

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.1-512 of the Code of Virginia, relating to the Department of General*  
 3 *Services; sale or lease of surplus property.*

4  
 5 Approved

[S 319]

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.1-512 of the Code of Virginia is amended and reenacted as follows:**

8 § 2.1-512. Sale or lease of surplus property.

9 Except when a department, agency or institution notifies the Department of a need for property  
 10 which has been declared surplus, and the Department finds that stated need to be valid and best satisfied  
 11 by the use of said property, the Department may dispose of such property as herein provided.

12 A. After ~~such declaration~~ *it determines the property to be surplus to the needs of the Commonwealth,*  
 13 the Department may, with the approval of the Governor in writing first obtained, proceed to sell the  
 14 property. The sale shall be by public auction, or sealed bids, or by marketing through one or more real  
 15 estate brokers licensed by the Commonwealth. Notice of the date, time and place of sale, if by public  
 16 auction or sealed bids shall be given by advertisement in at least two newspapers published and having  
 17 general circulation in the Commonwealth, at least one of which shall have general circulation in the  
 18 county or city in which the property to be sold is located. At least thirty days shall elapse between  
 19 publication of such notice and the auction or the date on which sealed bids will be opened.

20 In instances where the appraised value of property proposed to be sold is determined to be a nominal  
 21 amount or an amount insufficient to warrant statewide advertisement, but in no event in excess of  
 22 \$50,000, the notice of sale may be placed in only one newspaper having general circulation in the  
 23 county or city in which the property to be sold is located.

24 B. The Department shall have the right to reject any and all bids or offers when, in the opinion of  
 25 the Department, the price is inadequate in relation to the value of such property or if a need has been  
 26 found for the property. If the Department deems the bid or offer fair and adequate in relation to the  
 27 value of the property, and if no other need for the property has been found, the Department shall  
 28 recommend acceptance of such bid or offer to the Governor for approval. In lieu of the sale of any such  
 29 property, the Department may, with the approval of the Governor, lease the same to any responsible  
 30 person, firm or corporation on such terms as shall be fair and adequate in relation to the value of such  
 31 property. The provisions of this article requiring disposition of such property through the medium of  
 32 sealed bids, public auction, or marketing through licensed real estate brokers shall not apply to any lease  
 33 thereof, although such procedures may be followed in the discretion of the Department. The deed or  
 34 lease to such property shall be executed in the name of the Commonwealth and shall be in a form  
 35 approved by the Attorney General. *Notwithstanding any law to the contrary and notwithstanding how*  
 36 *title to such property was acquired,* the deed or lease may be executed on behalf of the Commonwealth  
 37 *by the Director of the Department of General Services, or his designee, and such action shall not create*  
 38 *a cloud on the title to the property.* The terms of such sale or lease shall be subject to the written  
 39 approval of the Governor; ~~in writing.~~

40 B1. An exception to sale by sealed bids, public auction, or listing the property with a licensed real  
 41 estate broker may be granted by the Governor if the property is landlocked and inaccessible from a  
 42 public road or highway. In such cases, the Department shall notify all adjacent landowners of the  
 43 Commonwealth's desire to dispose of the property. After such notice has been given, the Department  
 44 may begin negotiations for the sale of the property with each interested adjacent landowner. The  
 45 Department, with the approval of the Governor, may accept any offer which it deems to be fair and  
 46 adequate consideration for the property. In all cases, such offer shall be the best offer made by any  
 47 adjacent landowner. The terms of all negotiations shall be public information.

48 C. Fifty percent of the proceeds from all such sales or leases, or from the conveyance of any interest  
 49 in property under the provisions of this article, above the costs of such transaction, which costs shall  
 50 include fees or commissions, if any, negotiated with and paid to auctioneers or real estate brokers, shall  
 51 be paid, subject to any contrary provisions of law, into the Conservation Resources Fund, so long as the  
 52 sales or leases pertain to general fund agencies or the property involved was originally acquired through  
 53 the general fund, except as provided in Chapter 180 of the Acts of Assembly of 1966. The remaining  
 54 fifty percent of proceeds involving general fund sales or leases, less a pro rata share of any costs of  
 55 such transactions, shall be deposited in the general fund of the Commonwealth. The Department of  
 56 Planning and Budget shall develop guidelines which allow, with the approval of the Governor, any

57 portion of the deposit in the general fund to be credited to the agency, department or institution having  
58 control of the property at the time it was determined surplus to the Commonwealth's needs. Any  
59 amounts so credited to an agency, department or institution may be used, upon appropriation, to  
60 supplement maintenance reserve funds, to supplement capital project appropriations, and for the  
61 acquisition, construction or improvement of real property or facilities. Net proceeds from sales or leases  
62 of special fund agency properties or property acquired through a gift for a specific purpose shall be  
63 retained by such agency or used in accordance with the original terms of the gift.

64 D. When the Department deems it to be in the best interests of the Commonwealth, it may, with the  
65 approval of the Governor, authorize the department, institution or agency in possession or control of the  
66 property to dispose of surplus property in accordance with the procedures set forth herein.