

1997-ENG10

POLICY SUBJECT: RELINQUISHMENT OF EBID PROPERTY INTERESTS

DATE APPROVED: November 12, 1997
AMENDED: October 12, 2011

PURPOSE: To establish a policy for relinquishment of EBID property interests where real property owned by EBID is no longer necessary to serve EBID purposes.

DEFINITIONS:

Excess Real Property – Real property that is no longer necessary to serve EBID purposes.

Property Interests – Easements, rights-of-way, fee ownership, and any other interest in real property.

Relinquishment – Sale, exchange, or other transfer of real property.

POLICY:

EBID will only relinquish property interests which no longer serve EBID purposes. EBID staff may identify real property which no longer serves EBID purposes, or an interested party may inquire about purchase of excess real property from EBID by submitting a request which identifies with specificity the location of the real property. All requests will be considered on a case-by-case basis by the Board of Directors at regularly scheduled Board meetings. The Board of Directors must determine that the property is not needed for EBID purposes, and that the relinquishment is in the best interest of EBID before it can be considered for relinquishment. Additionally, in the case of an easement held by EBID, only a relinquishment to the servient estate will be considered, provided all other criteria are also met. Real property which is determined to meet the criteria for relinquishment by the Board will be sold or otherwise disposed of in accordance with this policy and the laws of the State of New Mexico, including when applicable, the Department of Finance (DFA), Board of Finance, Legislative or State of NM procurement/disposal requirements.

PROCEDURE FOR ALL PROPERTY INTERESTS EXCEPT EASEMENTS:

1. The requesting party shall agree in writing to the terms of this policy by preparing, submitting, and signing a letter of intent with an outline of their plan/proposal to the EBID Manager, District Engineer, and/or EBID Controller for review and recommendation.
2. The District Engineer and/or EBID Controller will present the application with a recommendation to the Board for a decision to deny or approve the request to proceed, along with the basis for the recommendation provided. The basis of the Board decision will be whether the property no longer serves any EBID purpose and whether the relinquishment is in the best interests of EBID.
3. If the Board denies the request, no further action is required.
4. If the Board approves the request, the following will be required from the applicant in order to proceed.
 - a. Site improvement survey of the property to be relinquished.
 - b. Property appraisal by a certified appraiser to determine the value.
 - c. Other information as may be required on a case-by-case basis.
5. EBID will receive the results of the appraisal and survey, and together with the application will be presented to the Board of Directors with a recommendation to approve or deny the relinquishment by EBID Staff.

- a. Upon Board approval, the EBID Controller will determine that all criteria for relinquishment have been completed and approved as required by the State of New Mexico, DFA, and/or Board of Finance.
- b. The successful bidder will be formally notified of his acceptance as purchaser. When all required approvals and payments are obtained, the purchaser shall receive title to the property by quitclaim deed. Recording of the deed is the responsibility of EBID.
- c. If the application is not approved, the applicant will be notified and the parties shall return to their prior status.

PROCEDURE FOR EASEMENTS:

1. The requesting party shall be only the servient estate landowner, and said landowner shall agree in writing to the terms of this policy by preparing, submitting, and signing a letter of intent with an outline of their plan/proposal to the EBID Manager, District Engineer, and/or EBID Controller for review and recommendation.
2. The District Engineer and/or EBID Controller will present the application with a recommendation to the Board for a decision to deny or approve the request to proceed, along with the basis for the recommendation provided. The bases of the Board decision will be whether the easement no longer serves any EBID purpose and whether the relinquishment to the servient estate is in the best interests of EBID.
3. If the Board denies the request, no further action is required.
4. If the Board approves the request, the following will be required from the applicant in order to proceed.
 - a. Site improvement survey of the easement to be relinquished.
 - b. Proof of land ownership.
 - c. Appraisal by a certified appraiser may be required to determine the value.
 - d. Other information as may be required on a case-by-case basis.
5. EBID will receive the results of the survey and, together with the application, will be presented to the Board of Directors with a recommendation to approve or deny the relinquishment of the easement to the servient estate by EBID staff.
 - a. When all approvals and payments are obtained, the servient estate landowner will be formally notified and a release of easement provided. Recording of the relinquishment is the responsibility of EBID.
 - b. If the application is denied by the Board of Directors, the parties shall return to their prior status and the easement shall not be released.

History: This policy combines and replaces prior Policy 94-ENG1 and Policy 1997-ENG9.