

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-129 of the Code of Virginia, relating to conveyance of school*
3 *board property to the Virginia Department of Transportation.*

[H 1685]

Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 22.1-129 of the Code of Virginia is amended and reenacted as follows:**

9 § 22.1-129. Surplus property; sale, exchange or lease of real and personal property.

10 A. Whenever a school board determines that it has no use for some of its real property, the school
11 board may sell such property and may retain all or a portion of the proceeds of such sale upon approval
12 of the local governing body and after the school board has held a public hearing on such sale and
13 retention of proceeds, or may convey the title to such real property to the county or city or town
14 comprising the school division or, if the school division is composed of more than one county or city,
15 to the county or city in which the property is located. To convey the title, the school board shall adopt a
16 resolution that such real property is surplus and shall record such resolution along with the deed to the
17 property with the clerk of the circuit court for the county or city where such property is located. Upon
18 the recording of the resolution and the deed, the title shall vest in the appropriate county, city or town.

19 If a school board sells surplus real property, a capital improvement fund shall be established by such
20 school board and the proceeds of such sale retained by the school board shall accrue to such capital
21 improvement fund. The capital improvement fund shall only be used for new school construction, school
22 renovation, and major school maintenance projects.

23 B. A school board shall have the power to exchange real and personal property, to lease real and
24 personal property either as lessor or lessee, to grant easements on real property, to convey real property
25 in trust to secure loans, to convey real property to adjust the boundaries of the property and to sell
26 personal property in such manner and upon such terms as it deems proper. As lessee of real property, a
27 school board shall have the power to expend funds for capital repairs and improvements on such
28 property, if the lease is for a term equal to or longer than the useful life of such repairs or
29 improvements.

30 C. Notwithstanding the provisions of subsections A and B, a school board shall have the power to
31 sell career and technical education projects and associated land pursuant to § 22.1-234.

32 *Notwithstanding the provisions of subsections A and B, a school board of a school division*
33 *comprised of a city having a population of 350,000 or more and adjacent to the Atlantic Ocean shall*
34 *have the power to sell property to the Virginia Department of Transportation or the Commonwealth*
35 *Transportation Commissioner when the Commissioner has determined that (i) such conveyance is*
36 *necessary and (ii) when eminent domain has been authorized for the construction, reconstruction,*
37 *alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other*
38 *purposes incidental thereto, including, but not limited to, the relocation of public utilities as may be*
39 *required.*

40 D. School boards may donate obsolete educational technology hardware and software that is being
41 replaced pursuant to subdivision B 4 of § 22.1-199.1. Any such donations shall be offered to other
42 school divisions, to students, as provided in Board of Education guidelines, and to preschool programs
43 in the Commonwealth.

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