

The board of trustees of this district may designate and purchase any real property necessary for school purposes or in the operation of the district, or remove any building, or dispose of any real property. The board will have the value of such property determined by an appraisal conducted by a State of Idaho certified appraiser within one (1) year prior to any purchase or disposal, and will place the results of the appraisal in the board's records.

### **SELECTION OF PROPERTY SITES**

The board will determine the size of the site necessary for school purposes. All preliminary discussions concerning site acquisitions will be conducted in executive sessions of the board.

The site will be located within the incorporated limits of any city within the district; provided, however, that if this board finds that it is not in the best interests of the electors and students of the district to locate the site within the incorporated limits of a city, the board, by duly adopted resolution setting forth the reasons for its findings, may designate a site located elsewhere within the district.

### **SALE OF REAL PROPERTY**

The board, by deed, bill of sale, or other appropriate instrument, may convey all of the estate and interest of the district in any real property.

The property may be sold at public auction or by sealed bids, as the board determines, to the highest bidder. The property may be sold for cash or for such terms and conditions as the board will determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent (7%) per annum.

The title to all property sold on contract will be retained in the name of this district until full payment has been made by the purchaser, and title to all property sold under a note and mortgage or deed of trust will be transferred to the purchaser at the point of sale under the terms and conditions of the mortgage or deed of trust as this board will determine.

Notice of the time and the conditions of such sale will be published twice, and proof thereof made, in accordance with Idaho Code Section 33-402(g) and (h). However, when the appraised value of the property is less than one thousand dollars (\$1,000), one (1) single notice by publication will be sufficient and the property will be sold by sealed bids or at public auction.

The board may accept the highest bid, may reject any bid, or reject all bids. If the real property was donated to the district the board may, within a period of one (1) year from the time of the appraisal, sell the property without additional advertising or bidding. Otherwise, the board must obtain new appraisals and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property. In no case will any real property of the district be sold for less than its appraisal.

### **EXCHANGE OR TRANSFER OF REAL PROPERTY**

The district's real property may be exchanged for other property.

**TRANSFERS TO/FROM GOVERNMENTAL AGENCIES**

This district may convey or transfer real property to, or receive real property from, another governmental agency, the United States, State of Idaho, or any city, county, hospital district, other school district, library district, community college district, or recreational district with or without consideration. The district's conveyance or transfer of real property to another governmental agency may be made without consideration or payment when the board determines such conveyance is in the best interest of the district.

Prior to any conveyance or transfer of any real property, the value of the property will be established by an appraisal conducted by a State of Idaho certified appraiser. The board will retain the appraiser and will document the appraisal results in the board's records. The board and the other governmental agency shall enter into a written agreement, setting forth the terms of the conveyance or transfer. Notice of the general terms of the agreement shall be published for two (2) consecutive weeks in a newspaper printed or of general circulation in the county or counties in which the district and the other governmental agency are located and having general circulation within such county or counties. The notice shall state the time and place of the next regular or special meeting of the board of trustees of the district and the board of the other governmental agency at which the respective boards propose to ratify the agreement. Additionally, the board shall, by a vote of one-half (1/2) plus one (1) of the members of the full board, by resolution duly adopted, authorize the transfer or conveyance of any real property owned by the district.

No agreement entered into for the conveyance, transfer, or exchange of real property between the district and another governmental agency shall be valid unless the agreement is approved by a two-thirds (2/3) vote of each governing body at a properly noticed meeting, except no approval shall be required from the United States or the State of Idaho.

**EASEMENTS**

The board may also convey rights-of-way and easements for highway, public utility, and other purposes over, upon, or across any school property. When necessary for the use of such property for any such purpose, the board may authorize the removal of school buildings to such new location, or locations, and such removal will be made at no cost or expense to the district.

**EMINENT DOMAIN**

The board may also exercise the right of eminent domain for any of the uses and purposes provided in Section 7-701, Idaho Code.



**LEGAL REFERENCE:**

Idaho Code Sections 7-701, *et seq.* 33-402(g) and (h) 33-601(3) and (4) 67-2322 67-2323 67-2324

**ADOPTED:** July 8, 2004

**AMENDED:**