



Idaho Department of Lands
Agency Guidance Document
Real Estate Services
Boise Staff Office
(208) 334-0200
comments@idl.idaho.gov

Land Board Policies: Surplus Land Sales

This guidance document is not a new law. This document is an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

Agency Contact

Bureau Chief – Real Estate Services

Contents

1. May 11, 1993 approved memo and final minutes

State Agency Review Time on Surplus Sales

Summary of Board action: Changed the deadline for response by other state agencies to 15 days.

2. June 3, 1996 approved memo and final minutes

Cash on Sales of Less than \$75,000

Summary of Board action: Sales of \$75,000 or more to be sold on contract; sales of \$75,000 or less to be sold for cash.

STATE BOARD OF LAND COMMISSIONERS
May 11, 1993

SUBJECT

Proposed reduction of state agency review time on surplus sales.

AUTHORITY

Idaho Code, Sec. 58-332, Disposal of surplus real property.

DISCUSSION

The current policy gives state agencies thirty (30) days to respond if they are interested in purchasing a parcel of land declared surplus by another state agency.

This policy was first adopted after the October 12, 1976 Land Board meeting when a parcel declared surplus by the Idaho Transportation Department was put on hold until after the other state agencies were given the opportunity to review the proposed sale. At that time the Department of Lands staff adopted a policy of giving the other state agencies thirty (30) days to respond before the surplus sale could be submitted to the Land Board for approval to dispose of such property at public auction or direct sale.

RECOMMENDATION

The department recommends that the deadline for response by other state agencies be changed from thirty (30) days to fifteen (15) days. It is seldom that a state agency responds to the notices sent out and often the sale could be presented to the Land Board a month earlier than is currently possible. Consequently, the agency declaring the property surplus could sell the property a month earlier than is now possible.

Attached are letters from the Idaho Transportation Department, Idaho Fish and Game Department and Idaho Department of Water Resources supporting the reduction in response time.

BOARD ACTION

APPROVED
MAY 11 1993

DFM
DFM:mh
April 30, 1993

ATTACHMENTS

1. Copy of October 12, 1976 Land Board Memo
2. Copy of Summary of October 12, 1976 Land Board meeting
3. Copy of Letter dated April 27, 1993 from Idaho Transportation Dept.
4. Copy of Letter dated April 7, 1993 from Idaho Dept. of Fish & Game
5. Copy of Letter dated April 7, 1993 from Idaho Dept. of Water Resources

LAND BOARD MEMORANDUM
Reduction in response time on property
declared surplus by other state agencies
May 11, 1993
Page 2 of 2

MEMO TO THE LAND BOARD

Surplus Sale

Owner: Transportation Department, Division of Highways.

Legal Description: A portion of Lots 1 thru 12 of Block 33 of the Vollmer Addition to the Village of Craigmont as shown on the official plat thereof now on file and of record in the office of the County Recorder of Lewis County, Idaho, lying and being situate in Section 33, Township 34 North, Range 1 West, Boise Meridian. (complete legal description in Department of Land file).

County: Lewis

Appraisal: \$7,600.00

Terms: Cash

Remarks: This is an irregular shaped tract of improved land on the South side of U.S. Highway 95 between Main and 6th Streets in Craigmont. The site is improved with a 1,520 sq. ft. maintenance shed and a 1,200 sq. ft. storage shed. Both buildings show extensive physical deterioration. Access is via a 40 ft. commercial approach. Also on the site are two underground tanks with fuel pumps. A wire mesh fence and three double gates enclose the perimeter of the site.

The facility has been replaced by a new maintenance shed and is no longer needed by the Division of Highways.

The Administrator of the Division of Highways has declared the tract surplus to their needs and recommends that it be sold at public auction.

Department

Recommendation: We recommend that the tract be approved for sale and sold under surplus property procedure as required by law, and that the State issue only a Quitclaim Deed because only a Quitclaim Deed was acquired by the State when it acquired the tract.

