

The board of trustees of Wendell School District No. 232 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. Not more than one (1) year prior to the purchase or disposal of real property, or the transfer of real property to another governmental entity, the board will have the value of such property determined by an appraisal conducted by an appraiser certified in the state of Idaho 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, and appraisals of real property prior to its sale, acquisition or lease by the district may 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 the 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. In elementary school districts, such transactions will be subject to the approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

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 the board will determine.

Notice of the time and the conditions of such sale will be published two (2) times, and proof thereof made, in accordance with Idaho Code §33-402(2) and (3). 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. During the sealed bid or public auction process, no real property of the district can be sold for less than its appraised value. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property for the highest price the market will bear.

### **EXCHANGE OF REAL PROPERTY**

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

### **CONVEYANCE, TRANSFER OR EXCHANGE TO/FROM GOVERNMENTAL AGENCIES**

The board will, 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 or personal property owned by the district to another governmental agency, the United States, State of Idaho, or any city, county, hospital district, school district, the Idaho housing and finance association, public charter school, library district, community college district, or recreational district. The board and the other governmental agency shall enter into a written agreement, setting forth the terms of the conveyance or transfer. 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.

For conveyances or transfers of real or personal property with a value of ten thousand dollars (\$10,000) or less, the property may be conveyed or transferred without notice and a hearing. For conveyances or transfers of real property with a value in excess of ten thousand dollars (\$10,000), notice of the general terms of the agreement will be given by publication in at least two (2) issues 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 will 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. The first publication will be made not less than twelve (12) days prior to each meeting and the last publication of notice will be made not less than five (5) days prior to each meeting.

No agreement entered into for 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 the board at a properly noticed meeting.

**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 Idaho Code §7-701.



**LEGAL REFERENCE:**

Idaho Code Sections

7-701 *et seq.*- Eminent Domain

33-402 – Notice Requirements

33-601 – Real and Personal Property – Acquisition, Use or Disposal of Same

67-2322 – Transfer of Property by Local Unit of Government to Other Government Body  
Authorized

67-5656 – Written Agreement Before Transfer – Publication of Notice

67-2324 – Two-Thirds Vote Required for Approval

74-107(3) – Records Exempt from Disclosure (Appraisals)

74-206(1)© and (d) – Executive Sessions – When Authorized

**ADOPTED:** February 10, 1999

**AMENDED:** March 15, 2022