

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