



APPLICATION FOR DISPOSAL OR LEASING OF SURPLUS LAND

Name of Applicant: _____

Company Name: _____

Applicant Address: _____

City: _____ State: _____ Zip: _____

Contact Name: _____ Phone: _____
(If different than above)

Contact Address: _____

City: _____ State: _____ Zip: _____

E-mail Address: _____ Fax: _____

Property Address / General Location:

(Attach Separate Sheet if Necessary)

Name of Highway / Interstate: _____

Reason for Requesting Property: _____

Estimate Acreage of Requested Property: _____

Are you wanting to? : Purchase Lease

Are You An Abutting Land Owner? Yes No

If Yes, Please provide a copy of your current ownership.

Is Property Within City / Town Limits? Yes No

If Yes, Name of City / Town: _____

APPLICANT'S CERTIFICATION

NOTE: The entire procedure can take anywhere from a minimum of 6 months up to a year. An additional two months can be added if the property falls under Federal Review Process per 23 CFR § 710.409. Reasonable times will be allowed for the Buyer to provide the required items, after which the file will be closed and all work terminated.

The buyer is responsible for their own due diligence in regards to zoning, licenses, permits, environmental, land uses, etc.

All sales of surplus right-of-way or interest herein are being sold "as is" and are subject to the confirmation of the Oklahoma Transportation Commission.

REQUIRED ATTACHMENTS FOR APPLICATION REQUIRED FOR ALL APPLICATIONS:

- Photographs and/or drawings of the land you wish to purchase
- Proof of ownership of adjoining or underlying property, if applicable

Please see attached instructions and applicable regulations.

I certify that the statements and information provided with the application are true and correct.

Signature: _____ Date: _____

Please mail or take your application to:

Oklahoma Department of Transportation
Facilities Management Division
200 N.E. 21st Street
Oklahoma City, Ok 73105

COSTS, PROCEDURES, AND APPLICABLE REGULATIONS

APPLICATION - A completed application requesting the sale of Department owned or interest in land must be submitted to start the application research process. Please attach photos, an overview drawing of the land you wish to purchase, and proof of ownership of your adjoining or underlying property, if applicable.

APPRAISAL - To determine the sales price, an appraisal prepared by a State Certified General Appraiser will be needed on the larger parcels. On the smaller parcels, a value estimate may be used. The Department will determine the type of appraisal needed and arrange for the appraisal to be prepared. The appraisal will be reviewed and approved by the Department. The entire appraisal process can take from 30 to 60 days to complete and can cost from \$500 to \$2,000. The buyer shall pay the appraisal cost at the end of sale.

ADVERTISING - The Department is required to advertise by public notice its intent to dispose of the surplus property by auction in a county wide newspaper in the area the surplus property is located for minimum of two weeks prior to the auction. Advertising fees can cost from \$150 to \$600 which the buyer shall pay all advertising costs at the end of sale.

AUCTION – The Department will sell surplus property per Oklahoma Statutes at auction to the highest bidder, with the minimum bid based upon the current fair market value.

PURCHASE - Before the Deed will be executed and recorded, the Buyer shall reimburse the Department for the purchase price along with appraisal and advertising costs. The buyer shall provide payment for the total property acquisition in the form of a U.S. Postal Money Order, Cashier's Check or Certified Check. If sold to the adjoining property owner, the purchase price will be based on the current fair market value.

EASEMENTS – The Department will dispose of the Department owned interest acquired by easement to the underlying fee holder in accordance with Federal Regulations 23 CFR § 710.409 and Department Policy and Procedure.

LEASING – The Department will enter into a lease agreement for property which the Department has determined is excess to the Department's current needs, but that the Department needs to retain title to the land for future Department use.

CONVEYANCE DOCUMENTS - The Department will convey land or interests in land by Quitclaim Deed, in a form prescribed by the department, and subject to any existing utility easements, licenses, or permits associated with the property. In its sole discretion, the Department may also use any other transfer documents the Department determines are necessary to memorialize the transaction.

Oklahoma Statutes, Title 69 (Road, Bridges, Ferries)
Chapter 1 - Oklahoma Highway Code of 1968
Article 10 - Equipment and Property
Section 1001 - Sale, Exchange or Lease of Unneeded or Surplus Property

Title 69, O.S. 2011 § 1001 - The Transportation Commission shall have authority to sell any lands, or interest therein, which may have been acquired for highway purposes, or facilities necessary and incident thereto, and any equipment, materials or supplies which in the opinion of the Commission are no longer serviceable, useful or necessary for the state highway system or the operation of the Department of Transportation. Such authority shall be subject at all times to the continuing right to the use of the lands by any entity operating a sewer, water or gas system, telephone or electrical services, and by public service corporations and rural electric and telephone cooperatives for the construction, reconstruction, maintenance, operation and repair of their facilities of service which may be upon the lands. However, any such land which was acquired by the Commission from a governmental subdivision as a gift, or for a nominal consideration, may be re-conveyed to the governmental subdivision by the Commission, upon repayment by the governmental subdivision to the Commission of any consideration for the original conveyance.

Title 69, O.S. 2011 § 1001 (D) - Partial Taking Leaving an Abutting Remainder

1. If the land originally comprised a partial taking leaving an abutting remainder, then prior to conducting such advertisement and solicitation of bids for the sale of any lands or interests therein, the Commission shall notify the person, firm or corporation which originally conveyed the property to the Commission or present successor to the original remainder that same has been declared surplus and is to be offered for sale. Such notice shall be sent by registered mail addressed to the last-known address of such person, firm or corporation, with return receipt requested. Such notice shall contain an offer to sell such property to such person, firm or corporation for an amount not greater than the amount for which the property was originally obtained by the Commission for a period of five (5) years from the original taking. Following the five-year period, the sale of such property may be offered at fair market value. The amount of the Commission's requested purchase price based on such appraisal shall be stated in the notice, and the person, firm or corporation receiving such notice and offer shall be informed therein that unless such person, firm or corporation notifies the Commission in writing within thirty (30) days from the date of receipt of the notice that the Commission's offer of sale is accepted by such person, firm or corporation, the Commission shall proceed to sell the property at public auction as provided for in this section. After the expiration of thirty (30) days from the date of receipt of the notice by the person, firm or corporation to whom it is addressed, if such person, firm or corporation has not notified the Commission in writing of the acceptance of the Commission's offer of sale, the Commission shall proceed to sell such property by public auction and no attempt to accept the Commission's offer by such person, firm or corporation after the expiration of such thirty (30) days shall be honored by the Commission. However, such person, firm or corporation may submit a bid at the public auction of the property in the same manner as any other qualified bidder.

Title 69, O.S. 2011 § 1001 (D) – Total Taking Leaving No Abutting Remainder

2. If the land to be disposed of originally comprised a total taking leaving no abutting remainder, then such shall be sold to the highest bidder, or as otherwise herein provided except that if the land to be disposed of originally comprised a total taking of less than one (1) acre leaving only one abutting property owner of record, then prior to conducting such advertisement and solicitation of bids for the sale of any such lands or interest therein, the Commission shall notify the sole abutting property owner of record to the taking that such has been declared surplus and is to be offered for sale. Such notice shall be sent by registered mail addressed to the last-known address of such person, firm or corporation, with return receipt requested. Such notice shall contain an offer to sell such property to such person, firm or corporation subject to the same conditions as set forth in paragraph 1 of this subsection.