

Part 4 School District Surplus Lands Act

53A-2-401 Title.

This part is known as the "School District Surplus Lands Act."

Enacted by Chapter 339, 2006 General Session

53A-2-402 Definitions.

As used in this part:

- (1) "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.
- (2) "Purchase price" means the greater of:
 - (a) an amount that is the average of:
 - (i) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the eligible entity; and
 - (ii) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the school district; and
 - (b) the amount the school district paid to acquire the surplus property.
- (3) "Qualifying planning advisory area" means a planning advisory area under Section 17-27a-306 that has a population density of 3,000 or more people per square mile within the boundaries of the planning advisory area.
- (4) "Surplus property" means land owned by a school district that:
 - (a) was purchased with taxpayer money;
 - (b) is located within a city or town that is an eligible entity or within a qualifying planning advisory area;
 - (c) consists of one contiguous tract at least three acres in size; and
 - (d) has been declared by the school district to be surplus.

Amended by Chapter 352, 2015 General Session

53A-2-403 Purchase of surplus property.

- (1) An eligible entity may purchase, and each school district shall sell, surplus property as provided in this section.
- (2)
 - (a) Upon declaring land to be surplus property, each school district shall give written notice to each eligible entity in which the surplus property is located.
 - (b) Each notice under Subsection (2)(a) shall:
 - (i) state that the school district has declared the land to be surplus property; and
 - (ii) describe the surplus property.
- (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by paying the school district the purchase price.
- (4)
 - (a) The legislative body of each eligible entity desiring to purchase surplus property under this section shall:

- (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt a resolution declaring the intent to purchase the surplus property and deliver a copy of the resolution to the school district; and
 - (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i) to the school district, deliver to the school district an earnest money offer to purchase the surplus property at the purchase price.
 - (b) If an eligible entity fails to comply with either of the requirements under Subsection (4)(a) within the applicable time period, the eligible entity forfeits the right to purchase the surplus property.
- (5)
- (a) An eligible entity may waive its right to purchase surplus property under this part by submitting a written waiver to the school district.
 - (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has no further obligation under this part to sell the surplus property to the eligible entity.
- (6) Surplus property acquired by an eligible entity may not be used for any purpose other than:
- (a) a county, city, or town hall;
 - (b) a park or other open space;
 - (c) a cultural center or community center;
 - (d) a facility for the promotion, creation, or retention of public or private jobs within the state through planning, design, development, construction, rehabilitation, business relocation, or any combination of these, within a county, city, or town;
 - (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public or private facilities, or other improvements that benefit the state or a county, city, or town; or
 - (f) a facility for a charter school under Chapter 1a, Part 5, The Utah Charter Schools Act.
- (7)
- (a) A school district that sells surplus property under this part may use proceeds from the sale only for bond debt reduction or school district capital facilities.
 - (b) Each school district that sells surplus property under this part shall place all proceeds from the sale that are not used for bond debt reduction in a capital facilities fund of the school district for use for school district capital facilities.

Amended by Chapter 104, 2012 General Session

53A-2-404 Resale of surplus property.

- (1) If an eligible entity that has acquired surplus property under Section 53A-2-403 afterwards declares that property to be surplus, the school district from which the eligible entity acquired the property may purchase, and the eligible entity shall sell, the property as provided in Section 53A-2-403, except that the price at which the school district shall be entitled to reacquire the property shall be the price that the eligible entity paid for the property, plus the cost of any existing improvements that the eligible entity made to the property after it purchased the property.
- (2) If the school district does not reacquire the surplus property under Subsection (1) and the eligible entity sells the surplus property to another buyer, the eligible entity and the school district shall equally share any proceeds of that sale that exceed the amount the eligible entity paid for the property plus the cost of any existing improvements the eligible entity made to the property after it purchased the property.

Enacted by Chapter 339, 2006 General Session

