

Section 10.1

INVENTORY OF PROPERTIES ACQUIRED THROUGH THE RIGHT OF WAY PROCESS; RODENT CONTROL INSPECTIONS; MAINTENANCE

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Section 10.1

INVENTORY OF PROPERTIES ACQUIRED THROUGH THE RIGHT OF WAY PROCESS; RODENT CONTROL INSPECTIONS; MAINTENANCE

PURPOSE

To establish uniform procedures for conducting an inventory of all real property and property interests, personal property, structures and severable items acquired through the right of way process, and to provide a process for determining the need for rodent control and maintenance on right of way acquisitions. To establish uniform procedures for maintenance of an inventory of all excess and surplus real property owned by the Florida Department of Transportation (FDOT).

AUTHORITY

Section 20.23(3)(a), Florida Statutes (F.S.)
Section 73.013, Florida Statutes (F.S.)
Section 287.057, Florida Statutes (F.S.)
Section 287.058, Florida Statutes (F.S.)
Section 334.048(3), Florida Statutes (F.S.)
Section 337.25 (2), Florida Statutes (F.S.)
23 Code of Federal Regulations (CFR), 710.103
Circular A-102, Office of Management and Budget

SCOPE

FDOT District and Central Office Right of Way staff will utilize this Section.

NOTE: Throughout this section, the use of the term “district(s)” and “District Secretary” includes the “Turnpike Enterprise” and “Director, Turnpike Enterprise”, unless otherwise stated.

REFERENCES

Right of Way Manual, Section 7.5, Legal Documents and Land Acquisition Closing
Right of Way Manual, Section 10.2, Right of Way Clearing

Right of Way Manual, Section 10.5, Disposal of Surplus Property
Right of Way Manual, Section 10.7, Asbestos Management
Section 287.057, Florida Statutes
Section 287.058, Florida Statutes
Section 337.27 (2), Florida Statutes
Topic Number 375-040-020 (Procurement of Commodities and Contractual Services)

TRAINING

Right of Way Training Program participants will be trained in the activities required by this procedure during the Property Management segment of the FDOT Fundamentals of Right of Way Course.

FORMS

The following forms are available through the DOT Infonet and Internet:

<http://infonet.dot.state.fl.su/tlofp/forms.asp>

<http://www.dot.state.fl.us/rightofway/document.htm>

575-060-01, Property Inventory
575-060-02, Cash Receipt Form
575-060-09, Field Inspection

DEFINITIONS

For the purpose of establishing uniformity in preparing inventories, the following shall apply:

Excess Property: FDOT-owned property, of any value, located outside of the current operating right of way limits and not needed to support existing transportation facilities. This may include uneconomic remnants, excess property created when design or construction requirements change after acquisition, and excess property resulting from a voluntary acquisition of a remainder property. This property may be needed for future transportation purposes.

Fixtures: Articles that are not real property, are permanently attached to a structure and are ordinarily considered to be legally part of it. Examples of fixtures are ceiling fans and garage door openers.

Intangible Asset: An asset that is closely associated with another item that has physical substance (ex. the underlying land in the case of a right-of-way easement, leaseholds, licenses, permits, etc.).

Personal Property: Any property that is not real property, is generally moveable and is not attached to the land or improvements such as furniture.

Physical Possession: The date of vacancy or surrender of keys by the former occupant.

Real Property: Land, buildings or other improvements permanently affixed to the land. Throughout this procedure, real property may be referred to as “property”.

Severable Items: Items that are appurtenances to real property and does not include personal property.

Structures: Real property in the nature of any building attached to the land. Normally, a structure is considered to be permanently affixed to such land.

Surplus Property: Excess property that the District Secretary or authorized designee has declared, in writing, to have no present or future transportation purpose.

Trade Fixtures: Fixtures attached to a leased building by the tenant to be used in conjunction with the tenant's use of the leased property. These trade fixtures generally are removable without material injury to the premises. They are usually retained by the tenant and do not become part of the real property. The lease agreement, or other written agreement executed by the owner and the tenant, should set forth those items which are the tenant's property. Examples of trade fixtures are display counters and soft drink dispensers.

