

15 FAM 430 POST RESPONSIBILITIES AND PROCEDURES

*(CT:OBO-10; 08-24-2006)
(Office of Origin: OBO)*

15 FAM 431 GENERAL RESPONSIBILITIES

*(CT:OBO-1; 04-29-2005)
(Uniform State/USAID/Commerce/Agriculture/DIA)*

- a. Posts are responsible for providing the Bureau of Overseas Buildings Operations (OBO) or the Overseas Management Staff in the Bureau for Management, USAID/Washington (USAID/W - M/OMS) with information and documentation on acquisition-related activities at various stages, including:
 - (1) Acquisition proposal;
 - (2) Pre-purchase certification;
 - (3) Purchase agreement; and
 - (4) Acceptance of gifts.
- b. Posts must follow required procedures in 15 FAM 432 through 15 FAM 460 and obtain OBO or USAID/W (M/OMS) approval, as required, before proceeding.

15 FAM 432 REQUIRED PROCEDURES

15 FAM 432.1 General

*(CT:OBO-1; 04-29-2005)
(Uniform State/USAID/Commerce/Agriculture/DIA)*

Because of the significant financial implications, the Bureau of Overseas Buildings Operations (OBO) and the Overseas Management Staff in the Bureau for Management, USAID/Washington (USAID/W - M/OMS) reserve the authority to acquire real property. Posts wishing to acquire property must consult with OBO or USAID/W (M/OMS) to obtain specific authorization at each phase of an acquisition process. In seeking such authorization, posts must follow the procedures outlined below.

15 FAM 432.2 Documentation Required for Acquisition Proposals

(CT:OBO-10; 08-24-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Posts interested in acquiring property first should consult with the Bureau of Overseas Buildings Operations (OBO) or the Overseas Management Staff in the Bureau for Management, USAID/Washington (USAID/W - M/OMS). When advised of *proposal's* approval in principle, *post must send* a complete acquisition proposal to OBO or USAID/W (M/OMS), including the following documentation, labeled according to the clauses below:

- (1) Narrative description of the property including *the following*:
 - (a) Lot number, block number, name of subdivision or tract, street, and house number;
 - (b) Total lot area, both in local measure and in the equivalent number of hectares or square meters;
 - (c) Number of buildings, gross and net space of each, their ages and condition, cost of initial repairs, and improvements needed (see 15 FAM 238 for instructions on measuring net and gross space);
 - (d) Type of surroundings (residential, commercial, industrial) and expected future development trends of the district;
 - (e) Building and zoning restrictions pertaining both to the proposed property and to neighboring properties; and
 - (f) Sources and adequacy of heat, power, water, garbage, and sewage disposal facilities, and the rates for such municipal or private services;
- (2) *Present owner's* name and address;
- (3) Justification and cost, including *the following*:
 - (a) Purpose of and need for the property acquisition;
 - (b) Current rental costs for comparable properties;
 - (c) Rental cost trends for the past 10 years;
 - (d) Asking price;
 - (e) Post identification of required improvements, including those for security and fire and life safety;
 - (f) Written rationale and justification for any proposed acquisition price that exceeds appraised value; *and*
 - (g) Disclosure of and justification for the *existence* of a swimming

- pool *and a statement* that the inherent additional maintenance costs and increased life or safety risks attributable to a pool were considered as a part of the decision-making process;
- (4) Property appraisal: Two independent appraisals of the current value of the land and structures thereon;
 - (5) Facilities assessment. *Provide an* appraisal by *a* professional architect or engineer of the present condition of the building(s), including architectural treatment, structural system, mechanical or electrical systems, presence of friable asbestos, quality of construction, and maintainability of *the buildings*;
 - (6) Plans and sketches including *the following*:
 - (a) *A city* map, with the *site* outlines marked, showing the *property's* location in relation to other U.S. Government properties, to the diplomatic and consular establishments of other governments, to the business district and prime residential areas, and *to* available public transportation facilities;
 - (b) Copies of *the* recorded survey plat or site plan sketch, showing boundary dimensions, *the plot's* land area, names and widths of abutting streets, *an* arrow indicating true north, and the location of any existing structures on the site in relation to the property boundaries;
 - (c) Floor plans to scale or dimensioned sketches showing the size of rooms, location of ingress or egress systems (including all windows, doors, stairways and corridors), and the proposed allocation of space by personnel and function (for nonresidential space), with a statement of net space, location of any existing fire protection systems, and the coverage and current condition of the systems; *and*
 - (d) Architectural drawings, if available, showing *façade and elevation* treatment for all sides of *the* building(s), as well as all available construction drawings relating to the building(s) including architectural, electrical, mechanical, and structural drawings;
 - (7) Type of ownership *providing* full legal details on the type of ownership offered and all information on existing encumbrances (easements, rights of way, host-country restrictions on property ownership, etc.);
 - (8) Photographs *of the ground* and *buildings* showing *the* orientation of buildings on the site and interior views, including sufficient views of

