

**This rule defines the procedures of the Division of Facilities Construction and Management for acquisition and selling of real property.**

## **AUTHORITY**

This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Utah State Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management.

## **POLICY**

It is the general policy of the Board that, except as otherwise allowed by the Utah Code, DFCM shall buy, sell or exchange real property in accordance with this Rule to ensure that the transaction is in the best interest of the State and that the value of the real property is congruent with the proposed price and other terms of the purchase, sale or exchange.

## **SCOPE OF THIS RULE**

This Rule shall apply to all purchases, sales, donations and exchanges of DFCM except as otherwise allowed by the Utah Code.

Nothing in the rule shall prohibit DFCM from proceeding with easements, lot line and other minor, incidental adjustments with other State entities or other public/private persons or entities, as long as DFCM reasonably determines that such property is not historically significant after consultation with the State Historic Preservation Officer, that the transaction is in the public interest, and that the value of the transaction, as reasonably determined by DFCM, is less than \$100,000.

**Determination of Surplus Real Property:**

In accordance with State law, DFCM may recommend that certain real property be declared as surplus.

**Real Property with a value less than \$100,000:**

If DFCM estimates that the value of the real property is less than \$100,000, then DFCM need only notify the Executive Director of the Department of Administrative Services prior to any declaration of surplus or disposition of the real property. DFCM shall also consult with the State Historic Preservation Office prior to any such declaration or disposition if the property is historically significant.

**Real Property with a value more than \$100,000:**

If DFCM estimates that the value of the real property is \$100,000 or more, then the DFCM shall notify the Director of the Department of Administrative Services as well as the staff of the Board, as well as receive approval from the Board prior to any declaration of surplus or disposition of the real property.

**The Board may declare the property surplus after considering the following:**

- (a) the recommendation and any comments by the Division;
- (b) the input from state agencies and institutions, including, but not limited to, whether any State agency or institution has a need for the subject property;
- (c) any input from concerned persons or entities;
- (d) the appraised value of the property; and
- (e) whether the property is historically significant.

If the Utah Legislature directs that the DFCM sell the property, then it shall be deemed as declared surplus under this Rule without the need for any Board approval.

**Disposition Procedures for surplus real properties:**

After the appropriate determination is made that the real property is surplus, DFCM shall endeavor to sell the surplus real property on the open market, unless such property is to be conveyed to another State agency or public entity in accordance with applicable law or if DFCM is otherwise directed by the Utah State Legislature. DFCM may use the services of a real estate professional in accordance with State law and selected pursuant to the Utah Procurement Code and applicable rules.