10.1.1 Performing an Inventory Upon Acquisition

10.1.1.1 A complete inventory shall be made of all real or personal property immediately upon possession or acquisition. Form No. 575-060-01, Property Inventory may be prepared for all fee parcels and permanent easements acquired, or such Inventory may be maintained through RWMS. Regardless of the form used, each inventory shall be filed in the district office in which the property is located and shall include a description of the real property and all structures. Additionally, all items of personal property which are included in the acquisition and are utilized in conjunction with acquired real property or structures shall be included on this inventory. Any item, with a salvage value in excess of \$1,000 that is incorporated for use by FDOT should be recorded in the FLAIR Property

Subsystem. Do not inventory abandoned used clothing or other insignificant items. Such inventory shall be carried forward to show the final disposition of each item of property, both real and personal.

10.1.1.2 For negotiated settlements, the initial inventory should be made during the final walk through, in accordance with this **Section** and the **Right of Way Manual, Section 7.5, Legal Documents and Land Acquisition Closing**, and updated within ten (10) days of physical possession.

10.1.1.3 If the initial inventory is not performed during the final walk through in a negotiated settlement, or if the parcel is acquired by an Order of Taking, the inventory shall be conducted within ten (10) days of physical possession.

10.1.1.4 All temporary construction easements acquired by FDOT must have an expiration date entered into the Right of Way Management System for inclusion into the intangible asset inventory. This will ensure an accurate accounting of all active temporary construction easements on a monthly basis.

10.1.2 Assigning Serial Numbers

Serial numbers must be assigned for all items listed on the inventory form. The serial numbers are assigned as follows:

- (A)** The serial number for the real property shall be the Item/Segment and Parcel numbers.
- (B)** The serial numbers for structures shall be the Item/Segment and Parcel numbers plus an alphabetic extension. If more than one structure per parcel is identified, the extension for each shall be ordered beginning with "A", for example: XXXXXXXX, 100 A, 100 B, 100 C, etc.
- (C)** The serial number for all severable and personal property items shall be assigned by the party conducting the inventory. The manufacturer's identification number or district assigned number should be used for identification whenever one is present on an item. Serial numbers shall be prefaced by "T" when an item is owned by a tenant of the property, rather than the previous land or property owner. The location of each severable item, by building, shall also be documented on the form.

10.1.3 Documenting Disposition

10.1.3.1 Form No. 575-060-01, Property Inventory shall be documented by writing the final disposition of each item in the appropriate place on the form or in the Right of Way Management System within ten (10) days from the date of disposition. The following items shall be maintained within the same file as the inventory form:

- (A) For owner retained items, salvage value estimates and evidence of holdback warrants in accordance with the **Right of Way Manual, Section 10.2, Right of Way Clearing**;
- (B) **Form No. 575-060-02, Cash Receipt Form**, for items which are sold;
- (C) For items retained by FDOT, **Form No. 575-060-02, Cash Receipt Form**, showing the fair market value and signed by the receiving office. Additionally, a note shall be placed on the cash receipt stating: The receiving office shall immediately report this transfer to the District Property Delegate.
- (D) For items transferred to other agencies, acknowledgment of receipt from such agency;
- (E) For items cleared by demolition and removal contracting, the demolition or asbestos abatement contract number shall be written on **Form No. 575-060-01, Property Inventory**;
- (F) Items which will remain for clearing and grubbing shall be so documented on **Form No. 575-060-01, Property Inventory**; and
- (G) For items lost, stolen or vandalized, a memorandum from the Property Management Administrator stating this occurrence and at the district's discretion, a police report may be filed for items of significant value. The estimated value of the items shall be documented in the file.

10.1.3.2 Any items of personal property abandoned by the owner or occupant shall also be listed on **Form No. 575-060-01, Property Inventory**, with the exception of used clothing or other insignificant items. The disposition of such property shall be documented on the form.

10.1.3.3 For items to be disposed of by demolition and removal or clearing and grubbing,

the inventory shall be updated a minimum of every 120 days after the date of physical possession until these activities have occurred. This may be documented by a memo to the file, contact record or by providing a brief explanation in the appropriate place on **Form No. 575-060-01, Property Inventory**, with the commenter's signature and date of update.

10.1.3.4 Prior notice shall be provided to the Outdoor Advertising Regional Inspectors when outdoor advertising signs are to be removed. Notice shall also be provided to the Outdoor Advertising Regional Inspectors if an outdoor advertising sign has been removed.

10.1.4 Maintenance and Rodent Control

10.1.4.1 Maintenance services are required to prevent or correct problems such as illegal dumping or disposal of rubble, debris and garbage on right of way, rodent or pest infestations, vagrancy and vandalism.