- the* immediate vicinity to indicate the character of the neighborhood;
- (9) Certifications, including:
- (a) Regional security officer/post security officer (RSO/PSO) *certification* that the property *conforms to the collocation and setback requirements set forth in the Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA), or that a waiver is required (see 12 FAM 313), and meets or will meet the 12 FAH-6, Overseas Security Policy Board (OSPB) Handbook security standards and policies based upon planned security upgrades being funded and installed. Security standards not met require exceptions (see 12 FAM 315.2), understanding that* no funds will be allotted toward the purchase of real property without this statement;
 - (b) *Post occupational safety and health officer (POSHO) certification that a residential property has no critical safety and health hazards present (see 15 FAM 253.5). For those properties not in full compliance, the POSHO certification will consist of a statement of work to be performed prior to purchase or occupancy. The Safety, Health and Environmental Management Division's (OBO/OM/SHEM) Residential Safety, Health and Fire Prevention Awareness Checklist contains additional guidelines to assist POSHOs;*
 - (c) Chief of mission (COM) *certification* that the property requirement cannot be satisfied by better use of existing property and that the proposed property is not larger than needed; and
 - (d) For USAID acquisitions, USAID principal officer *certification* that the property requirement cannot be satisfied by the better use of existing property and that the proposed property is not larger than needed.

15 FAM 432.3 Prepurchase Procedures

(CT:OBO-10; 08-24-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

The Bureau of Overseas Buildings Operations (OBO) or the Overseas Management Staff in the Bureau for Management, USAID/Washington (USAID/W - M/OMS) will advise posts on specific actions to take and what assistance Washington will provide. Depending on the type, size, and location of the property, one or more of the following actions may be required (refer to 15 FAM 420 for selection and retention of expert services):

- (1) *The* post selects a legal expert (attorney and/or notary, depending on the circumstances) to investigate the title and draw up or approve and register the necessary documents in connection with the purchase;
- (2) *The* post selects an engineer or surveyor to make a land survey showing existing field conditions and *comparing* these with the existing title records in accordance with the survey requirements found in 15 FAM Exhibit 432.3; and/or
- (3) *The* post:
 - (a) Submits to OBO or USAID/W (M/OMS) an estimate of the fees for the services listed in subparagraphs (1) and (2) of this section;
 - (b) Provides a justification for the selection of these experts; and
 - (c) *Advises OBO or USAID (M/OMS) of the legal experts' legal liabilities* under local law for errors they may make in their certifications;
- (4) *Environmental issues will be evaluated and considered in the acquisition of a property, as appropriate.*

15 FAM 432.4 Prepurchase Certification

(CT:OBO-10; 08-24-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. After the Bureau of Overseas Buildings Operations (OBO) or the Overseas Management Staff in the Bureau for Management, USAID/Washington (USAID/W - M/OMS) *authorizes* the employment of local experts, the local expert in land titles *must* search the title and formally report in English that the field verification survey and the *engineer's* or land *surveyor's report have* been compared with the existing title record. The expert's report must contain the following certifications:
 - (1) That the *property* description in the *purchase* agreement corresponds exactly with the description in valid deeds and prior land surveys in the offices where conveyances, survey plats, and other instruments that affect title are officially recorded;
 - (2) The field verification of the existing title records reveals:
 - (a) No discrepancies exist in measurement of boundaries or land areas;
 - (b) There are conditions (if these exist) that might adversely affect the *U.S.* interests (conditions to be listed) that do not appear in the abstract of title; or

