



# Office of Space Utilization & Analysis

## Policy & Procedure #9

**TITLE:** REAL PROPERTY PURCHASE PROCEDURES

**OBJECTIVE AND PURPOSE:** To establish procedures and provide guidance for purchasing of real property.

**DEFINITIONS:** **REAL PROPERTY:** Any building, structure, facility or property, either developed or undeveloped, that is not owned or held in trust for Florida Atlantic University by an agency of the State of Florida.

**APPROVAL REQUIREMENT:** All purchases of real property shall require Board of Trustees approval. A prior "conditional approval" is required by the Planning and Development Committee.

**RESPONSIBILITY** **ACTION**

**REQUESTOR** ♦ Determine the need to purchase the real property and submit a request through the University Architect and Vice President.

**OFFICE OF THE UNIVERSITY ARCHITECT & VP** ♦ Obtain conditional approval from BOT  
 ♦ Forward copy of request to the Office of Space Utilization & Analysis (OSUA) to initiate acquisition process

**OSUA** ♦ Prior to initiating land acquisition, coordinate with the Division of State Lands to determine the availability of existing, suitable state-owned lands in the area and the public purpose for which the acquisition is being proposed. In the event suitable state-owned land is found to exist and is available, use of this state land will be pursued. In the event existing suitable state-owned land is not available the following process continues

♦ Obtain appraisal of the parcel from a member of an approved appraisal organization or by a state-certified appraiser, approved by the Division of State Lands, two (2) appraisals are required if value of first appraisal exceeds \$500,000. The Appraisal report shall meet the requirements of the Board of Trustees of the Internal Improvement Trust Fund (BOTITF), as set forth by law and administrative rule.

♦ Obtain Certified Survey or appraisal map.

♦ Obtain Title Report

♦ Obtain Evidence of Marketability

♦ Obtain Condition of Title: All exceptions, reservations, encroachments or other adverse conditions which are disclosed in the course of preparing to negotiate, negotiating, contracting or closing shall be individually examined by the University and evaluated in writing as to possible adverse effect on the objectives of the agency in acquiring the property.

♦ Obtain Phase I Environmental Audit.

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APPROVED:	Vice President	Associate V.P.	Director

- ◆ Obtain Property Inspection Report through Facilities Planning.
- ◆ Submit Appraisal, Survey, Title Report and Evidence of Marketability along with report on condition of Title to FAU attorney for review.
- ◆ Upon review of the FAU attorney, submit Appraisal, Survey, Title Report and Evidence of Marketability along with Report on Condition of Title through the Office of the Associate Vice President to the University Architect & Vice President (UA&VP).

**OFFICE OF THE  
UNIVERSITY  
ARCHITECT & VP**

- ◆ Submit Appraisal, Survey, Title Report and Evidence of Marketability along with report on Condition of Title to the Department of Environmental Protection (DEP).
- ◆ Upon approval by DEP initiate acquisition negotiations. The land owner must be notified in writing that final purchase approval is subject to affirmative action by the BOTIITF.
- ◆ Prior to entering into a purchase instrument obtain all disclosures of beneficial interest required in Section 286.23 F.S.
- ◆ Final negotiated purchase shall be in the form of a written purchase instrument, signed by the Owner and approved by the BOT.

**OSUA**

- ◆ Within ten (10) days after the execution of the purchase instrument submit the following to the DEP:
  - a. The original of the purchase instrument.
  - b. A copy of the Owner's Disclosure Form under Section 286.23, F.S.
  - c. Evidence of the marketability of the Title. The Division may agree to defer submittal and approval of the Title opinion or Title Policy until after the BOT approval of the purchase instrument. In such case the Division must approve the opinion or policy prior to closing.
  - d. The approved appraisal reports.
  - e. A letter from the acquiring agency stating that the inventory of existing State-owned lands was examined and contains no suitable available land for the agency's use, or that the property proposed for purchase is within a project on the Conservation and Recreation Lands (CARL), Save Our Coast (SOC) or Land Acquisition Trust Fund (LATF) lists.
  - f. A written statement by the acquiring agency outlining the public purpose for which the acquisition is being made, citing statutory authority, or stating that the property proposed for purchase is within a project on the CARL, SOC or LATF lists.
  - g. A written statement signed by the Owner confirming the Owner's relationship with his agent.
  - h. A written confirmation by the acquiring agency of the source and availability of funding for the acquisition.
  - i. A copy of the current certified survey or appraisal map, approved by the Division in accordance with this rule.
  - j. The details pertinent to the acquisition not included in this list or in the purchase instrument.
- ◆ No later than 10 days prior to the time the purchase is to be considered by the Board, the owner shall file the following with the Division:
  - a) All disclosures required by subsections 375.031(1) and 380.08(2), F.S.
  - b) A statement identifying any expenditure made in the categories set forth in paragraphs (2)(a), (b) or (c) of Rule 18-1.012, F.A.C.
  - c) A statement providing a good faith estimate of any additional expenditures in the categories set forth in paragraphs (2)(a), (b) or (c) of Rule 18-1.012, F.A.C.
- ◆ Complete the closing, recording of all legal documents, and payment of required fees.
- ◆ Submit all original documents to DEP including recorded documents, within 30 days after receipt from the county clerk or closing agent. All such documents shall be accompanied by a written signed statement indicating that all documents have been approved as to form and legality by the attorney for the University.

**REFERENCES**

- ◆ Sections 253.025, 286.23, 1001.74, 1013.14, 1013.171, F.S.

- ◆ Supplemental Appraisal Standards for Board of Trustees Land Acquisitions
- ◆ Florida Administrative Code (FAC) 18-1