SALE OR EXCHANGE OF REAL PROPERTY

The Board may authorize the sale of any property, other than minerals, held in trust for free school purposes, by means of a Board resolution. The Board President shall execute a deed to the purchaser reciting the Board resolution authorizing the sale. The District may employ, retain, contract with, or compensate a licensed real estate broker or salesperson for assistance in the acquisition or sale of real property. *Education Code 11.154*

PUBLICATION OF NOTICE AND BIDDING REQUIREMENTS

Except for the types of land and interests described below, before land owned by the District may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication. *Local Gov't Code 272.001(a)*

OPEN-ENROLLMENT CHARTER SCHOOL OFFER

If the Board intends to sell, lease, or allow use for a purpose other than a District purpose of an unused or underused District facility, it must give each open-enrollment charter school located wholly or partly within the boundaries of the District the opportunity to make an offer to purchase, lease, or use the facility, as applicable, in response to any terms established by the Board, before offering the facility for sale or lease or to any other specific entity. The Board is not required to accept an offer made by an open-enrollment charter school. *Education Code 11.1542*

EXCEPTIONS

GENERALLY

The notice and bidding requirements set out above do not apply to the types of land and real property interests described below and owned by the District. The land and those interests described below may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the property outright. The fair market value is determined by an appraisal obtained by the district that owns the land or interest. The appraisal price is conclusive of the fair market value of the land or interest. This applies to:

1. Narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;

2. Streets or alleys, owned outright or used by easement;

3. Land or a real property interest originally acquired for streets, rights-of-way, or easements that the political subdivision chooses to exchange for other land to be used for streets, rights-of-way, easements, or other public purposes, including transactions partly for cash;

4. Land that the District wants to have developed by contract with an independent foundation;

5. A real property interest conveyed to a governmental entity that has the power of eminent domain; or

6. The land or interests described by items 1 and 2 above may be sold to:

   a. Abutting property owners in the same subdivision if the land has been subdivided; or

   b. Abutting property owners in proportion to their abutting ownership, and the division between owners must be made in an equitable manner.

This section does not require the Board to accept any bid or offer or to complete a sale or exchange.

Local Gov't Code 272.001(b)–(d)

HIGHER EDUCATION INSTITUTIONS

The District may donate, exchange, convey, sell, or lease land, improvements, or any other interest in real property to an institution of higher education for less than its fair market value and without complying with the notice and bidding requirements in order to promote a public purpose related to higher education. The District shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. *Local Gov't Code 272.001(j)*

OTHER POLITICAL SUBDIVISIONS

The District may donate or sell for less than fair market value and without complying with the notice and bidding requirements a designated parcel of land or an interest in real property to another political subdivision if:

1. The land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling district;

2. The donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and

3. The title and right to possession of the land or interest revert to the donating or selling district if the acquiring political sub-

division ceases to use the land or interest in carrying out the public purpose.

Local Gov't Code 272.001(l)

SALE OF INSTRUCTIONAL FACILITY FINANCED WITH STATE ALLOTMENT

If an instructional facility financed by bonds paid with state and local funds under Chapter 46 of the Education Code is sold before the bonds are fully paid, the District shall send to the comptroller a percentage of the District's net proceeds as required by statute. *Education Code 46.011* [See also CCA]

LEASE OF PROPERTY TO A GOVERNMENTAL ENTITY

To promote a public purpose of the District, the District may:

1. Lease property owned by the District to another political subdivision or an agency of the state or federal government; or
2. Make an agreement to provide office space in property owned by the District to the other political subdivision or agency.

The District:

1. Shall determine the terms of the lease or agreement so as to promote and maintain the public purpose;
2. May provide for the lease of the property or provision of the office space at less than fair market value; and
3. Is not required to comply with any competitive purchasing procedure or any notice and publication requirement imposed by this chapter or other law.

Local Gov't Code 272.005

SALE OR LEASE OF MINERALS

Sale or lease of minerals in land belonging to the District shall be authorized by a resolution adopted by a majority of the Board. *Education Code 11.153; Natural Resources Code 71.005*

PUBLICATION OF NOTICE — MINERAL LEASES

The Board must give notice of its intention to lease the land. The notice must be published once a week for three consecutive weeks in a newspaper published in the county and with general circulation in the county, and shall:

1. Describe the land to be leased; and
2. Designate the time and place at which the Board will receive and consider bids for the lease.

Natural Resources Code 71.005

When the sale or lease of minerals has been authorized by the Board, the Board President may execute a lease or may sell or exchange the minerals in accordance with the terms authorized by

the Board. The mineral lease or deed shall recite the approval of the Board. *Education Code 11.153*

DONATION OF FORMER SCHOOL CAMPUS

The Board may, by resolution, authorize the donation of real property and improvements formerly used as a school campus to a municipality, county, state agency, or nonprofit organization if:

1. Before adopting the resolution, the Board holds a public hearing concerning the donation and, in addition to any other notice required, gives notice of the hearing by publishing the subject matter, location, date, and time of the hearing in a newspaper having general circulation in the territory of the District;

2. The Board determines that:

   a. The improvements have historical significance;

   b. The transfer will further the preservation of the improvements; and

   c. At the time of the transfer, the District does not need the real property or improvements for educational purposes; and

3. The entity to whom the transfer is made has shown, to the satisfaction of the Board, that the entity intends to continue to use the real property and improvements for public purposes.

The Board President shall execute a deed transferring ownership of the real property and improvements to the municipality, county, state agency, or nonprofit organization. The deed must:

1. Recite the resolution of the Board authorizing the donation; and

2. Provide that ownership of the real property and improvements revert to the District if the municipality, county, state agency, or nonprofit organization:

   a. Discontinues use of the real property and improvements for public purposes; or

   b. Executes a document that purports to convey the property.

Education Code 11.1541(a)–(b)

Note: Regarding disposal of school buses, see CNB. Regarding disposal of school-owned personal property, see CI. Regarding geospatial data products, see CQA.