

REVISED POLICY - VOL. 9, NO. 1

DISPOSITION OF REAL PROPERTY

The Board of Education believes that the efficient administration of the school system requires the disposition of real property no longer necessary for the educational program or the operation of the County School System.

“Real Property” means land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

“Personal Property” means tangible property other than real property. It may be tangible, having physical existence, or intangible and may include automotive vehicles, equipment, and materials.

Except as set forth below, any time a ~~county~~ board determines that any building or land is no longer needed for school purposes, the real property must be sold at public auction, unless it is sold to: (WV Code 18-5-7 and related case law)

- A. the State or political subdivisions, including county commissions or agencies thereof, for an adequate consideration;
- B. The United States of America, or any instrumentality, agency or political subdivision thereof, provided that the property is included in any federal flood control project;
- C. a private, nonprofit, tax-exempt organization having been granted tax-exempt status by IRS Code 501(c) 3 through (8) inclusive, (19) or (23) for nominal consideration, provided that the property is for charitable, economic development or other community use, and provided further that the title to the property reverts to the Board if the organization dissolves or ceases to use the property for the intended purpose within the first five (5) years of such conveyance.

In rural communities, if the original sale to the Board was not a voluntary arms length transaction at fair market value at the time of sale, the grantor of the land, his/her heirs or assigns, shall have the right to purchase the land and the mineral rights at the same price for which it was originally sold.

In the same method set forth above, the ~~County~~ Board may, in lieu of offering the property for sale, enter into a lease for oil or gas or other minerals underlying any lands or school sites owned in fee by it.

All property considered for disposition (sale) ~~(shall)~~ **(may)** be subjected to a current report from an independent, licensed appraiser prior to the solicitation of offers.

The ~~County~~ Board ~~(shall)~~ **(may)** make the sale of any property subject to that provision that all liability for hazards associated with the premises are to be assumed by the purchaser. In any sale of improved property in which the consideration is less than ten thousand dollars or any sale of unimproved land in which the consideration is less than one thousand dollars, all liability for hazards associated with the premises are to be assumed by the purchaser.

Where the Board has determined that any school property is no longer needed for school purposes, and that it will serve the best interests of the community, the Board may lease the premises. The property shall be leased to the highest bidder and any authorized lease shall be in writing. The lease shall contain a recitation of all known or reasonably suspected hazards associated with the property and an assumption of the lessee of all risks associated with the hazards, whether disclosed or not, as well as a provision that the lessee assumes liability for all liability for any actions arising from the property during the term of the lease.

WV Code 18-5-7

WV Department of Education Purchasing Policies and Procedures Manual

[West Virginia State Board of Education policy 1224.1](#)

[West Virginia State Board of Education policy 8200](#)

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