan/data sheet and entered into to TPro as Inventory. A Property Management number will be assigned to each “R” parcel.

## **16.11 Area Office Properties**

- A. Prior to receipt of the property by the Surplus Disposal Office:

1. Each property must be fully vacated and completely cleared of all personal property, equipment, trash, etc., on the interior and exterior.
  2. A phase I assessment will be performed by the District or requested from the Office of Materials and Testing (OMAT) by the District in accordance with E 1527-13 “*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*” Phase I Investigations as per the procedures, policies, and requirements for OMAT.
  3. When indicated as necessary by the Phase I assessment, a Phase II assessment will be completed by OMAT in accordance with E 1903-11 “*Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process*”.
  4. The property must be fully approved for sale per procedural steps 16.4 C, DE of this Manual.
- B. The package requesting sale of the property should include:
1. Letters of approval to sell the property including the District Routing Slip, a copy of which is attached.
  2. A copy of the acquisition deed, plat, highway acquisitions plans, photographs and any other identification information and documents that are available.
  3. Keys to access the property and buildings with a duplicate set of keys retained in the District.
  4. Alarm codes if necessary.
  5. The property including the land and the interior of building must be cleared of all debris, trash and excess equipment prior to requesting disposal.
- C. During the period required to sell the property the District will provide:
1. Assistance to post the property with a “For Sale” sign.
  2. Maintenance to include but not limited to: yard/lot maintenance, grass and weed trimming, interior maintenance, etc.
  3. Heat, where available, should remain on during the winter months to prevent damage from cold temps.
  4. Security and alarm systems, if present, must be maintained until the property is sold. Structures must be secured.

5. Assistance with showing the property to potential buyers if requested.
- D. When the property is approved and ready for sale, the procedure for disposal of the property shall follow the standard GDOT Procedures Manual and comply with current O.C.G.A. and C.F.R regulations.

#### **16.12 Wetlands:**

1. When the property is approved and ready for sale, the procedure for disposal of the property shall follow the standard GDOT Procedures Manual and comply with current O.C.G.A. and C.F.R. requirements.
2. In addition to the procedure for disposal, the Specialist shall perform the following procedural steps unique to the sale of “wetlands”:
  - a. Coordinate with OES to assure wetland site property or a portion is not under agreement with GDNR, GFC or other agencies prior to disposal consideration.
  - b. Assure the appraisal matches the situation regarding restrictive covenants.
  - c. Wetlands with restrictive covenants that are approved for sale will be sold with the restrictive covenants in place.
  - d. Marketing and advertisement activities should also contact private wetland banks located within the State of Georgia registry for interest.

#### **16.14 Contamination:**

- 1) The District office will perform a Phase One study when contamination is suspected.
- 2) When the Phase One study indicates a need for further study, the District will request a Phase Two study from the Geotechnical & Environmental Bureau.
- 3) When a Phase Three Estimate for cleanup is required by the Phase Two study a consultant shall be selected from the available consultant list to provide the following:
  - a) The Cost to clean-up contamination;
  - b) A recommendation of companies to perform the clean-up;
  - c) Cost for them to be PM over the clean-up work performed by the company;
  - d) A Clean-up report;

- e) Estimated time for report completion;
  - f) Estimated time for clean-up completion.
- 4) The consultant will be provided with:
- a) A copy of the Phase 2 report;
  - b) Aerial view of the property;
  - c) Plat(s);
  - d) R/W deed, if available.

### **16.15 File Closure**

#### **A. The Specialist shall complete the following steps:**

1. Verify all required fields in TPro are completed
2. TPro File Status has been changed from “ACTIVE to the appropriate status selection such as “SOLD” or “TRANSFERRED”
3. Review the File to verify all required documents are in file properly accurate, documented complete and in order.
4. Send file to Manager for final review.

#### **B. File Documents Required**

1. Application for Surplus or Leasing and accompanying documents\*
2. Application Received Notification to applicant\*
3. District and Design Office Review Request Letters\*
4. District and Design Office Review Letters\*
5. Appraisal\*
6. Appraisal Review \*
7. Applicant Status Letter\*
8. Offer Letter\*\*

9. Affidavit of previous owner locating attempts\*
10. ROW 532 Document\* (If entire acquired parcel is being declared surplus)
11. Settlement Statement from acquisition\* (If entire acquired parcel is being declared surplus)
12. Signed Georgia Department of Transportation Quitclaim Deed\*\*
13. Copy of recorded Georgia Department of Transportation Quitclaim Deed\*\*
14. Copy of recorded Grantee Quitclaim Deed for exchanged property or access rights, if applicable\*\*
15. Lease Agreement signed by Commissioner, Treasurer, and Lease Applicant, if applicable\*\*
16. Copy of the Order of Commissioner, if applicable\*
17. Final Disposition Form\* (If entire acquired parcel is being declared surplus)
18. All received bids and copies of deposit checks\*\*
19. Copy of Grantee's purchase check\*\*

