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Board Policy

School Properties Disposal Procedures

When it becomes necessary to discontinue the use of a school facility for educational purposes as defined by the Atlanta Board of Education, or when other property owned by the Atlanta Board of Education is deemed to be surplus to the needs of the Atlanta Public Schools, the Board shall use or dispose of such property in accordance with the goals of APS and in the best interest of the affected neighborhood and the community as a whole.

Surplus properties may be leased if there are anticipated future APS uses for the property or if market conditions for a sale are not favorable. Terms shall be at market rate. The board may authorize the Superintendent to negotiate other terms and conditions for non-profit organizations or government agencies. The services of a real estate professional may be engaged to offer a property for lease. The lessee shall be required to pay for the cost of all utilities. The Superintendent is authorized to execute such leases for a period of up to one (1) year. The board must approve leases for a period longer than one (1) year. Unless the Board specifies otherwise when authorizing a lease, any such lease may not extend for a period longer than five (5) years and must include a provision to permit cancellation by the Board on sixty (60) days notice or as negotiated in the contract, if the property is needed for school purposes or if market conditions become favorable for a sale.

Surplus properties that are no longer needed by APS for current or future uses may be put on the market to be sold. In order to allow the largest population possible to know of a surplus

property's availability, APS may engage a real estate professional to market the property. The real estate professional and/or APS staff will market the property in a manner that will allow APS to obtain and consider the best offer available. The marketing strategy must include appropriate means to make the availability of the property known to the general public. The property shall then be marketed: with an asking price based upon an appraisal, comparables or other quantifiable formula; by bid where offers will be ranked by their overall value (including, but not limited to price, terms, closing date, use and neighborhood impact); or other methods deemed to be a current industry practice appropriate for the particular property. In a bid solicitation, there may be a second round of bidding by the parties making the best first-round offers, and/or the broker may negotiate with one or more bidders to attempt to improve the price or terms of the offer for APS. Factors such as age, property condition, surrounding market conditions, etc., will be analyzed by the broker to determine which method of sale is appropriate for each particular property.

If a portion of the purchase price for a property being sold by the Board is represented by a promissory note, the interest rate on such note shall not be less than the then-current interest rate on securities of the U.S. Government for similar period of time unless offsetting adjustments are made in the principal amount of the loan and/or terms of repayment to maintain the same present value to the Board. In addition, the purchaser shall be required to maintain property insurance for the duration of the loan in an amount at least equal to the greater of the replacement cost of the property net of land value or the unpaid balance on such note.

An application for the rezoning of any property owned by the Board may not be officially submitted to the City of Atlanta without prior approval by the Board.

It is the policy of the Board to review existing governmental redevelopment plans and to seek community input, normally through the Neighborhood Planning Unit for the area in which the property is located, before selling or leasing a surplus property to another entity except when emergency conditions or other deadlines do not allow sufficient time for such input.

Atlanta Public Schools

Date Adopted: 5/11/1981
Last Revised: 10/11/2004

NOTE: The State of Georgia has moved the Georgia Code. This new environment no longer allows us to link directly to the Georgia Code. For example enter 20-02-0211 in the search window and the Georgia Code will appear.

Table with 2 columns: Georgia Code and Description. Rows include O.C.G.A. 10-06-0085 (Agents - individual liability), O.C.G.A. 10-06-0088 (Public agents - no individual liability for public contracts), O.C.G.A. 20-02-0520 (Acquiring/disposing of school sites), O.C.G.A. 20-02-0600 (Leases of 50 years or less authorized), O.C.G.A. 36-09-0002 (Control and disposal of county property), O.C.G.A. 40-08-0110 (School bus equipment requirements), O.C.G.A. 40-08-0116 (Unlawful acts re: school buses), and Rule 160-4-9-.06 (Charter Authorizers, Financing and Management).

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.