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Surplus Property Concept Review

Cupertino Union School District
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Government Code § 54221(b)(1)

- **Surplus Land:**

- “Means land owned in fee simple by any local agency for which the local agency’s government body takes formal action in a regular public meeting declaring that the land is surplus and not necessary for the agency’s use.”

Education Code § 17387

■ **Advisory Committees:**

- “The community involvement should facilitate making the best possible judgments about the use of excess school facilities in each individual situation.
- It is the intent of the Legislature to have community involved before decisions are made about school closure or the use of surplus space, thus avoiding community conflict and assuring building use that is compatible with the community’s needs and desires.”

Highest and Best Use

■ Legal Definition

- “The highest and best use is the most profitable legally permissible use for which the property is physically, geographically, and economically adaptable.” (*County of San Diego v. Rancho Vista Del Mar, Inc.* (1993) 16 Cal. App.4th 1289,1288)
- The highest and best use is defined as ‘that use, among the possible alternative uses, that is physically practical, legally permissible, market supportable, and most economically feasible...The appraiser must make a determination of highest and best use as part of the appraisal process.’ (*San Diego Gas & Electric Co v. Schmidt* (2014) 288 Cal. App.4th 1046,1058)

Highest and Best Use

- **Appraisal Institute Definition**

- The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.

Legal Process to Declare Surplus Property

- Board Resolution
- Declare Property “surplus land” or “exempt surplus land”
- Regular Meeting
- Written Findings