

<h1>POLICY MANUAL</h1>	Date Adopted: April 22, 2015
Classification: PROGRAMS	Date Last Amended:
Subject: Sale of Excess Land and Recovery of Costs	Approved By:

I. Policy:

When the District receives interest from an outside party to acquire excess property owned by the District, the District shall require the proponent to submit a proposal and deposit funds with the District, or otherwise guarantee payment, to pay all costs associated with analysis and sale of the property. Such costs include, but are not limited to, staff time, material costs, and outside legal and consultant fees. District staff shall estimate costs associated with such proposals and the proponent shall deposit with the District that amount in advance of commencement of any such work by the District or consultant, the terms of which shall be set forth in a prior written agreement executed by the proponent.

II. Purpose:

The purpose of this Policy is to provide opportunity for sale of excess District property when desired by a proponent, without increase in public cost, i.e.: avoiding duplicate public expense for analysis, engineering, design, staff time, appraisal fees, legal fees, escrow fees, etc., which are necessary for the transfer of the property.

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III. Definitions:

- A. Excess District Property – real property owned by the District and determined by the District Board of Directors as not needed for any purposes of the District.
- B. Exemptions – The Board of Directors as may exempt from this Policy, excess property sales:
 - 1) Initiated by the District and sold through a competitive bid process.
 - 2) Proposals submitted by other public entities and/or non-profit organizations, when it is determined that such proposals will result in additional benefits to the District, or general public, consistent with the objectives and purposes of the District.

IV. Procedure:

- A. Prior to the District initiating any work on the sale of excess property initiated by an outside party, the proponent must submit to the District a written proposal describing the property to be acquired, and must receive written conceptual approval of the District’s participation. The District General Manager or the District Engineer shall have the authority to give conceptual approval of sale of excess property proposals that meet District criteria.

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Proposals shall be presented for review and approval or disapproval to the Board of Directors.

- B. Prior to the District initiating work on a proposal subject to this Policy, the proponent must enter into a written agreement and deposit an amount determined by the General Manager or the District Engineer necessary to cover the estimated District expenses to affect the sale and transfer of the excess property. As work progresses, the proponent shall deposit additional funds as necessary to maintain a positive deposit balance.
- C. The District shall provide an accounting of the expenditures to the proponent as determined appropriate by the General Manager or District Engineer. Reimbursements received for District staff time and for outside service providers shall be deposited to the District's General Fund. Once work is completed or the proposal terminated, any unexpended funds deposited by the proponent shall be returned to the proponent.
- D. The District retains the right to terminate work at any time. Termination of work on a proposal is not a basis for refund to the proponent of expended funds, and no refund shall be made for such expenditures without the approval of the Board.

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- E. All work is undertaken at the risk of the proponent and no warranties are made, or obligations, or liabilities assumed by the District as to the outcome of the analysis.

- F. To the extent practical, the District shall encourage the proponent to secure its own analysis of the property by qualified professionals for presentation to the District for review and consideration at the proponent's sole expense and risk. Acceptance of such work will be at the sole discretion of the District.

- G. Regular District service program work, services and responsibilities shall be given priority over proposals undertaken pursuant to this Policy.