DEPARTMENT RECOMMENDATION APPROVED: _____

DEPARTMENT RECOMMENDATION DENIED: _____

OTHER ACTION: Hold OCT 12 1976

In further state that surplus property has been circulated among other state agencies and that none are interested

WJM:ab
10-7-76

Get sign. of from other state agencies

1976 LSP #29/cont.

tract is for development in conjunction with the adjacent private land", but the price on it is \$450 an acre. If this is the case, the price is only one-third what it should be. Governor Andrus stated that there should be a block ad in the Salt Lake newspapers as well as the largest circulating Idaho papers.

Mr. Trombley stated that the Department made the appraisal and that because it is so isolated with no access it was appraised at the above referenced price.

Mr. Williams stated that if the land is suitable for subdivision that the public will take care of the price. He then moved that the Board accept the recommendation of the Department, that the tract be approved for sale in four separate units as shown with the sale of each unit contingent on the sale of all four units to avoid further fragmentation of State land, and that each one be sold with full advertisement. Mr. Canarrusa seconded the motion. The motion carried unanimously.

LAND SALE REQUEST - Mary L. Becktel

This application is for 1/2 of an acre located in Shoshone County. The Department recommends that in order to resolve the trespass problem that the tract be approved for sale at the appraised price (\$2,500) and under the conditions outlined in the remarks of the memo.

Dr. Truby moved that the Board accept the Department's recommendation. Mr. Joe Williams seconded the motion. The motion carried unanimously.

1977 PROPOSED LAND SALES PLAN

The Department recommends approval of the proposed land sale plan for 1977, with the understanding that each proposed sale will be submitted individually for Land Board action in the usual manner after processing and appraisal is completed.

Mr. Williams moved that the Board accept the plan, with each parcel of land coming before the Board before they are disposed of. Mr. Wayne Kidwell seconded the motion. All voted aye with the exception of Dr. Truby who voted nay.

SURPLUS SALE - Transportation Department, Division of Highways

Governor Andrus stated that this land is an irregular shaped tract which has been improved, located on the south side of U.S. 95 in Craigmont, Lewis County, Idaho. The Department's recommendation is that the tract be approved for sale and sold under surplus property procedure as required by law, and that the State issue only a Quitclaim Deed, because only a Quitclaim Deed was acquired by the State when the State acquired the tract.

It was brought out that other State agencies had not been contacted to see if there was other interest in the property. Because of this the Board will hold action on this sale until they have been notified that no other state agency could use the property. It was stated that the future surplus property sales should be accompanied with a statement that they have been circulated among state government.

DIVISION OF LAND SALE CERTIFICATE NO. 26959 - Gerald D. Cooper

This involves 320 acres in the Downey-American Falls area, which was sold in August. The Department's recommendation is that the division be approved as requested under the terms outlined under remarks on the memo to the Board.

Mr. Trombley stated the Department would deed a portion west of the road, the portion east would remain under contract. They recommended payment of \$29,446.50 in order to divide the certificate and deed the portion of the ground.

Mr. Williams moved that the Board accept the Department's recommendation. Mr. Canarrusa seconded the motion. The motion carried unanimously.

REQUEST FOR QUIT CLAIM OF INTEREST - Potlatch Corporation

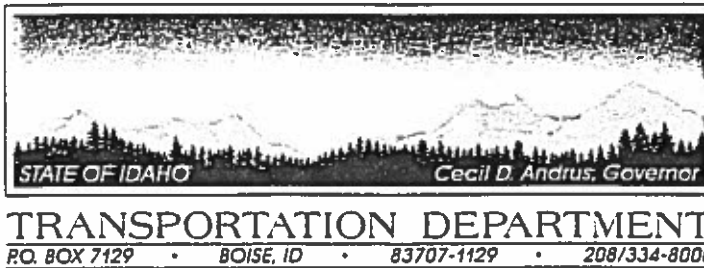
The Board asked if there were accretion lands to a riparian owner. As the Departmental staff had not had an opportunity to discuss this with Mr. Trombley, he suggested that this be held until further information can be attained. It was the consent of the Board to hold action until the information is received.

