

Property Acquisition and Disposal of Real Property

Issued: March 8, 2017

POLICIES

Responsible Official: Vice President for Finance and Administration

Responsible Office: Procurement and Contract Services

Policy Statement

Austin Peay State University has the authority to acquire property.

Purpose

The purpose of this policy is to establish the procedures for the acquisition and disposition of real property by the University.

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Procedures

Introduction

- A. Pursuant to T.C.A. §§ 49-8-11 and 49-8-203, the University has the authority to purchase and condemn land, and to receive donations of property (Solicitation and Acceptance of Gifts, APSU Policy 7:007) and to be vested with the title to the property so acquired.
- B. Any proposed acquisition of property by any manner shall be subject to the approval of the President.

Procedures

The approval of land acquisition by purchase or condemnation shall be subject to the following procedures:

1. The University shall submit to the Board for consideration and approval, a campus master plan or an amended master plan which indicates land acquisition needs, or an individual acquisition request.
2. Upon approval of the campus master plan or amendment or an individual acquisition request, the University may request a land acquisition by submitting the proper documentation for each proposed acquisition to the State of Tennessee Real Estate Asset Management Division (STREAM). This documentation shall include:
 - a. The justification of the need for the property;
 - b. A description of and the location of the property;
 - c. The estimated amount of funds required for the acquisition and the source of funds;
 - d. A plat of the property;
 - e. The name(s) of the present owner(s); and
 - f. Deed to property.
3. The property acquisition request will be submitted to the Department of Finance and Administration (F&A) for submission to the State Building Commission (SBC) Executive Sub-Committee (ESC) for approval. After SBC ESC approval, F&A staff will obtain a title commitment, an appraisal, and a survey and prepare an option to purchase the property.
4. If an option to purchase the property is signed by the seller, it will be submitted to the President for final approval of the proposed acquisition. If negotiations fail, the University may request that condemnation proceedings be commenced for acquisition of the property.
5. If acquisition of the property by purchase is approved, F&A will be responsible for recording the warranty deed and forwarding the deed and title insurance to the Institution.

Acquisition and Disposal of Real Property

This policy establishes procedures for the acquisition and disposal of real property in fee interest.

1. Authorization
 - a. Only the President has the authority, whether by gift or purchase, to acquire and dispose of real property.
2. Title of Property Acquired

- a. Property that is acquired shall be titled in the name of the University for the use and benefit of the institution.
3. Master Plan
 - a. Property that is proposed for acquisition or disposal must be identified in an approved Facilities Master Plan for the University prior to taking any action.
 - b. The acquisition of gift property does not apply to this condition.
 4. State Building Commission
 - a. With the exception in 4c below of gifts of real property, the acquisition and disposal of any interest in real property in fee interest shall be subject to the approval of the State Building Commission Executive Sub-Committee and shall be done in accordance with procedures established by the State Building Commission (Reference T.C.A. §§ 4-15-102, 12-2-112 and 49-8-111).
 - b. The following completed documents (five copies each) shall be submitted to the President to obtain approval to acquire or dispose of real property:
 1. Form RPM 1 Recorded Deed to Property Land Acquisition Questionnaire; or
 2. Land Disposal Questionnaire;
 3. As applicable Survey of property;
 4. If needed, Tax Assessors Map Facilities Evaluation Survey; and, if applicable,
 5. Environmental Identification
 - c. Only the President may accept gifts of real property and may dispose of real property acquired by gift or devise; however, acquisition of any interest in real property by gift or devise that obligates the University or state of Tennessee to expend state of Tennessee funds for capital improvements or continuing operating expenditures shall be approved by the State Building Commission Executive Sub-committee in accordance with T.C.A. § 4-15- 102(d)(2) prior to acceptance by the Board.
 - d. No deed transferring title of property to the University shall be recorded without the written approval of the President and in the instance of 4.c. above, State Building Commission approval shall be confirmed by the Institution prior to recording the Deed.
 5. Inspection
 - a. Facilities Evaluation

1. If property to be acquired includes any structures, a facilities evaluation survey shall be conducted of each building.
 2. All required renovations and/or alterations to make the facility(ies) functionally usable in accordance with all applicable codes and current standards of use shall be evaluated with estimated cost to complete and source of funds identified prior to any action to acquire.
- b. Environmental Identification
1. Prior to any action to acquire real property, the property and all structures, if any, shall be inspected and tested for the identification of any contaminants, including asbestos, PCBs, underground storage tanks, hazardous wastes and other environmental concerns.
 2. If any contaminants are identified, a plan for their disposal or neutralization shall be included with the request to acquire subject property, including estimated costs and identification of responsibility for abatement.
6. Relocation Assistance
- a. Persons, businesses, farms and non-profit organizations relocated by State real property acquisition projects are eligible for relocation assistance in accordance with the provisions of T.C.A. § 13-11-101 et seq., and the Federal Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, as administered by the Department of Finance and Administration.
7. Proceeds from Sale of Real Property
- a. The receipts from the sale or conveyance of real property shall be deposited in the capital outlay fund of the University in accordance with TCA 49-8-111.
 - b. However, if the receipts are the result of a devise or gift which designated the purpose of the gift for a particular use, any funds from a sale or conveyance of the property may be transferred from the capital outlay fund of the University to the appropriate account in order to effectuate the donor's intent.

Links

APSU Policy 7:007

<https://www.apsu.edu/policy/solicitation-and-acceptance-funds-or-gifts-7007>

**APSU Procurement and
Contract Services**

<http://www.apsu.edu/purchasing>

Revision Dates

APSU Policy 4:024 – Issued: March 8, 2017

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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Approved

President: signature on file
