

Utica Community Schools
Board of Education Policies
Rules and Regulations

Section 7000 – NEW CONSTRUCTION

7100 POLICY - Site Acquisition..... 1
7100 RULES AND REGULATIONS - Site Acquisition..... 2
7105 POLICY - Disposal of Surplus Land or Buildings..... 3
7105 RULES AND REGULATIONS - Disposal of Surplus School District Land or Buildings 4



7100 POLICY - Site Acquisition

This policy concerns the selection and acquisition of sites for use by the School District.

It is the policy of the Board of Education that the Superintendent shall recommend to the Board the possible acquisition of real property considered suitable for District use. The recommendation shall be based upon a preliminary informal investigation conducted by the administration and will include the estimated fair market value of the property. If the Board decides to proceed with the submission of an offer to purchase the property, the District will first obtain opinions or estimates from licensed appraisers and/or licensed real estate brokers to assist in determining the fair market value of the property. The Superintendent or his/her designate shall be responsible for all real property acquisition negotiations.

Discussion of the possible acquisition of real property by the District may be conducted in a closed session of the Board, but all official actions must be taken in an open, public meeting in accordance with the Open Meetings Act. Official Board action is required in order for there to be a valid binding contract.

An authorizing resolution of the Board to proceed with the acquisition of real property for the District will identify the person(s) authorized to execute all necessary documents on behalf of the District.

Policy
Revised: 10/9/72
Revised: 11/12/01
Revised: 04/25/11

Board of Education Utica Community Schools

Section 7000
Posted October, 2011
Page 1 of 5

Copyright 2009, Utica Community Schools



7100 RULES AND REGULATIONS - Site Acquisition

The following rules and regulations apply to the selection and acquisition of real property for use by the School District.

- I. The Superintendent, with input and direction from the Board of Education, shall periodically review whether the District should acquire additional real property for District purposes.
- II. If such a need is identified, the Superintendent or his/her designate shall inquire and investigation behalf of the District to determine what properties may be available for acquisition.
- III. Prior to the Board authorizing the submission or presentation of a formal offer to acquire real property, the Superintendent or his/her designate shall obtain appraisals from licensed appraisers or brokers as to the value of the prospective site under consideration. The Superintendent or his/her designate may also obtain an informal study to determine whether a particular prospective site is likely to be suitable for construction of a school or other building for District use, considering the size, configuration, accessibility, availability of utilities, and other relevant considerations.
- IV. If the Superintendent determines that the prospective site merits further consideration, following a review of the informal studies and other available information, the Superintendent will so advise the Board of Education. The Board may meet in a closed session to discuss whether to authorize the submission of an "Offer to Purchase" and the terms and conditions for the possible acquisition.
- V. Any "Offer to Purchase" shall be conditioned on such due diligence as is warranted, including, but not limited to: a) a written feasibility report based upon the examination and testing of the site, b) an architect's review, c) an attorney's title review, and d) any other relevant information obtained during the inspection period.
- VI. If the "Offer to Purchase" is accepted by the seller, the District will proceed with the necessary due diligence.
- VII. If the "Offer to Purchase" is rejected by the seller, the Board of Education will meet to consider what further action, if any, should be taken with respect to the acquisition of the prospective site.
- VIII. If, following seller's acceptance of the Offer, the Board of Education elects not to proceed with the purchase of the site due to site conditions or other information discovered during the inspection period, the Superintendent or his/her designate shall provide written notice to the seller of the Board's decision.

Rules and Regulations
Revised: 8/6/01
Revised 10/22/01
Revised 10/04/11

Superintendent of Schools



7105 POLICY - Disposal of Surplus Land or Buildings

The following policy concerns real property of the District that may no longer be required for school purposes:

The Board of Education believes that consideration should be given to disposing of real property no longer required for current or anticipated future District needs.

The Superintendent or his/her designate shall periodically review all District property and recommend to the Board the disposition of any real property not required for school purposes. Disposition may be in the form of a sale, lease, exchange, or other means authorized by law.

If the Board determines that a parcel of vacant or improved land or real property is no longer required for school purposes, and should be disposed of, the Superintendent or his/her designate shall advertise the property or utilize such other means as may be deemed appropriate to make known the District's interest in disposing of the property.

The Superintendent or his/her designate will be authorized to negotiate and receive written offers to sell, exchange, or lease vacant or improved real property owned by the District. Any prospective purchaser must be advised, however, that the Board of Education reserves the right to reject any and all offers or bids to purchase, exchange, or lease the property.

An authorizing resolution of the Board to proceed with the disposition of real property will identify the person(s) authorized to execute the necessary documents on behalf of the District.

Policy
Adopted: 11/12/01
Revised: 04/25/11

Board of Education Utica Community Schools



7105 RULES AND REGULATIONS - Disposal of Surplus School District Land or Buildings

The following rules and regulations concern the disposition of School District property determined to be no longer needed for school purposes.

- I. The Superintendent or his/her designate will periodically review the real estate owned by the District to determine whether any such property is believed to be no longer needed for school purposes.
- II. The Superintendent or his/her designate will recommend to the Board that it consider disposing of any real property that has been identified as no longer needed for school purposes. The recommendation may include the estimated value of the property and possible means of disposition.
- III. The Board may adopt a resolution authorizing disposal of the real estate.
- IV. The Superintendent may, with concurrence of the Board, establish the asking price and other minimum terms. The information may be disseminated to real estate brokers, agents, and other persons who have indicated an interest in acquiring the property and the property may be listed or advertised for sale.
- V. Any notice should include, but not be limited to, the following information:
 - A. That sealed offers (or bids) are being solicited.
 - B. The date for submission of offers (or bids) with a statement that late offers (bids) will not be considered.
 - C. The type of offers desired -- cash, lease or exchange.
 - D. The amount of an earnest money deposit which must accompany an offer.
 - E. That the property is offered "as is," unless otherwise authorized by the Board.
 - F. That the person seeking to acquire the property will be given an opportunity, at the prospective purchaser's sole expense, to inspect and perform testing customarily required in connection with the purchase of similar property during a period of not more than ninety (90) days (unless otherwise authorized by the Board) and that restoration of the premises and indemnity will be required to be provided by the person or entity seeking to acquire the property.
 - G. That title insurance will be provided by the District.
 - H. That the offer must be irrevocable for ninety (90) days.
 - I. That a contract to dispose of real property owned by the District shall not be binding upon the District unless and until approved by the Board of Education through resolution at a public meeting and executed by the person or persons specifically



authorized to do so by the Board.

- J. That the District reserves the right to accept or reject any and all offers, in whole or in part, and reserves the right to negotiate the terms and conditions or any offer deemed to be in the best interest of the District.
- VI. The Board may require that all offers be presented in a particular form established by the District.
- VII. Written offers shall be submitted to the Board' with a recommendation from the Superintendent. A proposed agreement of sale, exchange, or lease of property shall be reviewed by legal counsel for the District prior to its submission to the Board.
- VIII. The Board of Education shall deliberate and make its decision regarding the disposal of real property at an open, public meeting.
- IX. After reviewing all of the offers or bids submitted, the Board of Education may elect either to proceed or not to proceed with the disposition of property, depending on which such action the Board determines to be in the best interest of the District.

Rules and Regulations
Adopted: 11/12/01
Revised: 10/04/11

Superintendent of Schools

Section 7000
Posted October, 2011
Page 5 of 5

Copyright 2009, Utica Community Schools

