



BOARD POLICY 4005
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MANAGEMENT OF DEPARTMENT-OWNED PROPERTY

Purpose

The purpose of this policy is to instruct staff on managing access to the roadway, and to delegate authority to purchase, lease, otherwise acquire, dispose, sell, or exchange Department-owned surplus real property. This policy enables the Department to safeguard, enhance and improve the highway system, and to avoid any potential appearance of conflict of interest on purchase of Department-owned property.

Legal Authority

The Department shall be responsible for managing highway rights-of-way and property in accordance with:

- [Idaho Code 40-102\(1\)](#) - Definition and use of access easements
- [Idaho Code 40-310\(9\)\(10\)&\(11\)](#) - Board powers and duties to regulate access to highway
- [Idaho Code 40-311](#) - Board powers and duties with respect to property for highways and related facilities
- [Idaho Code 58-335A](#) Governance of surplus property disposal
- [Idaho Code 67-5709A](#) Disposition of Administrative Facilities
- 23 [Code of Federal Regulations part 710](#) - Right-of-Way and Real Estate
- 49 [Code of Federal Regulations part 24](#) - Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

Access To Roadway

The Director or a delegate is authorized to acquire property rights in accordance with [Idaho Code 40-311\(1\)](#) and to control access to the roadway either through property purchase (deed restrictions) or through regulatory control (police power) consistent with [Idaho Code 40-310\(9\)\(10\)&\(11\)](#).

Acquisition Of Real Property

The Director or a delegate is authorized to purchase, lease, and exchange real property, to execute deeds, easements, and agreements for all real estate property transactions, and to execute on behalf of the Board an *Order of Condemnation* for individual parcels of land.


The Director or a delegate may authorize an administrative settlement for up to \$200,000 over the reviewed fair market value of properties appraised up to \$1,000,000. Administrative settlements for appraisals in excess of \$1,000,000 shall not exceed 20% of the reviewed fair market value of the property. Proposed settlements exceeding these thresholds shall come before the Board for approval.

Disposal Of Real Property

The Director or a delegate is authorized to sell, exchange, or dispose of surplus real property per [Idaho Code 40-311](#), [Idaho Code 58-335A](#). Surplus property will be disposed of by the Department consistent with the provisions of [Idaho Code section 58-335A](#). Administrative Facilities will be disposed of consistent with the provisions of [Idaho Code 67-5709A](#).

The Department shall, once every two years, provide to the Board a report containing the location and amount of surplus properties owned by the Department.

Approved by the Board on:



Jerry Whitehead
Board Chairman

Date 12/14/16