LAND STATUS (Re: Bonaparte Placer M.S. No. 2106, Boise County)

The State of Idaho was granted a portion of Section 17, along with other adjoining lands under Clericalist #70, dated February 21, 1930. The Department recommendation is that upon written request from Mr. Cook for a Quitclaim Deed and upon being furnished by him an acceptable metes and bounds description of the portion located in the said NW1/4, Section 17, that the Department be authorized to prepare a Quitclaim Deed to be executed by State officials in the usual manner. The Department further recommends that the BLM proposal to adjust the lieu selection records by adding 2.92 acres of deficiency lands be considered acceptable, and the State's lieu selection and ownership records be changed accordingly.

The Bureau of Land Management deeded this land to the State not realizing that there was a prior right or claim to a portion of the land. The Bureau now has agreed that they deeded land to the State that they had no right to deed. In order to clear the title, they are suggesting that the State relinquish the 2.92 acres and accept lieu land entitlement to that amount to be taken elsewhere.

Mr. Williams moved that the Board follow the Department's recommendation. Mr. Williams seconded the motion. The motion carried unanimously.



April 27, 1993


Mary Hodges
Bureau of Real Estate
Idaho Department of Lands
Statehouse Mail

Re: Proposed Reduction in Response Time from State Agencies
in Regards to Property Declared Surplus--Letter Dated 4/2/93

Dear Ms. Hodges:

We have no objection to the Department of Lands reducing the agency response time from 30 days to 15 days.

Sincerely,


JC WALTON
Sr R/W Agent

JC:hl



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, ID 83707-0025

April 7, 1993

Don McNarie
Real Estate Specialist
Idaho Department of Lands
Statehouse Mail

Subject: Response Time on Surplus Property

Dear Don:

This is a follow-up to your request for comments on the proposal to shorten the response time on surplus properties from 30 to 15 days.

We support this change in policy. While we don't surplus many properties we support the effort to shorten response time so properties can be disposed of in a timely manner.

Sincerely,

Tom Parker
State Wildlife Land Manager
Bureau of Wildlife

TP15L.bl

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



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State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 7, 1993

Mary Hodges
Bureau of Real Estate
Idaho Department of Lands
Statehouse
Boise, ID 83720

Re: Proposed Reduction in Response Time From State Agencies in
Regards to Property Declared Surplus

Dear Ms. Hodges:

The Department of Water Resources has no objection to reducing the response time from state agencies on properties declared surplus from 30 days to 15 days.

Thank you for the opportunity to comment on this matter. Please keep me advised on the status of the proposal.

Sincerely,

A handwritten signature in cursive script that reads "Norman C. Young".

NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:dc

**REGULAR MEETING
STATE BOARD OF LAND COMMISSIONERS
May 11, 1993**

The regular meeting of the State Board of Land Commissioners was held at 9:00 a.m., Tuesday, May 11, 1993, in the conference room of the Joe R. Williams Office Building. Governor Cecil D Andrus presided.

Those members present were:

Honorable Cecil D. Andrus, President, and Governor of the State of Idaho
Honorable Pete T Cenarrusa, Secretary of State
Honorable Larry EchoHawk, Attorney General
Honorable J. D. Williams, State Auditor
Honorable Jerry L. Evans, Superintendent of Public Instruction

