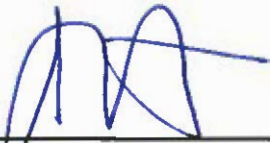


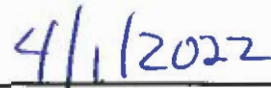
**CHAPTER 3.0
GENERAL ADMINISTRATION**

**3.02.03 ADMINISTRATIVE PROCEDURE FOR
THE DISPOSITION OF CENTER OWNED REAL PROPERTY**

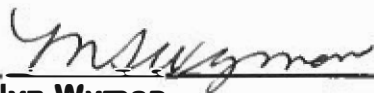
**This section has been reviewed by the Executive Director and the Director,
Business Operations.**



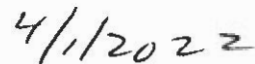
**Inman White
Executive Director**



Date



**Marilyn Wyman
Director Business Operations**



Date

3.02.03 ADMINISTRATIVE PROCEDURE FOR THE DISPOSITION OF CENTER OWNED REAL PROPERTY

PURPOSE

To establish guidelines for the disposition of all Community Healthcore (Center) owned real property.

KEY PROVISIONS

The disposition of all Center owned real property shall be implemented in accordance with all applicable Federal, State, and local laws; standards of funders; Center strategic initiatives, and any contract the Center executes regarding the disposition real property.

SCOPE

This administrative procedure applies to the disposition of all Center owned real property.

DEFINITIONS

- **Fair Market Value** means the price for which a seller could sell property to a willing buyer when neither has to sell or buy and both know all the relevant facts.
- **Gift** means the voluntary and immediate transfer of money or property from one person or organization to another without consideration.
- **Grant** means an award of financial assistance, including cooperative agreements, in the form of money, property in lieu of money, or other financial assistance paid or furnished by a State or Federal government agency or a private or institutional non-government agency to an eligible grantee to carry out a program in accordance with rules, regulations, and guidance provided by the grantor agency.
- **Real Property** means land, including land improvements, structures and appurtenances, excluding movable machinery and equipment.

REFERENCES

- Texas Administrative Code (TAC), Title 25, Part 1, Chapter 411, Subchapter G, Rule §411.310, Standards of Administration for Boards of Trustees.

- TAC Title 30, Part 1, Chapter 290, Public Drinking Water.
- Texas Government Code, Title 8, Subtitle C, Chapter 272, Sale or Lease of Property by Municipalities, Counties and Certain other Local Governments.
- Texas Health and Safety Code (THSC), Title 7, Subtitle A, Chapter 534, Subchapter A, Section 534.023, Sale of Real Property Acquired Solely Through Private Gift or Grant.
- Texas Natural Resources Code, Title 2, Subtitle C, Chapter 33, Subchapter A, Section 33.135, Notice to Purchaser or Grantee of Coastal Area Property.
- Texas Procurement and Contract Management Guide.
- Texas Property Code, Title 2, Chapter 5, Conveyances.
- Texas Property Code, Title 11, Chapter 207, Disclosure of Information by Property Owners' Associations.
- Texas Utilities Code, Title 3, Subtitle C, Chapter 141, Section 141.010, Disclosure to Homeowners.
- Texas Water Code, Title 2, Subtitle B, Chapter 11, Water Rights.
- Texas Water Code, Title 2, Subtitle B, Chapter 13, Subchapter G, Section 13.257, Notice to Purchasers.
- Texas Water Code, Title 4, Chapter 49, Provisions Applicable to All Districts.
- Uniform Grant Management (UGM) Standards, III - State Uniform Administrative Requirements for Grants and Cooperative Agreements, Subpart C - Post-Award Requirements, 31 - Real Property.
- United States (US) Department of Housing and Urban Development (HUD) Title 24 Code of Federal Regulations (CFR) Part 35, Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
- US Environmental Protection Agency (EPA) Title 40 CFR Part 745, Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
- International Building Code (IBC).
- International Residential Code (IRC).

RESPONSIBILITY STATEMENT

The Center's Director of Contracts Management shall act as the point of contact and coordinate the disposition of Center owned real property.

The Center's Executive Director and Business Operations Director shall ensure the disposition of all Center owned real property is implemented according to Center policy and strategic initiatives.

The Center's Facilities Manager shall advise the Center on any costs, upgrades, or repairs which factor into the listing price, management, and disposition of Center owned real property.

PROCEDURE

I. Disposition of Real Property

- A. Prior to initiating the disposition of real property, the Center shall:
 - 1. Review records in order to obtain the history of the real property. If research indicates any obstacles to disposition, the Center may decline to pursue disposition or consult legal counsel to resolve the matter and continue disposition; and
 - 2. Present the real properties for disposition to the Board of Trustees (Board) for consideration.
- B. The Center shall comply with all applicable procurement requirements, including notice to the public and formal bidding when disposing of Center owned real estate. The Center shall publish notice to the general public of the offer of the land for sale in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication. The Center may use any additional avenues available to market the property and to notify the public of the availability that the land is for sale.
- C. Prior to entering into a binding obligation for the disposition of real property, the Center shall:
 - 1. Obtain approval of the Board, and
 - 2. Comply with all notification and approval requirements for each State or local agency that awarded funds to acquire the real property. The Center may sell real property without notification and approval of each State or local agency only if the real property was acquired solely through local non-matching dollars or a gift or a grant of money or real property from a private entity including an individual and there are no donor contingencies.
- D. Following the disposition of real property, the Center shall comply with all funding source requirements.

II. Broker Services

If the Board determines that it is in the best interest of the Center to market the real property through a Real Estate Broker, then broker services shall be procured in accordance with 4.02.01 Administrative Procedure for Purchasing and Contracts.

III. Contract and Legal Mediation

- A. The Center's legal counsel shall develop or approve the contract for the disposition of real property.
- B. Any dispute between the Center and the buyer regarding the disposition of real property shall be submitted to the Center's legal counsel.

IV. Fair Market Value

Real property must be sold for no less than the fair market value, unless the Board adopts a resolution stating:

- 1. The public purpose that will be achieved by the disposition of real property at less than fair market value, and
- 2. The conditions and circumstances for the disposition of real property including conditions to accomplish and maintain the public purpose.