- (c) A comparison of the field survey and title search reveals certain exceptions (if these exist) to a clear and unencumbered title that do not appear in the present title record (exceptions to be listed), but *that* the vendor, at his/her expense, has taken or is taking all steps necessary to clear any noted exceptions, and *that* the proposed legal instrument of conveyance, as drawn by the local land title expert, will, under local law and custom, serve as a document of correction to the erroneous title record;
 - (3) There are no mortgages, liens, charges, incidents of tenure, encroachments, reserved strips of land blocking access to public thoroughfares, street widening or public improvement projects proposed or pending, or any other encumbrances or defects of any kind recognized by the laws of the country as affecting the title; and
 - (4) The vendor has a perfect, exclusive, and unencumbered title to the property and full power to convey it to the United States of America.
- b. If the description referred to in *subparagraph (a)(1) of this section* differs, the post must submit to the Bureau of Overseas Buildings Operations (OBO) or the Overseas Management Staff in the Bureau for Management, USAID/Washington (USAID/W - M/OMS) a report that details the variances *and* the points that correspond. The report should indicate the steps necessary to correct the variances, if such corrections are recommended. If encumbrances or defects exist, the post *must* report to OBO or USAID/W (M/OMS) their nature, duration, and plans to lift them.
 - c. OBO or USAID/W (M/OMS) will fund fees for services of local land title experts upon post advice of the estimated charge.

15 FAM 432.5 Postpurchase Certification

(CT:OBO-10; 08-24-2006)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Upon completion of *the* purchase, the local expert in land titles *must* certify in writing that:

- (1) The deed is in the form approved and uniformly used in the country;
- (2) The deed has been filed, recorded, and registered in accordance with local law, and the United States of America is now the legal owner of record; and
- (3) All steps necessary to ensure a perfect, unencumbered title on

behalf of the United States have been taken. If the Bureau of Overseas Buildings Operations (OBO) or the Overseas Management Staff in the Bureau for Management, USAID/Washington (USAID/W - M/OMS) has approved acquisition of an interest in realty with less than a perfect unencumbered title, *the* post must specify any way in which the title is less than perfect. In such instances, posts should also specify whether or not the imperfections may be remedied and, if so, how.

15 FAM 433 THROUGH 439 UNASSIGNED

15 FAM EXHIBIT 432.3 REQUIREMENTS FOR BOUNDARY AND BUILDING LOCATION SURVEYS

(CT:OBO-10; 08-24-2006)

1. GENERAL REQUIREMENTS

- a. Provide an accurate transit and tape boundary and building location survey transmitted by means of finished drawings in metric measure by a locally authorized and licensed civil engineer or land surveyor.
- b. Field work *must* be of such accuracy that the unadjusted mathematical closure (accuracy ratio) of the field transverse is not less than *1:15,000 (one unit in fifteen thousand)*. Such accuracy may be attained by measuring all angles to the nearest 30 seconds of arc, or equivalent, and by measuring all distances horizontally to the nearest three millimeters.
- c. Areas *must* be shown in square meters.
- d. The civil engineer or land surveyor *must* prepare a written engineering report. *The post must retain* one-fourth of the survey contract price until OBO accepts the survey drawings. The *post must retain the* original tracing and *submit* two prints to the Bureau of Overseas Buildings Operations (OBO) along with the signed report and survey certification.

2. BOUNDARY REQUIREMENTS

- a. Permanent monuments (boundary markers) *must* be accurately set at all corners, angle points, and curve points and *must* be one of the following, in order of preference:
 - (1) Concrete or stone monuments not less than 100 mm at the top and of such length that the base extends well below the frost line, but in no case less than 600 mm, carefully tamped in place, the top set flush with the ground and the actual property corner point marked by a metal plug, drill hole or chiseled cross;
 - (2) A 25 mm iron pipe or bar at least 750 mm long, driven flush with the ground with a 150 mm cement collar place around the tops; *or*
 - (3) Chiseled cross or drill holes placed in cement sidewalks, permanent walls, boulders, etc.
- b. All buildings and structures on and adjacent to the site *must* be located by measurements from property corners along and at right angles to property lines.

