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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. (7-1-97)

**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. (7-1-97)

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

**010. DEFINITION.**

01. Surplus 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. (7-1-97)

02. Real Property. Real property and improvements within the Right-of-Way limits. (7-1-97)

03. Appraisal. An opinion of value formulated by a licensed Appraiser. (7-1-97)

04. Surplus Property Value Estimate. An estimate of value for surplus real properties valued at ten thousand dollars (\$10,000) or less formulated by the Idaho Transportation Department or its agents. (7-1-97)

05. Public Sale. Public auction or sealed bid. (7-1-97)

06. Administrative Fee. A fee determined by the Department to include direct sale expenses. (7-1-97)

07. Department. Idaho Transportation Department. (7-1-97)

08. District. Individually or collectively the jurisdictional areas of the department. (7-1-97)

09. Agent. Any individual, firm, partnership, or corporation that has contracted with the Department to express an opinion of value on surplus real property owned by the Department. (7-1-97)

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

**100. LIMITATIONS.**

This rule shall not apply to office and maintenance yard sites regardless of value. (7-1-97)

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

**200. COVERED PROPERTY.**

Based upon recommendations by the District Engineer and concurrence of the Materials, Planning, Maintenance, Traffic and/or interested headquarter sections, property no longer useful or usable for the needs of the Department is recommended for disposal. (7-1-97)

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

**300. TRADES.**

The department is authorized to exchange surplus real property for other parcels of real property. In exchanging real properties, both parcels will be appraised, and either the owner or the department shall pay to the other the difference in value. The appraisal amount shall only establish the minimum amount the department may seek for its property. (7-1-97)

**301. METHOD OF SALE FOR PROPERTY VALUED LESS THAN TEN THOUSAND DOLLARS (\$10,000).**

The department shall offer the property for sale at an amount not less than the Surplus Property Value Estimate. The property shall first be offered to all adjoining property owners. If more than one (1) adjoining property owner is interested in the property, a private auction will be held between the adjacent owners. If the property is not purchased by an adjacent owner, it shall be offered at public sale. The sales price shall include an administrative fee. Term sales of up to five (5) years may be offered at the discretion of the department. (7-1-97)

**302. METHOD OF SALE FOR PROPERTY VALUED AT TEN THOUSAND DOLLARS (\$10,000) OR GREATER.**

The department shall first offer the property at the appraised price to the following: State Agencies, County and City where the property is located, the Highway District in which the property is located. The state agencies are given first priority to purchase the property, county second, city third and Highway District forth. If none of the above public agencies purchase the property, it will be offered at public sale. The sales price shall include an administrative fee. Term sales of up to twenty (20) years may be offered at the discretion of the department. (7-1-97)

**303. -- 399. (RESERVED).**

**400. MINIMUM VALUE.**

All property regardless of the Surplus Property Valuation shall have a minimum value of five hundred dollars (\$500). This amount may be waived if justification is provided by the District requesting disposition. (7-1-97)

**401. -- 499. (RESERVED).**

**500. PAYMENTS.**

All payments will be made to the Department. (7-1-97)

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

**600. ISSUANCE OF DEEDS.**

The Department's Director will execute the appropriate documents transferring ownership within thirty (30) days of the date of sale or upon clearance of all receipts of sale. (7-1-97)

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