

Management System: Real Property Management**Subject Area: Acquisition of Real Property****Procedure: Acquiring Real Property by Exchange or Donation****Issue Date and Revision Number:**
3/5/2015 0**Lead Subject Matter Expert:**
Matthew Reardon**Management System Owner:**
Bud Sokolovich**1.0 Applicability**

This procedure applies to any U.S. Department of Energy (DOE) Element that has identified a mission need for additional real property under the purview of the Office of Environmental Management Consolidated Business Center (EMCBC). Exchanges and Donations require programmatic justification. Exchanges do not require approval by the Secretary of Energy. Donated property must be approved by the Secretary of Energy, and a formal agreement signed that sets forth the terms and conditions.

2.0 Required Procedure

Step 1	<ul style="list-style-type: none"> a. The Site Office or Program Office in conjunction with the Certified Realty Specialist (CRS) determines if the exchange or donation of land is mission essential. b. The CRS informs the EM Deputy Director for Field Operations of the proposed action.
Step 2	The Site Office, or the Program Office, obtains appropriated funds, as needed.
Step 3	The CRS proceeds with the property appraisal, survey, and title search.
Step 4	For donations, the Site Office or the Program Office in conjunction with the CRS prepares an agreement setting forth the terms and conditions of the donation and conveyance.
Step 5	The CRS coordinates with the appropriate offices to obtain the required EMCBC

	National Environmental Policy Act (NEPA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and other environmental documentation, as needed.
Step 6	The CRS, in conjunction with the EMCBC Office of Chief Counsel, prepares the package (survey, appraisal, title search, NEPA, CERCLA, and other environmental documentation, and a draft warranty deed). The package must be prepared in accordance with the Department of Justice's (DOJ) <i>A Procedural Guide for the Acquisition of Real Property by Governmental Agencies</i> and DOJ Title Standards 2001 (A Guide for the Preparation of Title Evidence in Land Acquisitions by the United States of America).
Step 7	<ol style="list-style-type: none"> a. The CRS forwards the completed package to EM-3 through the appropriate Program Office for concurrence routing. b. EM-3 reviews and routes the package for concurrences by HQ support offices.
Step 8	The CRS and EMCBC Office of Chief Counsel resolve any comments identified by DOE HQ.
Step 9	After receiving concurrences, the DOE HQ Director of EM submits the package to the Secretary of Energy who forwards the completed package to the DOJ for approval.
Step 10	The CRS and the EMCBC Office of Chief Counsel resolves any comments received from the DOJ.
Step 11	After DOJ approval, the Secretary of Energy will approve the donation.
Step 12	After approval, the CRS or appropriate personnel records the executed deed in the appropriate local governmental offices.
Step 13	For exchanges, the Site Office in conjunction with the CRS prepares an agreement describing both the offered property and the Government-owned property to be conveyed, and the monetary consideration, if applicable.
Step 14	The CRS coordinates with the appropriate offices to obtain the required NEPA, CERCLA, and other environmental documentation, as needed.
Step 15	The CRS and the EMCBC Office of Chief Counsel begin negotiations with the land owner.
Step 16	The CRS in conjunction with the EMCBC Office of Chief Counsel prepares the

	package (i.e. survey, appraisal, title search, NEPA, CERCLA and other environmental documentation, and the draft warranty deed) and submits the package to the DOJ. The package must be prepared in accordance with the DOJ, <i>A Procedural Guide for the Acquisition of Real Property by Governmental Agencies</i> and DOJ <i>Title Standards Guide (for the Preparation of Title Evidence in Land Acquisitions by the U.S.)</i> .
Step 17	After receipt from DOJ, the CRS and the EMCBC Office of Chief Counsel resolve any comments identified by the DOJ.
Step 18	After approval from DOJ, the CRS records the executed deed in the appropriate local governmental offices.
Step 19	The Facilities Information Management System (FIMS) Administrator will enter the information in the FIMS database.

3.0 References – Forms/Attachments/Exhibits

3.1 References

- DOE Real Property Desk Guide, dated June 2014
- DOJ A Procedural Guide for the Acquisition of Real Property by Government Agencies, dated 1972
- DOJ Title Standards 2001 (A Guide for the Preparation of Title Evidence in Land Acquisitions by the Unites States of America)

4.0 Records Generated

Records generated through implementation of this procedure are identified as follows and are maintained by the Office of Technical Support and Asset Management in accordance with the EMCBC Organizational File Plan:

Records Category Code	Records Title	Responsible Organization	QA Classification (Lifetime, Non-Permanent, or Not Applicable)
ADM 03-01-A	Real Property Files – Original Executed Deed and Supporting Documentation	Office of Technical Support and Asset Management	N/A

EMCBC RECORD OF REVISION**DOCUMENT TITLE: Acquiring Real Property by Exchange or Donation**

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

I Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

I Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

Rev. No.	Description of Changes	Revision on Pages	Date
0	Initial Document		3/5/2015