

1245.0200 PROPERTY ACQUISITION.

Subpart 1. **Scope.** Pursuant to Minnesota Statutes, chapter 16B, and specific legislative enactments, this part shall govern the state's acquisition of real property for the operation of state government.

Subp. 2. **Request to acquire property.** Unless otherwise provided by law or by reorganization order issued pursuant to Minnesota Statutes, section 16B.37, a state department or agency needing real property shall make a request in writing to the Department of Administration to acquire property, specify the property to be acquired, and indicate the source and sufficiency of funds needed for the acquisition.

Subp. 3. **Acquisition procedure.** Real Estate Management Division shall proceed with acquisition as follows:

A. The title to the property shall be examined by an attorney for the division, whereupon a field title report shall be prepared by the division. The field title report shall be based on information from the owner or a representative of the owner. The purpose and nature of the acquisition shall be explained to the owner at the time of the field title interview. Where there are occupied buildings involved, a relocation study shall be made to ensure that displacees can be relocated without undue hardship.

B. A legal description of the property to be acquired shall be written. Where necessary, a written engineering assessment shall be obtained from the state architect's office.

C. The property to be acquired shall be appraised. Appraiser(s) shall be selected by the director or the assistant director, and may be state employees or fee appraisers. Where fee appraisers are used, they shall be selected from a list of qualified fee appraisers, which list shall be maintained by the division. The fee to be paid to the appraiser shall be as agreed upon between the appraiser and the director or the assistant director.

D. The appraisal(s) shall be reviewed by members of the division staff. Where the appraisal(s) are deemed satisfactory, the appraisal amount which is deemed to represent value (and damages, where applicable) shall be certified by the director or the assistant director.

E. Instruments appropriate for the acquisition shall be requested from the Attorney General's Office.

F. A direct purchase offer shall be submitted to the property owner. Where possible and practical, the offer shall be submitted in person. A detailed explanation of the state's acquisition policies and of the owner's options shall be made to the owner, especially including, where applicable, a full explanation of relocation benefits available to the owner.

G. If the owner accepts the offer, the property shall be purchased. The division shall be responsible for proper execution of instruments, closing of transaction, recording of instruments, payment to owner, relocation assistance to the owner, and removal of buildings, where applicable.

H. If the owner rejects the offer, and the legislature has directed by law that acquisition by eminent domain proceedings shall or may be pursued, the division shall institute necessary proceedings to so acquire.

Statutory Authority: *MS s 16B.04*

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