

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 513

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

[H 1710]

Approved March 23, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-129 of the Code of Virginia is amended and reenacted as follows:**

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

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

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

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

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