


Fairfax County, Virginia	
Procedural Memorandum No. 08-06 AMENDMENT 1	
To: Administrative Staff	Amended: Amended: October 6, 2011 (previously 108)
	Reference: Implemented: April 13, 1983
Initiated by: Facilities Management Department	Approved by County Executive: 
Subject: PROCEDURES FOR THE REALLOCATION OR DISPOSITION OF REAL PROPERTY OWNED BY THE BOARD OF SUPERVISORS OR SEMIAUTONOMOUS COUNTY AGENCIES	

I. Purpose:

To provide processes and criteria for the reallocation, reuse by a different County agency or disposition of County-owned real estate that has been determined to be surplus to the needs of a particular County agency or semi-autonomous County related agency.

II. Scope:

- A. This Procedural Memorandum is applicable to all County-owned properties and does not include those used or controlled by the School Board, the Park Authority, the Water Authority, and the Department of Housing and Community Development, unless otherwise specified by the Board of Supervisors or the affected Board or Authority.
- B. The Director of the Facilities Management Department ("FMD") or his/her authorized agent has the sole authority to implement the responsibilities of this Procedural Memorandum.

III. Policy:

This Procedural Memorandum is designed to ensure that all interested County agencies are provided the opportunity to request the use of surplus real property or facilities prior to disposal and is generally actuated by one of the following events:

- a. Request by a citizen to purchase County-owned real property,
- b. Request by a County agency or semi-autonomous County agency to utilize a particular County-owned property,

- c. A declaration by a County agency or a semi-autonomous County agency that certain real property is surplus to the needs of such agency,
- d. A declaration by a County agency or semi-autonomous County agency that certain real property purchased or required for a County-funded project must now be conveyed to complete the project, or
- e. A determination by FMD that certain County-owned property may be surplus to public needs.

IV. Procedures to Reallocate or Dispose of Real Property

County agencies who wish to reallocate or dispose of Board-owned property shall submit a written request to the Director of FMD. The written request shall identify the parcel and/or facility, the reason reallocation or disposal of the parcel is required, the current tenant or user group, and the financial implications of the transaction. After receipt of the declaration or request, FMD shall:

- A. Notify the District Supervisor and the Chairman of the Board of Supervisors of the declaration or request.
- B. Initiate written correspondence with the agency that currently utilizes the subject property and/or facility and summarize the County's interest in examining the potential reuse or disposal of property. Request detailed information from the agency regarding their current use and the business implications to the agency should a reallocation or disposal be approved.
- C. Request a summary of the Comprehensive Plan recommendations, any pending Comprehensive Plan Amendments, current zoning and any pending zoning applications for the subject property from the Department of Planning & Zoning ("DPZ").
- D. Review the Capital Improvement Program to determine if planned expenditures were budgeted for the subject property and/or facility.
- E. In cases where a facility is impacted by the request, FMD shall prepare a brief summary of the existing condition of and the estimated basic renovation costs (if any) for the facility. The renovation costs shall only address the basic building structure and systems.

Upon receipt of the above information, FMD shall prepare a memorandum summarizing the request and all pertinent property information that will be distributed to all County agencies, semi-autonomous agencies, the District Supervisor and the Chairman of the Board of Supervisors. The memorandum will also request that any interested agency should submit a request for the utilization

of the property. Any agencies or groups requesting use of the property must include a specific justification and a projection of the fiscal impact of such use within a specified time. County agencies not responding to the circular within the specified time will be assumed to have no interest in the subject property.

V. Potential Use Analysis

- A. If recommendations are received from County agencies, upon receipt of the recommendations, FMD will prepare an analysis of the potential County reuses of the property and forward a recommendation to DPZ.
- B. DPZ will review the recommendation with regard to the existing Comprehensive Plan guidance, including an examination of, transportation, environmental and other applicable impacts. DPZ will also determine if the recommendation requires review pursuant to VA Code Annotated Section 15.2-2232, and/or review and approval of any zoning actions
- C. Should reuse of the surplus property involve a financial remuneration to the agency/owners, FMD will coordinate with the Department of Management and Budget ("DMB") in the preparation of a financial analysis of the proposal. The analysis should address, at a minimum, the source of funds for payments, the proposed payment schedule, and the relationship of the payments to each agency's budget and the general fund.
- D. The analysis from DPZ and DMB, with recommendations, will then be forwarded to the County Executive for review and approval. After review, the County Executive will inform the Board of Supervisors of the determination with regard to the reuse of the subject property.