Stanley F Hamilton, Secretary to the Board

Consent Agenda

- A. Official Transactions -- March 1993
- B. Proposed Timber Sales:
 - 1. CR-1-0247, North Fork Sawlog, Priest Lake Area
 - 2. CR-2-0145, Fish Creek, Pend Oreille Area
 - 3. CR-2-0148, Chicken Ridge, Pend Oreille Area
 - 4. CR-3-0367, Stony 40's, St. Joe Area
- C. FY-1994 Deferred Road Maintenance Projects
- D. Qualified Bidder List Requests -- Timber Sales:
 - 1. Eugene G. Clark -- Ashton, Idaho
 - 2. Richard and Brian Marler -- Rigby, Idaho
 - 3. Dan Balbach -- New Meadows, Idaho
 - 4. Terry, Dixie, Johnny, and Sheldon Thompson -- Kamas, Utah
- E. Administrative Rule Amendments -- Request for Authority to Enter APA Process:
 - 1. Selling of Forest Products on State-Owned Endowment Lands, IDAPA 20.02.10.
 - 2. Timber Supply Stabilization Act of 1989 on State Forests, IDAPA 20.02.11.

May 11, 1993

Page 1 of 8

F Disclaimer of Interest Requests:

1. Unagi-Eusti Enterprises, Inc. dba G&B Redi-Mix, 46.95 ac., Canyon Co.
2. Stephen and Wenda Jones, 1.21 acres, Canyon County
3. Tim Gibson, Ruth Gibson, Ray Arana, 6.27 acres, Ada County
4. Allen and Catherine Drake, 4.81 acres, Boise County

G. Land Sale Proposal -- Parcel #384-92, 47.16 acres, Washington County

H. Request for Disposal of Surplus Property -- Idaho Department of Fish and Game -
- 5.18 acres, Kootenai County

I. **Proposed Reduction of State Agency Review Time on Surplus Sales**

J. Easement Request -- City of McCall -- Public Road and Utilities

K. Kootenai County Waterways -- Floating Golf Green Funds

J. D. Williams moved to approve consent agenda items, A through K. Jerry Evans seconded. The motion passed unanimously.

Regular Agenda

Request for Addition to Qualified Bidders List -- Stan Runnels, Joseph, Oregon

Jerry Evans noted that this firm is in the process of moving a portion of their operations to southeastern Idaho. Until that move has been completed and until they have a viable Idaho operation, he thinks their request should be denied until that other information is available, and so moved. Pete Cenarrusa seconded. The motion passed unanimously.

Big Cat OSR Timber Sale Proposal #CR-1-0249, Priest Lake Area

Winston Wiggins reported on the town hall meeting that was held at Priest Lake on April 22 at the Priest River elementary school. About forty people showed up and about sixteen people made oral or written comments. There were also some letters and phone calls which are documented in the board package. The questions and comments fell into three categories -- the visual concerns about what the sale was going to look like, water quality concerns, and the sale's impact on wildlife habitat.

Mr. Wiggins reported that there were many good comments and the meeting was held in a positive atmosphere. After the department reviewed the sale and looked at the comments and questions that were raised, staff believes the sale does address those concerns and the department recommendation is that the sale be sold.

May 11, 1993

Page 2 of 8

STATE BOARD OF LAND COMMISSIONERS

~~May 14, 1996~~

JUN 03 1996

SUBJECT

This is a 9.89 parcel of land declared surplus by Idaho Transportation Department located in Twin Falls County near Filer. It is identified as Project No. F-2361(11), Parcel ID No. 0037611, Key No. A2424.

AUTHORITY

Idaho Code, Section 58-332 - Disposal of surplus real property.

DISCUSSION

This is the former Cedar Draw Rest Area located on the southerly side of U.S. Hwy 30 on the southwestern outskirts of Filer, Idaho. It is described as being portions of Government Lots 3 and 4 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 10 South, Range 16 East, B.M. The parcel is irregularly shaped with the Cedar Draw drainage traversing through the center of the tract.

The only improvements on the parcel are the partial remains of 10 picnic tables and covered canopies in very poor condition and are felt to offer nothing to the overall value of the property nor do they have any salvageable value.