\*Required Document

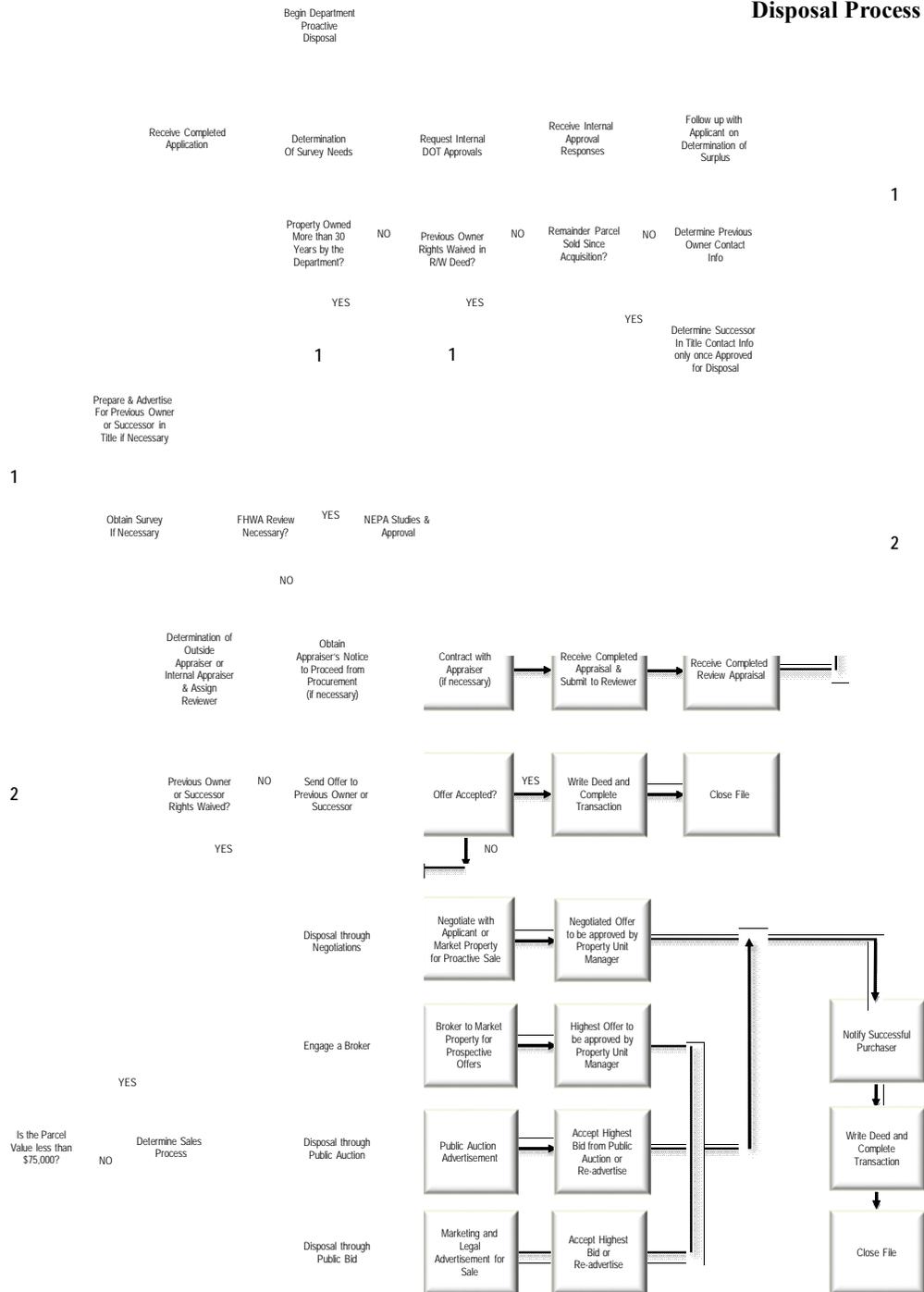
\*\*Required Document if property sold

#### **16.14 Governing Codes for Disposal**

- O.C.G.A. § 32-7-3 Authority of Department to dispose of property no longer needed for public road purposes
- O.C.G.A. § 32-7-4 Procedure for disposition of property
- Title 23 C.F.R 710.403 Subpart D 23 CFR Part 710, Subpart D - Real Property Management

Figure 16.1

### Typical Excess Property Disposal Process



## 16.15 File Process

### A. File Procedures

1. Files, which are not currently active and assigned to a Specialist to be processed, shall be stored in the secured file cabinets or stored files room.
2. Stored files shall be maintained by county and numerical “PM File” number order.
3. All files will be secured and checked out from the designated file storage person.
4. If a file needs to re-activate an email shall be sent to the Manager to request the file for reactivation.
5. Files will be maintained as per the following:
  - a. Inactive/Denied file – 12 months then to archive
  - b. Sold File – 3 months then archive

## 16.16 Quality Assurance, Audits and Training

Quality Assurance, Audits and Training are an integral part of compliance with Department, State and Federal Regulations.

### A. Quality Assurance

1. Quality Assurance reviews are conducted regularly with the result providing:
  - a. Participant feedback and recommendations
  - b. Leadership discussions
  - c. Specialist training

## **A. Audits**

1. Audits of parcel files will occur at closing of each individual file resulting in designations of:
  - a. Sale of parcel
  - b. Transfer of parcel
  - c. Inactivity of parcel
  - d. Internal denial of parcel

## **B. Training**

1. Training is accomplished as an ongoing process as changes in Department, State and Federal Regulations are received. Ongoing training is the result of our Quality Assurance and Audit procedure.