

**SALE, DISPOSAL, AND LEASE  
OF BOARD-OWNED REAL PROPERTY**

Policy Code: **9400**

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1 The Transylvania County Board of Education (the “board”) will consider the sale and disposal of  
2 board-owned real property, including land and buildings, as authorized by law. The board is  
3 guided in its decisions by its commitment to help students succeed by providing appropriate  
4 facilities and to use its resources in a fiscally and environmentally sound manner.

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6 Any sale or disposal of real property, including school buildings, will be conducted in  
7 accordance with **constitutional and** statutory requirements. The superintendent should secure the  
8 services of consultants as necessary to conduct feasibility assessments and determine the fair  
9 market value. No building or land will be sold below the fair market value or exchanged for less  
10 than full and fair consideration, **except as permitted by law.** ~~that~~ ~~†~~The board will afford the board  
11 of county commissioners the first opportunity to obtain any real property at the fair market price  
12 or a price negotiated between the two boards.

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14 **The board may** ~~When the board decides to lease board-owned real property to another entity, the~~  
15 ~~lease will be at the fair market value, except that the board may negotiate a lesser amount with~~  
16 ~~another governmental unit~~ **in accordance with constitutional and statutory requirements.** The  
17 board will lease available board-owned buildings and land to charter schools when required by  
18 law.

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20 All contracts for the sale, disposal, or lease of real property must be consistent with G.S. 147, art.  
21 6E and art. 6G.

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23 Legal References: **N.C. Const. art. IX, § 7; G.S. 115C-72, -218.35, -518, -521; 147 art. 6E, art.**  
24 **6G; 160A art. 12; 147 art. 6E, art. 6G** ~~Boney v. Board of Trustees, 229 N.C. 136 (1948)~~

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26 Cross References: Planning to Address Facility Needs (policy 9000), Site Selection (policy  
27 9010), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At  
28 Risk (policy 9110)

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30 Adopted: June 20, 2016

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32 Revised: November 21, 2016; March 5, 2018; **[DATE]**