There is one access point at the northeast end of the property which is a 40 foot wide paved travel way off U.S. Hwy No. 30. There is a 251 foot deep 10 inch well on the south central part of the parcel.

The property is zoned as Agricultural. The purpose of the Agricultural zoning is to help protect those good lands suited for agricultural purposes to help retain an economic base for Twin Falls County. Generally these lands are a minimum of twenty acres in size. A residence is permitted under this guideline providing it is a single family residence.

Some commercial uses that are agricultural oriented are allowed as shown in the zoning guidelines. A general commercial use or commercial zoning is unlikely under the current zoning guidelines. The highest and best use is determined by appraisal to be as a rural residential homesite.

Twin Falls County has expressed an interest in purchasing the tract to be incorporated into their park system.

The minimum acceptable value is \$35,100.00 and the terms of sale are 10% down payment on the day of sale with the balance due in twenty (20) annual installments at the current interest rate in place at the time of sale as established by the Land Board, or cash on day of sale. If the parcel is sold under a twenty year contract, the contract purchaser will not be allowed any supplemental agreements as per land board policy approved August 8, 1989.

RECOMMENDATION

All state agencies have been given the opportunity to purchase the property, but no inquiries were received. It is recommended that a public hearing be advertised and held to allow the property to be sold directly to Twin Falls County. If the said direct sale fails to be completed, the Idaho Transportation Department can proceed to sell the property at public auction.

BOARD ACTION

Approved provided That sales of \$75,000.00 or more be sold on contract and sales of \$75,000.00 or less be sold for cash. June 3, 1996

ATTACHMENTS

1. Vicinity map
2. Site map

DFM
DFM:mh
May 9, 1996





IDAHO STATE BOARD OF LAND COMMISSIONERS

Philip E. Batt, Governor and President of the Board
Attorney General Alan G. Lance
Secretary of State Pete T. Cenarrusa
Controller J.D. Williams
Superintendent of Public Instruction Anne C. Fox

Stanley F. Hamilton, Secretary
(208) 334-0200

**MINUTES
REGULAR MEETING
IDAHO STATE BOARD OF LAND COMMISSIONERS
June 3, 1996 (Postponed from May 14)**

The regular meeting of the Idaho State Board of Land Commissioners was held on June 3, 1996, in Boise, Idaho. The Honorable Philip E. Batt presided.

The following members of hnte State Board of Land Commissioners were present:

Honorable Philip E. Batt, President of the Land Board and Governor of the State of Idaho
Honorable Pete Cenarrusa, Secretary of State
Honorable Alan G. Lance, Attorney General
Honorable J.D. Williams, State Controller
Honorable Anne C. Fox, Superintendent of Public Instruction

Stan Hamilton, Secretary to the Board

CONSENT AGENDA

1. Approve official transactions for the month of April 1996
2. Approve draft minutes for
 - a. February 6, 1996 special meeting - timber
 - b. February 13, 1996 regular meeting
3. Results of grazing lease auction
 - a. Grazing lease G-6316 (Dick Shooter Cattle Company/Committee for Idaho's High Desert)
 - b. Grazing lease G-8500 (Crystal Brothers and Mike Tomchak)

4. Approve renewal of minerals lease 7467 - American Minerals Company
5. Approve surplus land sales, Idaho Transportation Department
 - a. Twin Falls County - 9.89 acres, near Filer
 - b. Payette County - 1.4 acres, near New Plymouth
 - c. Kootenai County - 0.138 acres, in Post Falls
 - d. Payette County - 0.52 acres, near Parma
6. Idaho Botanical Garden and Quarry View Park - adjustment to incorporate new main water line
7. Approve addition(s) to qualified bidder's list, timber sales:
 - a. Anderson Logging Company, Inc., Naples, ID
8. Approve proposed timber sales
 - a. Goose Creek, 331 acres CR-1-0271
 - b. Jericho Mine, 193 acres CR-4-0607
 - c. Lower Olson, 575 acres CR-3-0400
 - d. Lucky Log, 340 acres CR-1-0270
 - e. Mussell Pole, 201 acres CR-4-0621
 - f. Over Rainbow, 284 acres CR-5-0065
 - g. Porthill Pulp, 234 acres CR-2-0174
 - h. Ruby Creek, 180 acres CR-4-0631
 - i. Scramble Sawlog, 187 acres CR-3-0380
 - j. Selective Service, 303 acres CR-4-0627
 - k. Upper Bear, 245 acres CR-1-0275
 - l. North Rimrock CR-1-0274
9. Approve proposed timber sale (endangered species concerns)
 - a. Contux Creek, 640 acres CR-5-0083

