
Chapter: Facilities

Modification No. 003

Subject: **Easement Procedures**

The Education Article of the Annotated Code of Maryland sets forth the powers and duties afforded by State law to each local board of community college trustees. Section 16-203(f) of the code states that a community college board of trustees may sell, lease or otherwise dispose of community college assets or property and the president of the college and the chairman of the board of trustees may execute a conveyance or other legal document under an appropriate resolution of the board.

The following outlines procedures accepted by the Board of Trustees for processing easement requests at Montgomery College.

1. The Office of Facilities is responsible for reviewing easement requests, preparing appropriate materials for the President and the College Board of Trustees, and implementing approved actions on behalf of the College. All easement requests should be forwarded to the Facilities Office for processing.
2. Facilities prepares a brief, confidential, explanatory cover memorandum and transmits copies of the easement request to the President, the General Counsel, the Senior Vice President for Administrative and Fiscal Services, and the Vice President/Provost of the affected campus for review and information.
3. If the requester is represented by legal counsel, the College's General Counsel must be notified, and the requester's attorney must deal directly with the General Counsel. The General Counsel will make a recommendation to the President on whether the services of outside legal counsel are required.
4. Facilities contacts the requesting party for detailed information on the easement including, but not limited to, copies of plans, and the requester's construction schedule and/or time frame.
5. If appropriate, Facilities requests an engineering study from an outside engineering consultant and may also request an independent appraisal of the easement area from a certified appraiser.
6. A detailed, confidential summary memorandum for internal College distribution is prepared by Facilities which includes descriptive information on the easement, its estimated value, and a recommended course of action. If an engineering study and an appraisal report are available, copies are distributed as above with a brief, confidential memorandum summarizing the reports.
7. Unless otherwise directed by the President, Facilities holds meetings with the requester to finalize conditions that must be placed on the granting of the easement by the College in order to restore property, etc. Meeting summaries are prepared and distributed as above throughout this process.
8. Facilities prepares a discussion item for the Board of Trustees agenda. (Note: Generally, action on the easement request will not occur at the same session unless the request is of a minor nature.) The agenda item will include approval to prepare action

- resolutions for the next appropriate Board meeting for the Board of Trustees to accept the appraisal and engineering reports and authorize the President or designee to negotiate with the requester.
9. Facilities, in coordination with the General Counsel, drafts an agreement and appropriate resolutions recommending action on the easement request. The General Counsel retains outside counsel if necessary.
 10. The Board of Trustees approves resolution(s) granting the easement.
 11. The Facilities Office and the General Counsel finalize the easement agreement and obtain the required signatures.
 12. Facilities monitors the implementation of the project and provides status reports as necessary during the process.
 13. The Board is notified when all of the terms and conditions of the easement agreement are met and the work is completed.

Administrative Approval: September 18, 1989; April 27, 2004; August 13, 2010 (administrative correction only).