VI. County Reuse of the Property

- A. If the recommended reuse of the property is approved by the Board of Supervisors, FMD will notify the agency requesting the reuse of the property. If necessary, such agency, in conjunction with FMD, shall apply to DPZ for review and approval by the Planning Commission in accordance with VA. Code Annotated Section 15.2-2232. Such agency, in conjunction with FMD, shall also apply to DPZ for review and approval by the Planning Commission and Board of Supervisors for any required zoning actions, if necessary.
- B. Following the approval of the purposed reuse under the provisions of Section 15.2-2232 and upon approval of any financial consideration, the requesting agency may proceed with utilization of the property.

VII. Disposal of the Property

- A. In those cases where property owned by a semi-autonomous agency has not been sought for reuse by any other County agency or where the County Executive determines that reuse of the subject property for public purposes is not feasible and/or is inappropriate, the County Executive will recommend to the Board of Supervisors that the County not seek public use of the property. Upon Board approval and declaration that the property is surplus, FMD will notify the semi-autonomous agency that no other public use of the property is proposed. The owner-agency may dispose of the property only after seeking the advice and consent of the Board of Supervisors with regard to the method of sale and proposed reuses of the property.
- B. In those cases where the surplus property is owned by the County (Board of Supervisors) and no agency requests the utilization of the property or the County Executive determines that reuse of the property for public purposes is not feasible and/or is inappropriate, the County Executive will direct FMD to study the desirability of selling the surplus property (to the extent possible, within 30 working days). This study should include (1) the origin of County ownership of the property, (2) an appraisal of the property by an independent appraiser, (3) a brief analysis of the marketability of the parcel, and (4) a review by DPZ to identify potential Comprehensive Plan and/or Rezoning opportunities and constraints. Normally, only one independent appraisal will be contracted; however, FMD may, on a case by case basis, determine that two independent appraisals are required due to the specialized nature of the subject property or unusually high market value of the property. When appropriate, the independent appraisal of the property may be funded from the budget of FMD. Upon completion of the study, FMD will forward a recommendation to the County Executive for consideration by the Board of Supervisors. This item will recommend a time frame for the disposal, state whether the property should be sold by public bid or private sale, and recommend a minimum bid value for the purchase of the property. The minimum bid value will be based upon the market value of the property as estimated by the independent appraiser and County staff.
- C. According to VA Code Annotated Section 15.2-1800 (Supp.2005) a public hearing must be held prior to the disposal of any County-owned real property. All such public hearings shall be advertised in accordance with Section 15.2-1813. The Clerk to the Board, in conjunction with the County Attorney and FMD, shall effect this advertisement. In addition to this public advertisement, FMD staff shall notify by registered mail all adjoining property owners of the pending public hearings. If these notices do not total twenty-five different property owners, then additional notices will be

sent to property owners in the immediate vicinity so that twenty-five property owners are notified.

VIII. Procedures for Sale of the Property

Should the Board of Supervisors declare the property surplus to the County and determine that it be sold, FMD in concert with the County Attorney shall initiate the necessary actions leading to the sale of the property by public bid or private sale. These actions, which will be funded initially from the FMD budget, are as follows:

- A. Request an independent appraisal of the property.
- B. Determine the most appropriate disposal process. Sale of real property is excluded from the Virginia Public Procurement Act and the Fairfax County Purchasing Resolution.
 - 1. Option 1: Private Sale – coordinated by FMD staff or a third party, such as a consultant
 - 2. Option 2: Sale through a competitive solicitation through the Department of Purchasing and Supply Management.