

SURPLUS PROPERTY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Benjamin M. McAdams

House Sponsor: Derek E. Brown

LONG TITLE

General Description:

This bill modifies a provision relating to surplus school district property.

Highlighted Provisions:

This bill:

► adds purposes for which surplus property may be used by an eligible entity that acquires it.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-2-403, as enacted by Laws of Utah 2006, Chapter 339

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-2-403** is amended to read:

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



28 written notice to each eligible entity in which the surplus property is located.

29 (b) Each notice under Subsection (2)(a) shall:

30 (i) state that the school district has declared the land to be surplus property; and

31 (ii) describe the surplus property.

32 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by
33 paying the school district the purchase price.

34 (4) (a) The legislative body of each eligible entity desiring to purchase surplus property
35 under this section shall:

36 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt a
37 resolution declaring the intent to purchase the surplus property and deliver a copy of the
38 resolution to the school district; and

39 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)
40 to the school district, deliver to the school district an earnest money offer to purchase the
41 surplus property at the purchase price.

42 (b) If an eligible entity fails to comply with either of the requirements under Subsection
43 (4)(a) within the applicable time period, the eligible entity forfeits the right to purchase the
44 surplus property.

45 (5) (a) An eligible entity may waive its right to purchase surplus property under this
46 part by submitting a written waiver to the school district.

47 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has
48 no further obligation under this part to sell the surplus property to the eligible entity.

49 (6) Surplus property acquired by an eligible entity may not be used for any purpose
50 other than:

51 (a) a county, city, or town hall;

52 (b) a park or other open space; [or]

53 (c) a cultural center or community center[-];

54 (d) a facility for the promotion, creation, or retention of public or private jobs within
55 the state through planning, design, development, construction, rehabilitation, business
56 relocation, or any combination of these, within a county, city, or town;

57 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public
58 or private facilities, or other improvements that benefit the state or a county, city, or town; or

59 (f) a facility for a charter school applicant that has its application approved by a
60 chartering entity in accordance with Chapter 1a, Part 5, The Utah Charter Schools Act.

61 (7) (a) A school district that sells surplus property under this part may use proceeds
62 from the sale only for bond debt reduction or school district capital facilities.

63 (b) Each school district that sells surplus property under this part shall place all
64 proceeds from the sale that are not used for bond debt reduction in a capital facilities fund of
65 the school district for use for school district capital facilities.

Legislative Review Note
as of 2-14-12 8:53 AM

Office of Legislative Research and General Counsel