

Provo City School District
Policy Series 6000 Finances and Operations

Policy No. 6218

Sale and Surplus of Real Property

Provo City School District shall follow Utah state code regarding the sale of real property.

The Board of Education must declare real property as surplus before it can be sold.

Upon declaring land to be surplus property, for any property of 3 acres or more, the school district shall give written notice to each eligible entity in which the surplus property is located (~~Provo City~~). The notice should state that the school district has declared the land to be surplus property; and describe the surplus property.

- a. An eligible entity may purchase the surplus property by paying the school district the purchase price.
 - “Eligible entity” means:
 - (a) a city or town with a population density of 3,000 or more people per square mile; or
 - (b) a county whose unincorporated area includes a qualifying planning advisory area
 - If there is not an eligible entity as defined above, the following items “b” through “e” do not apply; therefore the district may proceed with a sale of the surplus property on a timeline it determines with a buyer of the district’s choosing.
- b. The legislative body of each eligible entity desiring to purchase surplus property must provide notice of a resolution declaring the intent to purchase the surplus property from the District and deliver a copy of the resolution to the school district.
- c. Within 90 days after delivering a copy of the resolution under the purchasing entity must deliver to the school district an earnest money offer to purchase the surplus property at the purchase price.
- d. If an eligible entity fails to comply with either of the requirements within the applicable time period, the eligible entity forfeits the right to purchase the surplus property.
- e. An eligible entity may waive its right to purchase surplus property under this part by submitting a written waiver to the school district. If an eligible entity submits a waiver, the school district has no further obligation under this part to sell the surplus property to the eligible entity.

Once declared surplus, and once any eligible entity has waived or forfeited their right to the property, the District may negotiate a sale of surplus property as the Board of Education directs. The District may choose to post a Request for Proposal for the sale, but is not required to. The District shall comply with State procurement with regards to use of any real estate broker.

Proceeds from the sale of any real estate may be used only for bond debt reduction or school district capital facilities. Any proceeds from the sale that are not used for bond debt reduction or immediate facilities use shall be placed in restricted capital fund balance.

Legal References:

[Utah State Code 53a-2-401](#)

[Utah State Code 53a-2-402](#)

[Utah State Code 53a-2-403](#)

Synopsis:

School District Surplus Lands Act

School Districts

Purchase of Surplus Property

Approved by Board of Education:

Revised:

November 18, 2014

December 8, 2015