3. DRAWINGS

- a. Drawings *must* be made with waterproof black ink on 0.08 mm (minimum) mylar sheets or other acceptable media especially prepared for ink drawings. *If post requires the surveyor to submit a CADD file, mylar sheets may not be necessary.* Because they are so brittle and easily creased or torn, drawings made on tracing paper or vellum *are* not *acceptable*:
- (1) *Prepare* drawings no larger than International Standardization Organization (ISO) "A0"—841 mm x 1189 mm, or 36" x 48" in English units. ISO "A1"—549 mm x 841 mm is preferred;
 - (2) *Use* any appropriate scale provided *that* all information is accurately indicated and can be reproduced clearly;
 - (3) *Show* the exact limits of U.S. Government ownership by a distinctive symbol or heavy line. If walls are located along the property line, *show* the exact location of the property line with relation to the wall shall be shown using an enlarged detail sketch, if necessary;
 - (4) *Show* all building location measurements and building dimensions, as well as *the* type of construction materials and number of floors and use of building, e.g., "two-story brick residence," "one-story frame garage," "one-story concrete block servants' quarters";
 - (5) *Depict* all measurements and dimensions in metric units, unless English units are the standard of the host country. All notations *must* have English translations.
- b. Finished drawings *must* show the items *below*:
- (1) A drawing title, showing identification of the property, city, country, name of surveyor or engineer, date of survey, and drawing number, if any;
 - (2) A small-scale vicinity map, showing the general location of the property and its relation to other diplomatic *and* commercial establishments, host-country government offices and buildings, universities and schools, major streets and roads, airports, and bus stops;
 - (3) A graphic-bar scale and a numerical scale in words;
 - (4) A complete legend showing all symbols and abbreviations used;
 - (5) *The* location and *a* description of each boundary corner monument or marker;
 - (6) *A* north arrow or meridian, showing whether it is true or magnetic, *and the* direction and length of each property line; *show the* direction by azimuths clockwise from north or by compass bearings

- in the four quadrants, referred to either magnetic or true north;
- (7) Distances to the nearest three mm. If measured distances differ from the deed (recorded) distances, *show* both and *mark them* "meas." and "deed";
 - (8) All interior angles of the boundary, with the total geometrically correct. Using the sexadecimal system, the interior angles should total n (number of angles) minus two, multiplied by 180 degrees or, if the centesimal system is used, the interior angles should total n (number of angles) minus two, multiplied by 200 grads;
 - (9) The adjusted final boundary data *should have the* closure (accuracy ratio) of no less than *1:15,000* (one unit in *fifteen* thousand units);
 - (10) *Define* boundary lines following a circular curve by the radius, central angle, arc length, long chord length, tangent length, and chord bearing. If the boundary line follows an irregular (noncircular) curve, *define* the boundary by evenly spaced and dimensioned right angle offsets from the long chord to the arc of the curve;
 - (11) Total land area and deed (recorded) area, computed to the nearest square meter;
 - (12) *Describe and locate by measurements* restriction or setback lines, easements, right-of-way, reservation lines, etc., and all encroachments of walls, fences, balconies, eaves, electric and telephone lines, water lines, sewers, etc.;
 - (13) Names of all adjacent streets and widths between right-of-way lines, as well as names of owners of all adjacent properties;
 - (14) If a local coordinate grid or other official survey control system is in use, coordinates of all property corners;
 - (15) Final boundary data and properly identified coordinates set up in tabular form, if so desired;
 - (16) A certification, signed and dated by surveyor or engineer, that he or she has made a careful and accurate transit and tape survey, that all data shown on the drawings are correct, that all property corner markers or monuments have been found or set as shown and described on the drawing, and that all local requirements for land surveys have been met;
 - (17) *GPS coordinates for the property corners;*
 - (18) *A 100-year floodplain and extent of other recorded natural hazards, if applicable.*

4. ENGINEERING REPORT

The engineer or surveyor *must* submit a signed and dated written narrative report in English, with the name of the engineer or surveyor typed below the signature, covering any of the foregoing items that cannot be shown clearly on the drawing or that might require explanation or clarification.