

## **Sale of Real Property**

The board has exclusive control of the acquisition and disposal of all district property. This power shall be exercised only when the board determines by resolution that such property is or is not necessary for school purposes.

Once the board has considered all the factors relating to a proposed sale of real property, it shall comply with all requirements of the law, including:

1. A market value appraisal by a professionally designated real estate appraiser or by a general real estate appraiser certified under Chapter 18.140 RCW, selected by the board shall be secured.
2. No sale of real property is to take place if the sale price would be less than 90 percent of the appraisal made by the appraiser unless the property has been on the market for one year, in which case it may be reappraised and sold for not less than 75 percent of the reappraisal value if the sale is approved by the unanimous consent of the board.
3. If the appraised value exceeds \$70,000 notice that such a sale is being considered is to be published in a newspaper of general circulation within the district for at least two consecutive weeks. The notice shall specify the date, time and place of a public hearing scheduled to consider the property specified for sale. Evidence concerning the proposed sale along with the advisability of selling the parcel is to be taken into account by the board at such a hearing.
4. A charter school located within the district boundaries has a right of first refusal to purchase or lease, at fair market value, a closed district facility or property of unused portions of a district facility or property by negotiated agreement with mutual consideration. The consideration may include the provision of educational services by the charter school.
5. Bids may be secured or a licensed real estate broker may be engaged. If the latter, the commission shall not exceed 7 percent. Any appraiser selected by the board to appraise the market value of a parcel of property may not be a party to any contract with the district to sell the parcel for a period of three years after the appraisal. No bid award shall be made within a forty-five-day period following publication of notice of the intended sale in a newspaper of general circulation in the district.

Receipts from the sale of real property shall be placed into the debt service fund or in the capital projects fund. However, after an evaluation of the sufficiency of the capital projects fund, receipts may be deposited into the district's general fund to be used exclusively for nonrecurring costs related to operating school facilities.

### Legal References:

- RCW 28A.710.230, Facilities-State matching funds for common school construction
- RCW 28A.335.090, Conveyance and acquisition of property - Management - Appraisal
- RCW 28A.335.120, Real property - Sale - Notice of and hearing on - Appraisal required – Broker or real estate appraiser services - Real estate sales contracts, limitations
- RCW 39.33.010, Sale, exchange, transfer, lease of public property authorized - Section

deemed alternative

Ch. 18.140 RCW, Certified Real Estate Appraiser Act

RCW 28A.335.060, Surplus school property - Rental, Lease or use of - Disposition of Moneys Received From

Management Resources:

2016 July Issue

2011 June Issue

*Policy News*, June 2001, Use of Real Estate Appraisers Modified

*Policy News*, February 2005 Surplus Property

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