10.1.4.2 For properties that have not been let for construction, inspections to determine the need for maintenance and rodent and pest control shall be performed once every 120 days at a minimum, or more often if a particular parcel requires it. For excess properties that are retained after the completion of the construction project, inspections shall be performed on an annual basis.

NOTE: Maintenance and rodent control inspections are not required for easements unless improvements were acquired, in which case inspections are required until improvements have been cleared from the right of way. Rodent control inspections are not required on vacant fee parcels in rural or urban locations unless they are dumps or landfills; however, maintenance inspections must be performed on vacant fee parcels.

10.1.4.3 The first inspection shall be conducted within two (2) weeks from the date of acquisition (the date of closing in a negotiated settlement or the date of deposit in an order of taking) of the first fee parcel or the first easement with an improvement on a project. The initial inspection for each subsequently acquired parcel on a project may be conducted in conjunction with the reinspections of the first fee parcel or the first easement with an improvement. This will allow inspections to be performed and documented on a project basis.

10.1.4.4 The **Field Inspection, Form No. 575-060-09** shall be documented with the date of the initial inspection entered in the appropriate place on the form or in the Right of Way Management System. Inspections, other than the initial inspection, may be documented

by a memo to the file, a contact record or by updating the ***Field Inspection, Form No. 575-060-09***.

10.1.4.5 All inspections shall continue until the letting of the construction contract or FDOT's disposal of the property. The date of the letting or disposal shall be documented in the file.

10.1.4.6 If an Operations and Maintenance Plan (O&M Plan) is in effect for a particular structure pursuant to the ***Right of Way Manual, Section 10.7, Asbestos Management***, inspections required by that plan may be conducted at the same time as maintenance inspections, with the asbestos file so documented. The person conducting these inspections shall have at least two (2) hours of asbestos awareness training. The minimum time frames for inspections required by the O&M Plan shall still be met.

10.1.4.7 Building repairs, yard care, fire hazard prevention, security of buildings, rodent and pest control and other safety and sanitary measures should be followed to comply with public health, safety or other community standards. The persons conducting these measures shall be notified, in writing with the file so documented, of the presence or potential presence of asbestos containing materials (ACM) in the structures.

10.1.4.8 If the district lacks the manpower or expertise to perform any needed maintenance services, the District Right of Way Manager (DRWM) may authorize the use of a contractor to perform the needed services. The contract shall be executed in accordance with the ***Procurement Office, Procedure No. 375-040-020, Procurement of Commodities and Contractual Services, and Sections 287.057 and 287.058, F.S.***

NOTE: In the case of the Southeast Florida Rail Corridor, the Manager, Engineering and Operations, may authorize the DRWM, or designee, to contract for the needed services.

10.1.4.9 If maintenance services require performing work on or in a building in which an asbestos survey determines ACM is present and the possibility exists that the ACM might be disturbed, the contractor performing the work shall provide proof of having completed sixteen (16) hours of asbestos awareness training for maintenance workers.

10.1.4.10 If it is determined that rodent control is required, the district may either include the needed services in the demolition contract, enter into a contractual service agreement with an extermination company, in accordance with the ***Procurement Office, Procedure No. 375-040-020, Procurement of Commodities and Contractual Services, and Sections 287.057 and 287.058, F.S.*** or coordinate with the applicable state, county or city health department(s) to provide the needed services. When rodent control is required, the extermination services shall be completed prior to demolition and removal

of the improvements, with the official file so documented. Additionally, the district must ensure that the extermination services comply with the local county or city extermination codes.

10.1.5 Inventory of Excess and Surplus Real Properties

10.1.5.1 A separate inventory of all excess and surplus real properties shall be maintained to provide an accounting of these properties. Each District Office must identify the properties under its ownership in order to manage them.

10.1.5.2 The inventory is to include the following information:

- (A) Property description, including the item/segment and parcel number, if applicable. A legal description is not necessary;
- (B) FAP number, if applicable;
- (C) If known, the value of the property and the date of valuation;
- (D) Whether each property has officially been declared surplus pursuant to the ***Right of Way Manual, Section 10. 5, Disposal of Surplus Real Property.*** This inventory shall be updated at the time the property is declared surplus; and
- (E) The reason for retaining excess property and not declaring it surplus.

10.1.5.3 The following documentation shall be retained in the official file:

- (A) Each memorandum to the District Secretary requesting property be declared surplus with approval signature or response denying approval; and
- (B) Opinions of value and/or appraisals for excess and surplus properties.

HISTORY

04/15/99, 10/31/00, 05/14/01, 06/05/08, 09/30/09