



Section Six: School District Facilities

635R – REAL PROPERTY DISPOSITIONS (REGULATIONS)

Definitions

1. Fair Market Value – means the price, consideration or rent that would be obtained by the Board of Education in an arm’s length transaction in the open market between willing parties acting in good faith and may include property of comparable value received in exchange for property transferred by the Board.
2. Lease – means every agreement whereby the Board, as landlord, confers upon another person, as tenant, the exclusive right to occupy land, building or a portion of land or building.

Leases and Disposal of Land or Improvements

1. Each facility will be considered on its own merit.
2. No part of the facility will be made available for rent or lease during regular school hours if the activity interferes with the educational program offered in the facility.
3. Consideration will be given to the current and future needs of the district and possible alternative uses of the Facility.
4. Community use and community partnerships will be considered for vacant facilities.
5. Facilities that are no longer required for current or future educational needs will be considered for disposal through a public process. Disposal of Land or Improvements will be through a closed tender public bid process, realtor listing or alternative competitive process, except when a purchaser, as part of the consideration, will exchange land or improvement that are beneficial to the Board. In the case of a land exchange, the transaction must be at Fair Market Value supported by an independent appraisal. Also, prior to the first reading of the disposal Bylaw, the Board must inform the public of the pending exchange and request the public provide information and express views concerning the transaction. The approval of the land disposal Bylaw involving a land exchange must be in public and over no less than two public board meetings.
6. The Board reserves the right to first offer any property disposal to a local government or public authority. Should a local government or public authority express interest in obtaining School District property, any permanent disposal must be at Fair Market Value supported by an independent appraisal. Also, prior to the



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first reading of the disposal Bylaw the Board must inform the public of the pending disposal and request that the public provide information and express views concerning the transaction. The approval of the Land Disposal Bylaw involving a land sale to a local government or public authority must be in public and over no less than two board meetings.

7. Leases must be at fair market value and not exceed 5 years in term.
8. A Lease will not contain an option of right to purchase.
9. Any proponent of a Lease or Land or Improvement purchase must provide evidence to the Board that the financial obligations under the agreement can be satisfied.

Rights of Way and Easements

1. Each application for a Right of Way or Easement will be considered on its own merit.
2. There should be a mutual benefit to the Board and the applicant; otherwise the Board should receive either direct or indirect compensation for granting the Right of Way or Easement.
3. All legal and administrative costs incurred by the Board, in granting a Right of Way or Easement, will be the responsibility of the applicant, unless the Right of Way or Easement is at the request of the Board and for the benefit of the Board.
4. A Right of Way or Easement can only be granted through a Bylaw read in public.