

01 NCAC 06B .0203 BY DEED

(a) A PO-1, "Acquisition of Real Property," must be sent to the Division of State Property by the agency desiring to acquire property.

(b) Contact is made with property owner, either by registered letter, telephone call or personal visit requesting permission to appraise property with no obligation on owner's part. This letter also informs the owner of the state's intent to purchase the property.

(c) If permission is received from owner, an appraisal is secured in accordance with Section .0900 of this Subchapter:

- (1) A real property agent and relocation agent from the Division of State Property then contacts the owner.
- (2) An offer to purchase is made based on the just compensation value determined by the Director of the Division of State Property.

If the property owner agrees to sell, an Option Agreement is secured with the approval of the Governor and Council of State.

(d) An item is then prepared in the Division of State Property for presentation to the Council of State:

- (1) In preparation, a PO-3, "Report on Findings of the Department of Administration," is prepared and submitted for the State Budget Officer's approval.
- (2) Each file is documented with sufficient details to explain the acquisition procedure.
- (3) A title opinion is requested from the Attorney General assigned to the Department of Administration.

(e) An agenda covering property matters to be presented to the Council of State is typed, printed, and distributed by hand before the Council of State meeting with copies to:

- (1) Council of State members,
- (2) Secretary of Department of Administration.

(f) After Council of State meeting is held:

- (1) Notifications of Council of State actions are made to each agency and individual property owner involved.
- (2) The transactions approved are forwarded to the Attorney General's Office with instruction for completion. All legal transactions in connection with an acquisition are handled through the Attorney General's Office. All legal documents are prepared in that office.
- (3) The PO-3 is forwarded to the Governor's Office for signature by the Secretary for the Council of State and returned to the Division of State Property for filing.

(g) After title opinion is received by the Attorney General, a report of the findings is given to the Division of State Property. If approval is given, checks are requested for purchase price of the property.

(h) When the checks are received, the deed and closing instructions are sent out by the Attorney General.

(i) After the deed is delivered and recorded:

- (1) A check from the owner for his pro rata share of the ad valorem tax is transmitted for deposit until a tax statement is received. At that time, the Division of State Property requests a check for the full amount of tax due. The state pays ad valorem taxes on property for the year in which purchased.
- (2) The original deed is filed in the Secretary of State's Office.
- (3) A copy of the deed is sent to the affected agency, along with any special information concerning vacancy of improvements or management of property.
- (4) A copy of the deed, appraisal and any other pertinent information is placed in the permanent files of the Division of State Property.
- (5) A letter is written to the tax office in affected county, requesting a change in the ownership records.
- (6) The insurance department is notified of the value of buildings involved if the building is not to be demolished.
- (7) Land inventory data is prepared and entered into the computer.

History Note: Authority G.S. 143-341(4); 146-22; 146-22.1; 146-23; Eff. February 1, 1976; Readopted Eff. February 27, 1979; Amended Eff. August 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.

