
Chapter: Facilities

Modification No. 001

Subject: **Acquisition, Sale, and Disposal of College Real Property**

- I. The Education Article of the Annotated Code of Maryland sets forth the powers and duties afforded by State law to each local board of community college trustees. Section 16-103(e) and (f) of the Code states that a community college board of trustees may sell, lease or otherwise dispose of community college assets or real property and the president of the college and the chairman of the board of trustees may execute a conveyance or other legal document under an appropriate resolution of the board.
- II. The Board of Trustees is responsible for approving all resolution(s) regarding the acquisition, sale, and disposal of any college asset or real property and shall be notified when all conditions are met.
- III. The President is directed and authorized to establish procedures necessary for implement this policy.

Board Approval: October 17, 2016

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The following outlines procedures for processing easement requests at Montgomery College.

- I. The Office of Facilities is responsible for reviewing easement requests, preparing appropriate materials for the President and the College Board of Trustees, and implementing approved actions on behalf of the College. All easement requests should be forwarded to the Facilities Office for processing.
- II. The Office of Facilities shall prepare a brief, confidential, explanatory cover memorandum and transmit copies of the easement request to the President, the General Counsel, the Senior Vice President for Administrative and Fiscal Services, and the Vice President/Provost of the affected campus for review and information.
- III. If the requester is represented by legal counsel, the College's General Counsel must be notified, and the requester's attorney must deal directly with the General Counsel. The General Counsel will make a recommendation to the President on whether the services of outside legal counsel are required.
- IV. The Office of Facilities contacts the requesting party for detailed information on the easement including, but not limited to, copies of plans, and the requester's construction schedule and/or time frame.
- V. If appropriate, Facilities will request an engineering study from an outside engineering consultant and may also request an independent appraisal of the easement area from a certified appraiser.
- VI. A detailed, confidential summary memorandum for internal College distribution will be prepared by Facilities and include descriptive information on the easement, its estimated value, and a recommended course of action. If an engineering study and an appraisal report are available, copies shall be distributed as above with a brief, confidential memorandum summarizing the reports.
- VII. Unless otherwise directed by the President, Facilities holds meetings with the requester to finalize conditions that must be placed on the granting of the easement by the College in order to restore property, etc. Meeting summaries are prepared and distributed as above throughout this process.
- VIII. Facilities, in coordination with the General Counsel, drafts an agreement and appropriate resolutions recommending action on the easement request. The General Counsel retains outside counsel if necessary.
- IX. The Facilities Office and the General Counsel finalize the easement agreement and obtain the required signatures.
- X. Facilities monitors the implementation of the project and provides status reports as necessary during the process.
- XI. The Board shall be notified when all of the terms and conditions of the easement agreement are met and the work is completed.

Administrative Approval: September 18, 1989; April 27, 2004; August 13, 2010 (administrative correction only); October 18, 2016.