

Section 8.1

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

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Section 8.1

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 acquired by the Guam Department of Public Works Office of Right of Way (Department) 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.

AUTHORITY

23 CFR, 710.103
5 GCA § 22702 Property Survey
21 GCA § 60110 Reports to Director
21 GCA § 60112 Legislative Action Required

SCOPE

The principal users of this document are Department of Public Works Office of Right of Way employees and those persons contracted by the Department to perform parcel inventory and inspection functions.

REFERENCES

Right of Way Manual, Section 5.5, Legal Documents and Land Acquisition Closing
Right of Way Manual, Section 8.2, Right of Way Clearing
Right of Way Manual, Section 8.5, Disposal of Surplus Property
Right of Way Manual, Section 8.7, Asbestos Management
5 GCA § 20605 Duties of Agency Head
Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j))

FORMS

5.2-8 Property Inventory

DEFINITIONS

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

Excess Property: Territory of Guam-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.

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

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 with a salvage value in excess of \$1,000 and shall include fixtures and trade fixtures.

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 Department of Public Works Right of Way Supervisor (DPWRS) 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.

8.1.1 Performing an Inventory Upon Acquisition

8.1.1.1 Form No. 5.2-8, Property Inventory shall be prepared for all fee parcels and permanent easements acquired and shall include a description of the real property and all structures. Additionally, all severable items and any items of personal property acquired through purchase or abandoned by the owner with a salvage value in excess of \$1,000 per item shall be included on this inventory. Do not inventory abandoned used clothing or other insignificant items.

8.1.1.2 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 5.5, Legal Documents and Land Acquisition Closing** and updated within **three business days** of physical possession.

8.1.1.3 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 **three business days** of physical possession.

8.1.2 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 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.

8.1.3 Documenting Disposition

8.1.3.1 Form No. 5.2-8, Property Inventory shall be documented by writing the final disposition of each item in the appropriate place on the form within **three business days** from the date of disposition. The following items shall be maintained within the Department's official parcel file with 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 8.2, Right of Way Clearing**;
- (B) Cash Receipt for items which are sold;
- (C) For items retained by the Department, Cash Receipt, 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 Director Department of Public Works (DDPW).
- (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. 5.2-8, Property Inventory**;
- (F) Items which will remain for clearing and grubbing shall be so documented on **Form No. 5.2-10, Property Inventory**; and
- (G) For items lost, stolen or vandalized, a memorandum from the DPWRS stating this occurrence and, for items valued over \$1,000, a police report. The estimated value of the items shall be documented in the Department's official parcel file.

8.1.3.2 Any items of personal property abandoned by the owner or occupant shall also be listed (if valued in excess of \$1,000) on **Form No. 5.2-8, Property Inventory**, with the exception of used clothing or other insignificant items. The disposition of such property shall be documented on the form.

8.1.3.3 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 Department's official parcel file, contact record or by providing a brief explanation in the appropriate place on **Form No. 5.2-8, Property Inventory**, with the commenter's signature and date of update.

8.1.3.4 Prior notice shall be provided to the Department of Public Works Building Permits Section (BPS) when outdoor advertising signs are to be removed. Notice shall also be provided to the BPS if an outdoor advertising sign has been removed.

8.1.4 Maintenance and Rodent Control

8.1.4.1 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.

8.1.4.2 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.

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 improved fee parcels.

8.1.4.3 The first inspection shall be conducted within **two 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.

8.1.4.4 The date of the initial acquisition entered in the appropriate place on **Form No. 5.2-8, Property Inventory**. Inspections, other than the initial inspection, may be documented by a memo to the Department's official parcel file, or a contact record.

8.1.4.5 All inspections shall continue until the letting of the construction contract or the Department's disposal of the property. The date of the letting or disposal shall be documented in the Department's official parcel file.

8.1.4.6 If an Operations and Maintenance Plan (O&M Plan) is in effect for a particular structure pursuant to the **Right of Way Manual, Section 8.7, 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 hours** of asbestos awareness training. The minimum time frames for inspections required by the O&M Plan shall still be met.

8.1.4.7 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 Department's official parcel file so documented, of the presence or potential presence of asbestos containing materials (ACM) in the structures.

8.1.4.8 If the Department lacks the manpower or expertise to perform any needed maintenance services, the DPWRS may request the use of a contractor to perform the needed services. The contract shall be executed in accordance with the applicable sections of, **5 GCA, Chapter 5, Guam Procurement Law**.

8.1.4.9 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 hours** of asbestos awareness training for maintenance workers.

8.1.4.10 If it is determined that rodent control is required, the Department shall coordinate with the applicable Guam Division of Public Health (GDPH) to provide the needed services. If rodent control programs are not available or if GDPH are unable to provide the services, the Department may request a contractual service agreement with an extermination company, in accordance with the applicable sections of, **5 GCA, Chapter 5, Guam Procurement Law**. When rodent control is required, the extermination services shall be completed prior to demolition and removal of the improvements, with the Department's official parcel file so documented.

8.1.5 Inventory of Excess and Surplus Real Properties

8.1.5.1 A separate inventory of all excess and surplus real properties held by the Department in trust for and on behalf of the Territory of Guam shall be maintained to provide an accounting of these properties. The Department must identify the properties in order to manage them.

8.1.5.2 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. For all other property, report whether the value is greater than or less than \$10,000;
- (D) Whether each property has officially been declared surplus pursuant to the **Right of Way Manual, Section 8.5, Disposal of Surplus Real Property**. This inventory shall be updated at the time the property is declared surplus;

- (E) The reason for retaining excess property and not declaring it surplus.

8.1.5.3 The following documentation shall be retained in the Department's official parcel file:

- (A) Each memorandum to the DDPW 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

Original Issue Date: 2009

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