

Management Committee

Meeting date: October 10, 2018

For the Metropolitan Council meeting of October 24, 2018

Subject: Real Estate Policy Amendment

District(s), Member(s): All

Policy/Legal Reference: Real Estate Policy 3-10

Staff Prepared/Presented: Mary Bogie, Chief Financial Officer, 651-602-1359; Ia Xiong, Real Estate Manager, 651-602-1556

Division/Department: Regional Administration Finance

Proposed Action

That the Metropolitan Council adopt the amended Real Estate Policy to guide real estate acquisitions and dispositions across the organization to support Council's mission.

Background

In 2006 the Metropolitan Council adopted Resolution No. 2006-36, Policy Regarding Declaration and Disposal of Surplus Property. Subsequently, in 2015 the Metropolitan Council adopted the Real Estate Policy. The proposed amended Real Estate Policy combines the two policies into one. There are no other alterations to the policy.

Rationale

The Real Estate Policy provides a foundation to establish consistent, appropriate, and efficient real property acquisition and disposition practices across the organization. The Real Estate Office will provide guidance and management of all real estate transactions.

Funding

There is no impact.

Known Support / Opposition

Council Senior Staff supports this policy. There is no known opposition.

Real Estate Policy

Section/Number: 3-10	Total Pages: 2
Dept. Responsible: Real Estate	Effective Date: 2/12/15
Special Note: Supersedes all previous policies covering real estate acquisitions and dispositions	Last Revision Date:
	Last Review Date:
	Revision No. <u>1</u>

I. Policy

The Metropolitan Council may acquire, condemn, own, hold, use, improve, operate, maintain, lease from or to, exchange, transfer, sell, or otherwise dispose of real property, easements, or other property rights or interests of any kind consistent with applicable governing laws, regulations, and Council policies. (A list of statutes are below.)

The Regional Administrator is authorized on the behalf of the Council to execute real property documents consistent with Council Resolution 95-87. The delegation of authority to the Regional Administrator shall not include any matters for which approval of the governing body of the Metropolitan Council is required under applicable federal or state laws. The Regional Administrator may re-delegate document execution authority and must develop procedures consistent with this Real Estate Policy.

Consistent with Council Resolution No. 2006-36, the Council may determine from time to time that certain real property is no longer needed for Council purposes and that such real property shall be considered "surplus." The Council may dispose of such real property, subject to applicable laws and regulations including Minnesota Statutes 473.129. The Council may sell such surplus real property to the highest bidder through a public bidding process, for no less than the appraised market value; unless the Council determines that the Council's priorities or objectives would be better served by disposing of the property in some other manner authorized by law.

A. Standard Real Estate Services

Standard real estate services consists of services that are for normal daily operations of the Council. The Council through its Real Estate Office will acquire and dispose of properties according to the procedures as developed consistent with this Real Estate Policy.

B. Non-Standard Real Estate Services

Non-standard real estate services are more complex in nature such as those involving special projects or when there is a more than normal public interest in the project. In those cases the Real Estate Office along with the Office of General Counsel, Risk Management, Contracts, and other internal services as deemed appropriate by the Regional Administrator will be



involved in the planning of the acquisitions and dispositions of properties consistent with the procedures as developed consistent with this Real Estate Policy.

II. Purpose of policy

The purpose of the policy is to provide regulations and guidance for the appropriate, and efficient real property acquisition and disposition practices; fair and equitable treatment to property owners; and protection of the Council’s real property assets.

III. Background and reasons for policy

The following State Statutes, Council Resolution, and Councils Procurement and Expenditure Policies govern the acquisition and disposition of real property.

Minnesota Statute 473.129 Subdivision 7, Powers of Metropolitan Council, Property

Minnesota Statute 473.504 Subdivision 9, Wastewater Services Powers, May Get Property

Minnesota Statute 473.405 Subdivision 3, Transit Powers, Condemnation

Council Resolution No. 2006-36, Policy Regarding Declaration and Disposal of Surplus Property

Council Resolution No. 95-87, Delegating authority and conferring authority on the Council’s Regional Administrator with respect to certain real property matters

Council Policy 3-3 Expenditures Policy

Council Policy 3-3c Delegation and Procurement and Contract Authority Procedures

IV. Implementation/Accountability

The Regional Administrator, or his delegate, will establish the framework and accountability for the effective implementation of this policy and the procedures associated with it.

Links:

Revision/Review Tracking

Date	Revision No.	Review Only – No changes
	1	