

Real Estate Policy

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Resolution No. 870061
Amended by Resolutions: 890128, 920053, 920231, 930144, 000188
Policy No. **IV.01** (Planning)

SECTION ONE GENERAL STATEMENT

A. Establishment of Purpose.

The policies established herein shall be administered in a manner consistent with, and in complete compliance with, Title VIII of the Act of April 11, 1968, P.L. 90-284, (the Civil Rights Act of 1968); Title VI of the Civil Rights Act of 1964; Chapter 452, Texas Transportation Code (the "**Code**"); The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, 42 U.S.C. 4601 et seq. (the "**Uniform Act**"), Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs (49 C.F.R. Part 24) (the "**Federal Regulations**"); Federal Transit Administration ("**FTA**") Circular FTA C 5010.1C; Texas Property Code, Chapter 21; and Texas Local Government Code, Chapter 272, as each may from time to time be amended, (together, the "**Applicable Laws**"). Any inconsistency between these policies and Applicable Laws shall be resolved in favor of the Applicable Laws.

SECTION TWO ADMINISTRATION

A. Authority to Acquire or Sell.

1. Prior Board approval is required for any purchase, sale, lease, or joint development of real property by the Authority.

2. Prior Board approval is **not** required for securing a temporary easement, a right of entry permit, a right of use agreement, or granting a right of entry permit, right of use or license that meets the standards established by these policies.

B. Persons Authorized to Sign Real Estate Documents.

Any document required to carry out the Board authorized purchase, sale or lease of real property, and any license or Right of Entry Permit may be signed on behalf of the Authority by either the President/Executive Director, the Executive Vice President or any Vice President or Assistant Vice President designated by the President/Executive Director.

C. Guidelines and Procedures.

The President/Executive Director is authorized to prepare guidelines and procedures in conformity with Applicable Law, these and other Authority policies for the operation of the Real Estate Division.

D. Periodic Review of Real Property.

1. Roster of Real Property.

The President/Executive Director shall cause to be prepared and maintained a descriptive roster of all real property owned by the Authority which shall show whether the real property was or was not purchased, at least in part, with Federal funds.

2. Excess Real Property Inventory and Utilization Plan.

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a. The President/Executive Director shall cause to be prepared and maintained the *Excess Real Property Inventory and Utilization Plan* as required by, and in accordance with, FTA Circular C 5010.1C Chapter II § 2.c (1).

b. If the President/Executive Director concludes that one or more parcels of real property are no longer needed for the purposes of the Authority, he shall report such conclusion to the Board, together with an analysis of the property, including zoning, land uses, improvements and any development potential in the vicinity, together with his recommendation for disposition thereof.

SECTION THREE ACQUISITION OF REAL PROPERTY

It is the policy of this Board that, except as specifically supplemented by this Section Three, all real estate acquisition by the Authority shall be carried out in accordance with the provisions of the Applicable Laws.

- A. Acquisitions from railroads, utilities and governmental entities are excluded from this Section.
- B. Section 24.102(c) of the Federal Regulations is hereby supplemented by adding the following provision:

Only one appraisal shall be required, regardless of the value of the property in accordance with FTA Circular C 5010.1C; PROVIDED, HOWEVER, that an additional appraisal may be secured if the Real Estate division finds the valuation problem complex and deems a second appraisal to be appropriate.

- C. Section 24.102(d) of the Federal Regulations is hereby supplemented by adding the following provisions:

1. When the reviewer's recommended offer of just compensation exceeds \$250,000.00, or where acquisition of a property valued in

excess of \$250,000.00 must be resolved through eminent domain proceedings, prior FTA concurrence is required, as provided in FTA Circular C 5010.1C, EXCEPT in those instances where neither the property nor the segment is Federally funded.

2. Before an offer of just compensation is presented to a land owner, the President/Executive Director shall make a recommendation of just compensation to the Board to:

a. adopt a resolution authorizing the acquisition of the property, including the exercise of the power of eminent domain if no agreement on just compensation can be reached with the land owner, or if title to the property is so defective that it can only be cured through the exercise of the power of eminent domain; and

b. approve the amount of the offer of just compensation

3. Before initiating eminent domain proceedings for the acquisition of a parcel, the Authority shall make a final written offer to the owner or owners as they appear from the title commitment furnished to the Authority. If no agreement is reached after the final offer, the Authority's Office of General Counsel shall proceed with the acquisition of the property in accordance with the Applicable Laws, which includes approval of each proposed eminent domain acquisition by the governing body of the municipality in which the parcel is situated, or, if the parcel is in an unincorporated area, by the commissioner's court of the county in which the parcel is located.

- D. Section 24.102 (i) of the Federal Regulations is hereby supplemented by adding the following provisions:

1. The President/Executive Director may approve an administrative settlement where the settlement amount exceeds the

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approved offer of just compensation by 30% or less, not to exceed \$49,999.99.

2. Any administrative settlement which exceeds the amount of just compensation offered by \$50,000.00 or more must be approved by the Board after recommendation by the President/Executive Director and, if Federal funds are involved, prior concurrence of FTA as provided in FTA Circular C 5010.1.C.

SECTION FOUR DISPOSITION OF REAL PROPERTY

No real property, or any interest therein, owned by the Authority shall be sold or otherwise disposed of without the prior approval of the Board following recommendation by the President/Executive Director.

- A. **Disposition of Property Acquired with Federal Funds.** Disposition of any interest in real property owned by the Authority which was purchased in whole or in part with Federal funds shall be in accordance with the requirements of 49 C.F.R. Part 18, FTA Circular C 5010.1C Chapter IIc(1), as well as Texas Local Government Code Chapter 272 and the Code.
- B. **Incidental Use of Property.** Incidental uses of real property purchased with Federal funds, including but not limited to connector fees and sales and leases of air rights, shall not be considered as disposition of excess property and such incidental uses shall be carried out in accordance with FTA Circular C 5010.1C Chapter II§.b and the Code.
- C. **Disposition of Property Not Acquired with Federal Funds.** The disposition of any interest in real property owned by the Authority and not funded in whole or in part with Federal funds, shall be governed by Texas Local Government Code, Chapter 272 and the Code.
- D. **Disposition Procedures.** The President/Executive Director is hereby directed to adopt

suitable procedures for the disposition of real property determined by the Board to be surplus. Such procedures shall carefully conform to Applicable Laws and these Policies.

SECTION FIVE RELOCATION

All relocation of displaced persons and businesses shall be carried out by the Authority in compliance with all Applicable Laws as the same may from time to time be amended. These relocation policies shall apply to all tenants affected by the Authority's land acquisitions from railroads, utilities and governmental entities *except those tenants that are themselves railroad, utility or governmental entities.*