

P7170 DISPOSAL OF SURPLUS REAL PROPERTY

BOARD POLICY:

Buildings and other district real properties no longer effectively utilized by the school district will be declared surplus by resolution of the Board of Education at a regular meeting. Surplus property will be advertised, utilizing various marketing approaches, with the administration recommending the best offer to the Board for consideration. The property will be disposed of in a manner that complies with all statutes and conforms to such terms and conditions as the Board deems to be in the best interest of the patrons of the school district.

Administrative Implemental Procedures:

1. The Superintendent or designee shall submit recommendations to the Board on what properties should be declared surplus.
2. The Board of Education shall declare, by resolution, which of said properties are surplus.
3. The advice and counsel of the Board Attorney may be sought regarding disposal of properties declared surplus.
4. Within 30 days after the board of education adopts a resolution to dispose of a school district building, the board shall submit written notice of its intention to dispose of such building to the legislature. Such notice shall be filed with the chief clerk of the house of representatives and the secretary of the senate and shall contain the following: A description of the school district's use of such building immediately prior to the decision to dispose of such building; the reason for such building's disuse and the decision to dispose of such building; the legal description of the real property that is to be disposed; and a copy of the resolution adopted by the board of education.
5. Upon receipt of the notice, the legislature may adopt a concurrent resolution state the legislature's intention that the state acquire the school district building in the following manner. If the notice is received by the legislature during a regular legislative session, the legislature shall have 45 days to adopt a concurrent resolution as outlined below. If the notice is received when the legislature is not in regular session, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution as outlined below. If the legislature does not adopt a concurrent resolution as outlined below within the 45-day period, then the school district may proceed with the disposition of such school district building in accordance with state law. Such concurrent resolution shall include: the name of the school district that owns such building; the information contained in the written notice as outlined above; and the state agency that intends to acquire such building and the intended use of such building upon acquisition.
6. Upon adoption of a concurrent resolution, the state agency named in such resolution shall have 180 days to complete the acquisition of such school district building and take title to the real property. Upon request of the state agency acquiring the school district building, the legislative coordinating council may extend the 180-day period for a period of not more than 60 days.

7. The board shall not sell, gift, lease or otherwise convey such building or any of the real property described in the written notice or take any action or refrain from taking any action that would diminish the value of such property during the 180-day period or any extension thereof. If the state agency does not take title to the property within the 180-day period or any extension thereof, then the school district may proceed with disposition of such school district building in accordance with state law and any written agreements entered between such state agency and the school district.
8. For purposes of this policy, the term "state agency" means any state agency, department, authority, institution, division, bureau, or other state governmental entity.
9. Qualified individuals will be employed to prepare an appraisal of the property(ies) according to the following criteria:
 - a. One independent appraisal when a property value is estimated to be between \$25,000 and \$100,000;
 - b. Two independent appraisals if a property value is estimated to exceed \$100,000.
10. The administration will actively advertise the surplus property or properties for a period not to exceed 60 days.
11. The administration will entertain offers and present the best offer to the Board for consideration and discussion.
12. A decision regarding the sale will be made by the Board at a regular meeting at least two weeks later.
13. Upon Board approval of the sale of surplus property, the administration will proceed with all necessary action to effect such sale of said property.
14. In the event of no offer, or rejection of an offer by the Board, the administration will proceed in accordance with one or more of the following approaches:
 - a. Evaluate marketing approach and pursue alternate form(s) of advertising for an appropriate period of time based on market conditions.
 - b. Remove the property from sale for a set period of time.
 - c. Other action as requested by the Board.

Administrative Responsibility: Facilities Division

Latest Review Date: August 2023

Previous Revision Date: October 2018 P7170