




MEMORANDUM

TO: State-operated Campus Vice Presidents of Finance and Administration

FROM: Robert M. Haelen
Vice Chancellor for Capital Facilities 

DATE: June 20, 2014

SUBJECT: Approval of State-operated Campus Real Property Transactions

This memo seeks to clarify the approval process for real property transactions in order to maintain consistency in the content and quality of the supporting documentation and to ensure proper accounting of the final transaction.

SUNY's authority to purchase and receive real property is set forth in NYS Education Law, which allows the Board of Trustees to acquire property through purchase or lease and by acceptance of gifts, grants and bequests. Sale and transfer of SUNY property is done through the NYS Office of General Services under authority set forth in the NYS Public Lands Law. The granting of permanent easements on SUNY property is also done through the NYS Office of General Services. Also, as you are aware, the authority to lease SUNY property must be accomplished by specific legislation preceded generally by a Board resolution.

Real property transactions cannot be effected at the campus level, unless they involve use of facilities through a revocable permit for less than thirty days in duration. In 2012, the SUNY Board of Trustees delegated approval of certain real property transactions to the Chancellor, who in turn delegated this authority to the Vice Chancellor for Capital Facilities and the Director of the Office for Capital Facilities. In addition, the Board delegated the approval and acceptance of donated real property to the Chancellor, who in turn delegated this authority to the Chief Financial Officer or the General Counsel. Real property transactions not covered by these delegations continue to require approval by the Board of Trustees.

Real Estate Authorization Matrix

Item	Type of Real Property Transaction	Required Approval
A.	Purchase of real property for \$1 million or less	Chancellor's Designee - Vice Chancellor or Director for Capital Facilities
B.	Abandonment of not more than the lesser of 20 acres or 10% total campus acreage	Chancellor's Designee - Vice Chancellor or Director for Capital Facilities
C.	Utility, highway improvement, telecommunications or other easement	Chancellor's Designee - Vice Chancellor or Director for Capital Facilities

D.	Transfer of real property to a State agency (not more than the lesser of 20 acres or 10% total campus acreage)	Chancellor's Designee - Vice Chancellor or Director for Capital Facilities
E.	Transfer of jurisdiction of real property of a State entity to the campus	Chancellor's Designee - Vice Chancellor or Director for Capital Facilities
F.	Gift acceptance of real property to System Administration or to the University	Chancellor's Designee - Chief Financial Officer or the General Counsel
G.	Gift acceptance of real property to a campus ¹	Chancellor's Designee - Chief Financial Officer or the General Counsel
H.	All other real property transactions	Board of Trustees Resolution

When initiating, and prior to entering into any agreement related to a real estate transaction, the campus is to submit the attached "Application for Approval to Advance Real Property Transactions" to their campus counsel, who will review and forward the application to the appropriate office for review and approval.

Once approval to proceed is provided by System Administration, the campus in collaboration with campus counsel, may then prepare the contract and any other necessary documentation in support of the transaction. The campus is to send the contract, application, justification, and any other necessary documents to campus counsel for final review. Campus counsel will in turn forward this information to the Office for Capital Facilities, which will coordinate Board of Trustees' approval, if required, and sign the contract on behalf of SUNY. The signed contract will be returned to campus counsel who will send the required information and signed contract to the Attorney General and the Office of the State Comptroller (OSC) for approval. The contract may also need approval by the Office of General Services; for example, in the case of an easement, or in the case of transfer of jurisdiction of property between state agencies.

In order to ensure the proper accounting of the assets, the University Controller's Office and the Office of Capital Facilities must be notified when SUNY acquires property either by purchase or by gift and must be notified when property has been transferred to SUNY or when SUNY has transferred property to another state agency. In addition, those offices must be notified when SUNY is the grantor or grantee of a permanent easement. A copy of the survey and recorded instrument will be sent to the University Controller's Office and the Office of Capital Facilities by campus counsel. If any buildings are included as part of the transaction, the campus must work with the Office for Capital Facilities to place the building information into the Building Characteristics Inventory and Physical Space Inventory.

For the most part, campuses are already following the above process. This memo and form will simply help to reinforce and clarify the process for these types of real estate transactions.

Attachment:

Application for Approval to Advance Real Property Transactions

Copy: Karren Bee-Donohoe
Kevin Donlon
Jeff McGrath

Bill Howard
Sandra Casey
Karen Richards

¹The Gift Acceptance Procedure (SUNY Procedure Item 9250) contains additional information related to the acceptance of donations of real property, personal property and cash.