

Title 22. Public Property

Chapter XVII. Building Authority Division, Department of Shared Administrative Services

Subchapter B. Building Authority Minimum Standards and Criteria

Part 115. Real Property Transfers

Subpart 1. Generally

22 CAR § 115-101. Real property offer and acceptance (purchase).

(a)(1) All department real estate transactions, unless exempted, involving transfers of property ownership are governed by Arkansas Code § 22-6-601.

(2) Departments should review this code provision.

(3) Departments have several duties under this law in regard to requests and notifications prior to the purchase or sale of properties.

(4) Transfers of ownership include:

(A) Purchases;

(B) Sales;

(C) Donations;

(D) Transfers of like property; and

(E) Transfers between state entities.

(5) Any questions pertaining to real estate transfers should be directed to the Real Estate Services Administrator.

(6) Departments may contact the administrator for a copy of quick reference guides for the purchase or sale of property.

(b)(1) Departments shall obtain an appraisal of the property for all real estate transactions.

(2) Appraisers shall be properly licensed in accordance with Arkansas laws and any applicable rules.

(3) Appraisals must be accompanied by an affidavit of appraiser in order to be valid.

(4) Once the services are obtained, departments shall give notice to the Director of the Building Authority Division.

(c)(1) All offers and acceptances should state that they shall be conditional upon approval by the Governor.

(2) All offers and acceptances and applicable documents shall be delivered to the Real Estate Services Section.

(3) The Real Estate Services Section shall make a recommendation to the director.

(4) Departments may request advice and counsel of the Attorney General's office for the purchase of property.

(5) The Real Estate Services Section may assist departments in making the conditional offer and acceptance and in obtaining the necessary review and/or approvals.

(6) Once the applicable documents are received by the Building Authority Division, the director will make a recommendation to the Secretary of the Department of Shared Administrative Services who will transmit a final recommendation to the Governor.

(7) Once a determination is made by the Governor and transmitted to the secretary and director, the director shall forward it to the department.

(d)(1) It is preferable that all offers and acceptances be reviewed by the administrator prior to the department's execution of the document.

(2) A copy of the appraisal shall accompany the offer and acceptance at this stage of the review.

(3) The division shall notify the department of its review of the offer and acceptance as well as notify the department of the property's floodplain status.

(4) All offers and acceptances shall contain the appropriate language pursuant to Executive Order 98-04 or Acts 1999, No. 34, to the extent applicable.

(e) The Real Estate Services Section is responsible for reviews and approvals of lease-purchases of property pursuant to Arkansas Code § 22-2-114 and this subchapter.

(f) Guidelines regarding the sale and purchase of properties are available by contacting the administrator.

(g) Prior to any offer of purchase or receipt of any real property, agencies shall request a review of the floodplain status of the property pursuant to 22 CAR § 111-701 et seq.

Authority. Arkansas Code § 22-2-108.

22 CAR § 115-102. Closing of real property (purchase/sale).

(a) Purchase.

(1) Buyer and seller shall be responsible for their respective closing costs.

(2) As soon as practical after closing, the deed shall be filed by the department receiving the real property in the proper county clerk's office.

(3) Departments are encouraged to review:

(A) Arkansas Code § 26-60-601 regarding exemptions from revenue stamps;

(B) Arkansas Code § 22-5-411 regarding the filing of a deed with the Commissioner of State Lands; and

(C) Arkansas Code § 25-16-706 regarding seller's responsibility regarding purchase of a title commitment.

(b) Sale.

(1) The Real Estate Services Administrator may assist departments in coordinating the closing of property.

(2) Buyer and seller are responsible for their respective closing costs.

(3) Closing is expected to be within thirty (30) days of the bid opening or acceptance date.

Authority. Arkansas Code § 22-2-108.

22 CAR § 115-103. Exemption from real property taxes.

The department, if purchasing property that has been previously taxed, should request an exemption from the county tax assessor for real property taxes as soon as possible after closing and recording of the deed and abstract if such a request is necessary.

Authority. Arkansas Code § 22-2-108.

22 CAR § 115-104. Sale of real property.

(a) All sales of real property owned by agencies shall be made pursuant to Arkansas Code § 22-6-601.

(b) This code provision should be reviewed for questions concerning Governor's approval, appraisals, appraiser's oaths, advertising, bid bonds, bid openings, and award of contract through a bid process as well as remaining fund balances from the receipt of moneys.

(c) Departments should consult Arkansas Code § 22-6-113 concerning the state's retention of mineral interests in any sale of state real property.

Authority. Arkansas Code § 22-2-108.

22 CAR § 115-105. Protest.

(a) Any bidder or prospective bidder who is aggrieved in connection with the specifications or solicitation for or award of a sale of land pursuant to Arkansas Code § 22-6-601 has the right to protest to the Real Estate Services Administrator.

(b) The protest shall:

(1) Be submitted in writing within five (5) working days after the bid opening and identify the project by bid number or with sufficient detail to identify the project; and

(2) With specificity, set out the allegations of the acts or omissions related to the protest.

(c) The Building Authority Division shall endeavor to resolve protests promptly.

Authority. Arkansas Code § 22-2-108.