

Board of Trustees of the Nebraska State Colleges

Facilities

POLICY NAME: Real Property; Eminent Domain; Acquisition; Disposal; Demolition

POLICY NUMBER: 8002

A. PURPOSE

To define the authority of the Board of Trustees of the Nebraska State Colleges regarding the acquisition, management, and disposal of real property and to establish procedures that ensure compliance with state law, fiscal responsibility, and alignment to campus master plans. This Policy outlines the steps for planning, approval, documentation, and legal review of all property transactions to ensure consistent and transparent stewardship of property owned or controlled by the Board.

B. DEFINITIONS

1. **Gift:** Voluntary donation without monetary payment or exchange of other legal consideration.
2. **Real Property:** Land and any building, structure or other improvement permanently affixed to the land.

C. POLICY

1. Board Authority to Acquire Real Property

The Board has the power to acquire real and personal property and dispose of the same whenever any of the Colleges will be benefited thereby, but no grounds upon which any buildings of any of the Colleges are located shall be disposed of without the consent of the Legislature. Board action regarding revenue bond facilities will be in accord with the directives of the Revenue Bond Indentures.

2. Eminent Domain

The Board has been given power and authority to acquire by condemnation lands necessary for Colleges. The procedure to condemn such property shall be exercised in accordance with state law.

3. Acquisition of Real Property

3.1 Written Report to Board

When a need for real property is identified, a written report shall be made to the Board which shall include:

- Justification of need
- The legal description of the property
- A general description of any buildings or other improvements located on the property
- A summary of the past and present use of the property
- The estimated value of the property
- The impact on the campus master site plan
- Proposed method of acquisition (purchase or gift)

3.2 Purchase of Property

Board Approval

No funds of the Colleges shall be committed or paid out to purchase real property and no contract related thereto may be executed for or on behalf of the Board until the purchase has been approved by the Board.

Appraisal

An appraisal by a qualified real estate appraiser concerning the fair and reasonable market value of the property proposed for purchase shall be prepared and submitted to the Board. The Board must approve the purchase price of the property.

Legal Review

All contracts, deeds, leases and other instruments for purchase of real property shall be reviewed by General Counsel prior to execution of the same on behalf of the Board.

3.3 Gifts of Real Property

Any gift of real property shall follow the same process as that for purchased real property, unless an exception is granted by the Chancellor.

3.4 Property Records

- All real property acquired by the Colleges shall be acquired in the name of the Board.
- All deeds and other appropriate instruments will be recorded in the appropriate county as soon as practical after receipt.
- Original abstracts of title and other real property instruments for land purchases using state funds shall be forwarded to the System Office for filing with the Educational Lands and Funds Office as required by law.

- Original abstracts of title and other real property instruments for land purchases using revenue bond funds shall be filed in the System Office.

4. Disposal of Real Property

4.1 When real property becomes excess to the needs of the College, a written report shall be made to the Board which shall include:

- a) justification and need for disposal
- b) the legal description of the property
- c) a general description of any building or improvement located on the property
- d) a summary of the past and present use of the property
- e) the estimated value of the property
- f) the impact on the campus master site plan

4.2 Any proposed disposal of real property shall be submitted to the Board for approval. No instrument disposing of real property owned by the Board shall be executed until such disposal has been approved by the Board. Whenever the Board shall approve the sale of any state land, state-owned building or revenue bond building located on state land that will not be moved or demolished, no instrument disposing of such real property shall be executed until disposal thereof has also been approved by the Legislature.

4.3 Unless the means for disposal is otherwise provided for by the Board, disposal of real property shall be by public auction or by sealed bid public sale, except where disposal shall be to the State of Nebraska or to any agency or political subdivision thereof. Any such auction or sale shall be advertised at least once per week for three successive weeks in advance of the sale or auction in at least one newspaper having general circulation in the county where the real property is located. The Board shall always reserve the right to reject any and all bids at any public auction or sealed bid public sale.

4.4 All instruments relating to the disposal of real property shall be reviewed by General Counsel prior to execution of the same on behalf of the Board.

4.5 Proceeds from the disposal of real property shall be deposited into the appropriate state or revenue bond fund, with the proceeds being expended for purposes authorized by the Board and/or the Legislature, if required.

5. Demolition of Real Property

The Board must give approval prior to the demolition of any building, appurtenance, or annex to a College facility. If the facility is state-owned, the Board will designate the property as unusable, surplus property and take action

to declare it so and, if state funds are sought to pay the demolition costs, shall transfer ownership to the Department of Administrative Services for disposal.

FORMS/APPENDICES:

None

SOURCE:

Legal Reference:	Neb. Rev. Stat. 84-401	Board of Educational Lands and Funds; records of state lands; duty to keep
	Neb. Rev. Stat. 85-304	Board of trustees; powers and duties; enumerated
	Neb. Rev. Stat. 85-319	Eminent domain; powers of board of trustees; procedure.

Policy Adopted: March 1994

Policy Revised: September 2021, November 2021, November 2022, June 2023, November 2025