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**IDAPA 39  
TITLE 03  
Chapter 45**

**39.03.45 - RULES GOVERNING SALE OF NO LONGER USEFUL  
OR USABLE REAL PROPERTY**

**000. LEGAL AUTHORITY.**

The Idaho Transportation Board promulgates this rule by authority of Section 58-335A, Idaho Code. (7-20-89)

**001. TITLE AND SCOPE.**

This rule establishes a process for selling no longer useful or usable real property under the ownership and control of the Idaho Transportation Department having an appraised value of twenty-five thousand dollars (\$25,000) or less. (7-20-89)

**002. -- 009. (RESERVED).**

**010. DEFINITION.**

01. Real Property. Real property and the improvements thereon under the ownership and control of the Idaho Transportation Department outside the right-of-way limits which the Chief of Highway Operations declares no longer useful or usable by the department. (2-19-91)

02. Appraisal. An opinion of value formulated by the concerned District Right-of-Way Agent based on a determination of value or sales comparable to the property declared no longer useful or usable. (2-19-91)

03. Department. Idaho Transportation Department. (7-20-89)

**011. -- 099. (RESERVED).**

**100. LIMITATIONS.**

This rule shall not apply to properties whose appraised value exceeds twenty-five thousand dollars (\$25,000), or to office and maintenance yard sites regardless of value. By the terms of Section 58-335A, Idaho Code, the provisions of Sections 58-331 through 58-335 inclusive, Idaho Code, shall not be in effect or followed as to properties valued at twenty-five thousand dollars (\$25,000) or less and disposed of in accordance with this rule. (9-14-92)

**101. -- 199. (RESERVED).**

**200. COVERED PROPERTY.**

If the property is recommended for disposal as no longer useful or usable for the needs of the Department based upon recommendations by the District Engineer and concurrence of the Materials, Planning, Maintenance, and Traffic sections, it shall be appraised by the District Right-of-Way Agent or other Department qualified appraiser. If its value is determined to be twenty-five thousand dollars (\$25,000) or less, it shall be disposed of in accordance with this rule. (9-14-92)

**201. -- 299. (RESERVED).**

**300. METHOD OF SALE FOR PROPERTY VALUED UP TO TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500).**

District Right-of-Way, upon approval of the State Highway Administrator, shall offer the property for sale at an amount not less than the appraised value. The property shall first be offered to immediately adjoining property owners. If more than one adjoining owner exists who desires to purchase the property for at least the minimum appraised value, it shall be sold at public or private auction. If the property is not sold to an adjoining owner, sale may be by any method calculated to dispose of the property. This includes, but is not limited to, direct negotiations with interested parties, use of advertising, hiring real estate agents and public auction. The total amount returned to the Department from sale must not be less than the appraised value plus any direct expenses incurred by the Department to sell the property. All terms of sale shall be cash at the time of sale. (9-14-92)

**301. -- 399. (RESERVED).**

**400. MINIMUM VALUE.**

A minimum value of at least five hundred dollars (\$500) will be established for any parcel regardless of its fair market value to cover administrative costs associated with appraising and selling the property. This amount can be waived if justification is provided by the District requesting disposition. (9-14-92)

**401. METHOD OF SALE FOR PROPERTY VALUED IN EXCESS OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) AND NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS (\$25,000).**

District Right-of-Way, upon approval of the State Highway Administrator, shall offer the property for sale at public auction. Term sales of up to a maximum of twenty (20) years may be considered as determined by the Department. (9-14-92)

**402. -- 499. (RESERVED).**

**500. PAYMENTS.**

All payments will be made to the Department. (9-14-92)

**501. -- 599. (RESERVED).**

**600. ISSUANCE OF DEEDS.**

The Department's Director will execute an appropriate deed transferring ownership upon clearance of all receipts of sale and the Department will forward title immediately thereafter. (9-14-92)

**601. -- 999. (RESERVED).**