

Policy Regarding the Disposition of Excess MTA Real Property

INTRODUCTION

The Maine Turnpike Authority regularly receives requests for land that appears to be excess property. This policy details the Maine Turnpike Authority's position on the disposition of rights in Real Property deemed excess by the Maine Turnpike Authority and the procedure for its disposal. Disposition of real property shall be undertaken in conformance with the legislative findings of Title 23, part 1 State Highway Law, chapter 24 **Maine Turnpike**, and chapter 3, subchapter 1, subsection 73 **Transportation Policy**. The Board of the Maine Turnpike Authority votes to approve the proposal and directs staff to dispose of excess real property. This policy only applies to property that is deemed excess, meaning it is "not longer used or useful for the operation of the Maine Turnpike." This policy does not apply to disposition of property for operational purposes. Examples of property disposed of for operational purposes would include, but not be limited to: a trade of Authority property for property that is of operational value to the Authority, such as land required for a project or to increase the corridor's buffer, a contribution in kind of property to a joint project with the MaineDOT, or the transfer of property to a land trust to meet permitting requirements.

REQUIREMENTS FOR DISPOSITION OF REAL PROPERTY

A completed application and a processing fee of two hundred fifty dollars (\$250) shall be submitted prior to any formal review by staff. The \$250 is non-refundable but will be credited toward the purchase price. Interested parties may inquire about any proposed use of vacant land without formal review. In addition to the \$250 fee, the applicant shall agree to reimburse the Authority for any expenses it incurs, including research, appraisal, boundary survey, etc., in the evaluation. Other property that the Authority staff may consider excess may be recommended and offered for sale. Property proposed for conveyance shall be evaluated by Right of Way staff using existing data from internal records and records of other agencies, discussions with other departments, and municipal records. In both cases, Right of Way will prepare a report for discussion at a Right of Way department meeting. The Authority's General Engineering Consultant (GEC) may be asked to review the request. The Right of Way Manager will make a staff recommendation to the Director of Engineering for presentation to the Authority.

DATA ACQUISITION AND VALUATION

Proposed parcels for disposition shall be described from the record plans of the MTA and description shall be related to the baseline of the Turnpike as shown on the record plans. If no MTA survey data is available, the deed of conveyance shall be from a Boundary Survey of the premises, signed and sealed by a Maine Professional Land Surveyor, unless the Authority's Right of Way Manager and Chief Operations Officer determine that a boundary survey is not required. The MTA may require that the cost of a boundary survey and other professional services related to the transfer be paid by the requestor as a precondition of any sale. If in the reasonable judgment of MTA right of way staff the value exceeds \$25,000, an opinion of value shall be obtained from a Maine Certified Appraiser.

OFFER/OUTSALE

The municipality and the Maine Department of Transportation may be notified that the land is excess and may be offered the parcel for transportation purposes if appropriate, in the sole judgment of the Authority. Deeds of property for a transportation purpose shall include a deed restriction that the property shall not be re-sold or used for any commercial purpose. If transportation purposes are not appropriate or needed the property may be offered to the public or another government agency at fair market value. Authority staff, at its discretion, may offer excess property that is not buildable to adjacent owners at a minimum of current fair market value. In most cases, all abutters will be contacted to see if they have an interest in the property.

In the case of a marketable piece of property, the public will be notified that the land is considered excess and available for purchase. A minimum of 2 weeks on the MTA's website along with a "For Sale" sign located on the property in clear view of the nearest local road will suffice as reasonable public notice. If there is an initial offer from an interested party for this marketable piece of property, higher bids may be received and entertained by the Authority during this process. If a \$250 processing fee was charged to an interested party, but ultimately the Authority sells the property to a different higher bidder, that fee will be refunded. Properties with significant value, or that may have significant commercial interest may require the services of a real estate agent to acquire the greatest re-sale value. The Authority's Right of Way department will solicit multiple real estate broker firms and make a competitive selection of three or more brokers or firms to use on an as-needed basis.

One exception to this policy is the occasional request by an abutter looking for a small parcel (less than conforming lot) where the Authority Right of Way staff would assist the abutter in curing a setback issue if they deemed reasonable. In these cases the Authority Board would still review and approve but the public notice would be waived.

CLOSING

After the parcel to be conveyed is declared excess property by the Authority, and the Maine Turnpike Authority has voted to dispose of it, a statutory quit claim deed with covenants shall be either reviewed or prepared by staff, and shall be executed by the Chairman of the Authority or the Executive Director.

MUNICIPAL TAXES

The Maine Turnpike Authority is by statute not required to pay municipal Real Estate tax. Buyers are responsible for any taxes due the municipality from the date of transfer.