Superintendent Fox asked about Item 5.b., a proposed land sale of 1.4 acres near New Plymouth. Mr. McNarie said this is an old maintenance shed site the Idaho Transportation Department wants to sell.

Governor Batt asked about the ten acres in Filer. Mr. McNarie stated that it is an old rest area and that they no longer have the manpower to maintain. The request is that it be sold directly to Twin Falls County -- no other public agencies were interested.

Controller J. D. Williams asked about No. 9 regarding the endangered species concerns. Winston Wiggins reported that since the sale required a right-of-way across Forest Service land, they were required to go into consultation with the National Fisheries Service. A biological assessment was prepared that identified some concerns: (1) harvest in proximity to streams; (2) fuel haul in the South Fork Salmon River drainage; and (3) harvest level on some slopes identified as unstable. The concerns on the first two issues have been mitigated and they

remain concerned about removal of some tree from slopes which are identified as potentially unstable. Our geotechnical engineer has done an on-site survey and it is our opinion that there is no risk there due to our modified activities.

Pete Cenarrusa moved to approve the consent agenda. Anne Fox seconded.

Attorney General Alan Lance commented on **Item 5 -- approval of surplus land sales**. He stated these should be cash sales rather than on 20-year contracts.

Director Hamilton said these terms are Department of Transportation terms. Current land board terms are 30% down with 20-year contracts, however, if the board chooses to have these go for cash, the purchasers could arrange their own financing.

Superintendent Fox withdrew her second to the motion.

Attorney General Alan Lance renewed the motion with the exception of incorporating the fact that these smaller sales be for cash on sales of less than \$75,000. Superintendent Fox seconded the motion. The motion passed unanimously.

REGULAR AGENDA

Request for final approval of the Evergreen Forest Products, Inc./State of Idaho land exchange

Perry Whittaker reported that with this land exchange, the state would acquire 458.70 acres of commercial timberland currently owned by Evergreen Forest Products. It consists of two noncontiguous parcels lying five to six air miles southwest of New Meadows. The larger parcel has a cruised timber volume of 8.9 mbf per acre and the 160-acre parcel has a cruised volume of 8.3 mbf per acre. The terrain is moderate with small areas of steep slopes. The state land to be exchange includes 2,920.07 acres of rangeland in eight noncontiguous parcels lying in Washington County, three non-lakefront cottage sites and three lakefront cottage site lots at McCall for a total of 2,922.441 acres.

Mr. Whittaker commented that there have been insinuations that the appraisals were controlled by the lessees. The department did require that the lessees pay for the appraisals to save tax dollars. The department maintained much control over the selection process and the actual appraisal process. IDL initially identified several acceptable appraisers and contacted them regarding appraisal cost estimates. This information was then relayed to the lessees with a recommendation of a suitable appraiser. Also when the appraiser was selected by the lessee, the department would provide the instructions, legal descriptions, etc., necessary to the appraisals. The properties have been appraised by mutually acceptable independent fee professional appraisers. Three appraisers were utilized: 1) to appraise the timberland; 2) cottage sites; and 3) to appraise the rangeland parcels. The department reviewed the appraisals for conformance with uniform standards of professional appraisal practice.