SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY

Definitions

Dispose means either (1) the sale of surplus land or (2) the lease of surplus land for a term longer than 15 years, inclusive of any extension or renewal options included in the terms of the initial lease. Dispose does not include the entering of a lease for surplus land on which no development or demolition will occur, regardless of the term of the lease. (Government Code 54221)

Under the Surplus Land Act, *exempt surplus land* means land, as described in Items #1-10 below, that is: (Government Code 54221)

1. Less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes

2. Being exchanged for another property necessary for the district's use, including easements, pursuant to Education Code 17536

3. Subject to the district advisory committee pursuant to Education Code 17388

4. Jointly occupied by the district and any private person, firm, local governmental agency or corporation pursuant to Education Code 17515

5. Being transferred to a local, state, or federal agency, or to a third-party intermediary for future dedication for the receiving agency's use, or to a federally recognized California Indian tribe

6. A former street, right of way, or easement, and is conveyed to an owner of an adjacent property

7. Developed for low- or moderate-income housing development that meets specified criteria

8. Subject to a valid legal restriction that is not imposed by the district and that makes housing prohibited, such as a conservation easement

9. Transferred to a community land trust, and meets certain specified conditions

10. Included in any of the other exemptions specified in Government Code 54221

District Advisory Committee

The district advisory committee, which may be referred to as a "7-11 Committee,"on use or disposition of surplus school buildings or space shall consist of not less than seven or more than 11 members representative of each of the following: (Education Code 17389)

1. The district's ethnic, age group and socioeconomic composition.
2. The business community, such as store owners, managers or supervisors.
3. Landowners or renters, with preference to representatives of neighborhood associations.
4. Teachers.
5. Administrators
6. Parents/ guardians of students
7. Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities and counties in which the surplus property is located

This committee shall: (Education Code 17390)

1. Review projected school enrollment and other data to determine the amount of surplus space and real property

2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community

3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes

4. Make a final determination of limits of tolerance of use of space and real property

5. Send the Governing Board a report recommending uses of surplus space and real property

The district advisory committee shall comply with open meeting requirements of the Brown Act. (Government Code 54952)

State References	Description
14 CCR 15061-15062	Preliminary review of projects and conduct of initial study

State References	Description
2 CCR 1700-1702	Surplus property; use of proceeds
Ed. Code 17219-17224	Acquisition of property not utilized as school site; nonuse payments; exemptions
Ed. Code 17230-17234	Surplus property
Ed. Code 17387-17391	Advisory committees for use of excess school facilities
Ed. Code 17400-17429	Leasing of school buildings
Ed. Code 17430-17447	Leasing facilities
Ed. Code 17453	Lease of surplus district property
Ed. Code 17455-17484	Sale or lease of real property
Ed. Code 17462.3	State Allocation Board program to reclaim funds
Ed. Code 17485-17500	Surplus school playground (Naylor Act)
Ed. Code 17515-17526	Joint occupancy
Ed. Code 17527-17535	Joint use of district facilities
Ed. Code 17536	Exchange of district property
Ed. Code 33050	Nonwaivable provisions
Ed. Code 38130-38139	Civic Center Act
Gov. Code 50001-50002	Definitions
Gov. Code 54220-54234	Surplus land
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952	Legislative body; definition
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970