

**SALE OF SCHOOL FACILITIES**

**1. Purpose**

The Barbour County Board of Education supports the notion 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 school system.

**2. Implementation**

- 2.1 Except as set forth below, the Board, upon recommendation of the Superintendent, may determine that any building or land is no longer needed for school purposes. This real property must be sold at public auction, unless it is sold to:
  - 2.1.1 The State of West Virginia or it's political subdivisions, including county commissions or agencies thereof, for an adequate consideration;
  - 2.1.2 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;
  - 2.1.3 A private, nonprofit, tax-exempt organization having been granted tax-exempt status by Internal Revenue Service 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.
- 2.2 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.
- 2.3 In the same method set forth above, the 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.
- 2.4 All property considered for disposition (sale) shall be subjected to a current report from an independent, licensed appraiser prior to the solicitation of offers.
- 2.5 The Board shall 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.
- 2.6 Where the Board has determined, upon recommendation of the Superintendent, 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 said 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.

**Source: Board of Education Minutes**

**Adopted: 9/18/1979**

**Revised Dates: 6/23/08; 9/30/91**

**Legal References: Internal Revenue Code 501(c) 3 through (8) inclusive, (19) or (23)  
West Virginia Code §18-5-7; 18-5-7a; 18-5-7b  
WV Department of Education Policy 8200;**