INDOT’s Non-Marketable Property Program

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Key Points

- INDOT can transfer old mitigation sites to local governments, universities, etc.
- INDOT can also transfer old mitigation sites to non-profit land management organizations, such as land trusts.
- Some sites are large (>50 acres) but most are small (<10 acres).
INDOT Real Estate

- INDOT-acquired land or rights tracked in Land Records System (LRS) database
- Reported to Indiana Auditor of State
  - Infrastructure
    - Right-of-way (ROW)
  - Assets
    - Excess Land – Marketable
    - Mitigation Sites – Non-Marketable
  - Fixed Asset
    - Buildings and Grounds
INDOT Real Estate--Example 1

• Infrastructure and Assets
  • ROW
  • Excess Property
  • Mitigation
INDOT Real Estate—Example 2

• Infrastructure and Assets
  • ROW
  • Excess Property
  • Mitigation
INDOT Real Estate—Example 3

- Infrastructure and Fixed Asset
  - ROW
  - Facility
Disposing of Excess Land

• Requirements
  • Research acquisition document
  • Request district approval
  • Ensure accurate legal description
  • Request environmental document
  • Determine fair market value via appraisal

• Excess valued >$4,000
  • IDOA for disposition via auction following 30-day political notification
    • State agency
    • State educational institution
    • Political subdivision
Disposing of Mitigation Sites

• Initial requirements
  • Site must meet success criteria and be released by permitting agency
  • Site boundaries must be correctly defined relative to parcel boundaries
  • Conservation easement or deed restriction must be recorded on property

• Other considerations
  • Is the recipient capable of managing the mitigation site in perpetuity?
  • Ideally, we would want to transfer ownership to a land management non-profit, such as a land trust.

The standard excess property rules do not allow INDOT to consider future management.

INDOT’s inability to select a non-governmental recipient for released mitigation sites has meant that we simply held on to mitigation sites.
But then something amazing happened!
House Enrolled Act 1422 (2017)

- Gives INDOT Commissioner authority to declare mitigation property non-marketable
- Allows for transfer of non-marketable property to non-profit land management organizations
INDOT Mitigation Sites

• Possible Uses
  • Open space/greenspace
  • Passive recreation
  • Wildlife habitat
  • Education

• Located Statewide
  • Most counties have at least one site
  • Counties with large past projects may have several sites
## Size Range of INDOT Mitigation Sites

<table>
<thead>
<tr>
<th>Range</th>
<th>Crawfordsville</th>
<th>Fort Wayne</th>
<th>Greenfield</th>
<th>LaPorte</th>
<th>Seymour</th>
<th>Vincennes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Small (&lt;5 ac.)</td>
<td>5</td>
<td>8</td>
<td>5</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>27</td>
</tr>
<tr>
<td>Small (5 to 20 ac.)</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>10</td>
<td>6</td>
<td>28</td>
</tr>
<tr>
<td>Medium (20 to 50 ac.)</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>5</td>
<td>14</td>
</tr>
<tr>
<td>Large (&gt;50 ac)</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>12</strong></td>
<td><strong>8</strong></td>
<td><strong>11</strong></td>
<td><strong>16</strong></td>
<td><strong>23</strong></td>
<td><strong>82</strong></td>
</tr>
</tbody>
</table>
Transfer Process (Proposed)

1. INDOT verifies that mitigation site is ready to be transferred
2. Commissioner declares property non-marketable
3. Property is offered through political notification

*If not taken during political notification:*
4. Property is offered to land management nonprofits through RFP
5. Proposals are evaluated by INDOT. Interviews may be held to clarify proposals.

*If suitable recipient is found:*
6. Property is transferred to selected recipient
Property Management Proposal

1. Proof of eligibility as non-profit land management organization
2. Property management plan
   a. Financial assurances
   b. Management goals
   c. Proposed uses
   d. Proposed access plan
   e. Long-term management plan
   f. Past 10 years of capital and operating statements
   g. Performance measures
   h. Recordkeeping and reporting
3. Evidence of likely success – Description of prior land management activities
Help Us Connect with Partners!

Program web page: https://www.in.gov/indot/3881.htm
(Or search “INDOT mature mitigation”)

- Program description
- Program requirements
- Available sites
- Successful transfers
- Contact information
Questions?

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