

Section: 210

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Supersedes: N/A

Effective Date: March 7, 2012

Title: Donations of Real and Personal Property
Acceptance Policy

Authorized By: Board of Supervisors

DONATIONS AND GIFTS OF REAL OR PERSONAL PROPERTY TO THE COUNTY

210.1 Purpose:

The purpose of this policy is to create a process for standardizing how donations and gifts of real or personal property to the County, not otherwise governed by the County's code and policies, are received and considered for acceptance by the County.

210.2 Donor Requirements:

Citizens wishing to donate real or personal property to the County shall submit, at a minimum, the following information concerning the property:

1. A full description of the property offered to the County, including:
 - a. For Real Property: Tax Map number; description of property; assessment records, appraisal, and/or approximate value of the property.
 - b. For Personal Property, the value of the donated item. Donors may refer to IRS Publication 561 for guidelines on determining the value of the personal property.
2. Any conditions on the property offered to the County.
3. The reason(s) for offering the donation.

210.3 County Procedures for Accepting Donations of Real Property:

- Citizens wishing to donate real property to the County shall be directed to the County Administrator, or his/her designee;
- The County Administrator, or his/her designee, shall review the offer, note any conditions on such donation, and conduct an assessment of the property for possible County use. Such assessment may include a review of the proposed donation by the County departments and outside agencies most likely to be aware of any potential use of the property and concerns regarding acceptance of the property by the County, including the Departments of Economic Development, Parks, Recreation and Tourism, Planning, Public Works, Public Utilities, etc., and outside agencies, such as the Chesapeake Bay Public Access Authority and the Middle Peninsula Planning District Commission.

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- If such review indicates no potential desired use for the property, the County Administrator shall communicate to the offeror that the donation is declined.
- If such review indicates that the County may have an interest in accepting the property, the County Administrator shall forward a report to the Board of Supervisors regarding the potential acceptance of the property.
- If, after considering the County Administrator's report, the Board of Supervisors decides to further consider possible acceptance of the donation, some or all of the following actions shall be performed, as appropriate given the situation, prior to consideration by the Board of a Resolution accepting the donated property:
 - Title search
 - (County Attorney and/or outside vendor)
 - Deed preparation¹
 - (Grantor, County Attorney or outside vendor)
 - Title insurance (pending approval of the donation)
 - (Outside vendor)
 - Environmental Study (Phase I Environmental Site Assessment)
 - (Outside vendor)
 - Tax benefits or consequences created by the donation
 - (Treasurer, Commissioner of the Revenue, and/or Finance Department)
 - Value of the real property
 - (County Assessor or outside vendor appraisal)
 - Resolution authorizing acceptance
 - (County Attorney)

¹ Pursuant to Va. Code Section 15.2-1803, every deed purporting to convey real estate to the County shall be in a form approved by the County Attorney and shall not be valid unless accepted by the County, which acceptance shall appear on the face thereof or on a separately recorded instrument and shall be executed by a person authorized to act on behalf of the County.

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- The cost of the actions taken listed above shall be paid by the prospective donor or by the County (out of funds available for such purpose), as determined by the County Administrator or the Board of Supervisors.
- Following completion of the steps outlined above, if the donation appears to be in order, the County Administrator shall submit a written report, a copy of the Deed of Gift, and the draft Resolution to the Board of Supervisors for consideration of formal acceptance. A public hearing may be held by the Board of Supervisors to receive public comment on the proposed gift.

210.4 Donations of Personal Property or money:

- Citizens wishing to donate personal property or money to the County shall be directed to either the County Administrator or the Department Head of the County department to which the citizen wishes to give the donated personal property;
- The County Administrator, or Department Head, shall review the offer, note any conditions on such donation, and see that the following tasks are performed by County staff and/or outside vendors:
 - Assessment of the personal property for possible County use; (County Administrator or the Department to which the donated personal property is offered.)
 - Tax benefits or consequences created by the donation; (Treasurer, Commissioner of the Revenue, and Finance Department)
 - Value of the personal property (County Staff or outside vendor)
- Once the above review has been completed, the County Administrator, or his/her designee, shall finalize the evaluation of the personal property donation, and compile any appropriate supporting materials.
- If such review indicates no potential desired use for the personal property, the County Administrator shall communicate to the offeror that the donation is declined.

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- If the value of the donated personal property is less than \$10,000.00 and there are no conditions on the donation, the County Administrator is authorized to accept the donation.

- If the amount of money or the value of the donated personal property equals or exceeds \$10,000.00, and/or a condition is placed on the acceptance of the donation, the County Administrator shall submit a written report summarizing the evaluation of the donated personal property to the Board of Supervisors for consideration at a future meeting.