

**Resolution Approving the Sale of Surplus Real Property
by the School Board of the Fairfax County Public Schools**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on June 18, 2007, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code § 22.1-129 provides that whenever a school board determines that it has no use for some of its real property, the school board may sell such property and retain the proceeds of such sale upon approval of the local governing body and after the school board has held a public hearing on the proposed sale and retention of the proceeds; and

WHEREAS, Virginia Code § 22.1-129 also provides that whenever a school board determines that it has no use for some of its real property and that sale is approved, then any retained proceeds of such sale shall be placed in a capital improvement fund and that fund shall only be used for new school construction, school renovation, and major school maintenance projects; and

WHEREAS, on May 24, 2007, the School Board of the Fairfax County Public Schools conducted a public hearing of the proposed sale of certain property located at 10515 School Street to the City of Fairfax, Virginia and adopted a resolution authorizing the sale of such property to the City of Fairfax, Virginia, and

WHEREAS, the School Board of the Fairfax County Public Schools has established a capital improvement fund to accept the proceeds of such sale and to be used only for new school construction, school renovation, and major school maintenance projects; and

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WHEREAS, the School Board of the Fairfax County Public Schools has requested the Board of Supervisors to approve the sale of the property on School Street and to retain the proceeds of such sale in the capital improvements fund; now, therefore, be it,

RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that the Board of Supervisors hereby approves of the sale of the School Street property and the retention of the proceeds of such sale in a capital improvement fund, as requested by the School Board of the Fairfax County Public Schools.

Given under my hand on this _____ day of June 2007.

Nancy Vehrs
Clerk, Board of Supervisors

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SCHOOL BOARD AGENDA ITEM

Agenda Item No. [Leave blank]

Prepared: April 9, 2007 **New Business:** May 10, 2007 **Action:** May 24, 2007

Staff Contact: Dean A. Tistadt, Chief Operating Officer, Facilities and Transportation Services

SUBJECT: Sale of the Eleven Oaks School property to the City of Fairfax

RECOMMENDATION:

That the School Board approve the sale of the Eleven Oaks School property, located at 10515 School Street, in Fairfax City, to the City of Fairfax.

EXPLANATION:

The Eleven Oaks property consists of two parcels of improved land, including approximately 1 acre of land located in the City of Fairfax, Virginia, and approximately 6.157 acres of land located in Fairfax County, Virginia. This property is not currently used for instruction and in staff's view is not required by the school system to meet present or anticipated educational needs. In an event that this property would be sold to the City of Fairfax, the proceeds would be used to fund capital improvements within the school system.

ALTERNATIVE:

None recommended.



FAIRFAX COUNTY
PUBLIC SCHOOLS

Department of Facilities and Transportation Services

City Square Building, Suite 300
10640 Page Avenue
Fairfax, Virginia 22030

May 30, 2007

BY FACSIMILE AND FIRST CLASS MAIL

Mr. Anthony Griffin
County Executive
12000 Government Center Parkway
Suite 552
Fairfax, Virginia 22035

Dear Mr. Griffin:

On May 24, 2007, Fairfax County School Board approved the attached Resolution declaring the Eleven Oaks property surplus and approved the sale of such property to the City of Fairfax. As the Resolution states, the School Board's approval is subject to the Fairfax County Board of Supervisors' approval of the School Board's retention of all proceeds of such sale pursuant to Va. Code Ann. § 22.1-129. The proceeds of the sale shall accrue to the School Board's capital improvement fund and shall only be used for new school construction or school renovation.

The School Board respectfully requests the Board of Supervisors' approval of the School Board's retention of all proceeds of the sale of the Eleven Oaks property to the City of Fairfax. It is our understanding that the Board of Supervisors will be considering this matter at its June 18, 2007, meeting.

If you have any questions or need additional information, please call me. Thank you for your assistance with this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dean A. Tistadt'.

Dean A. Tistadt
Chief Operating Officer

DAT/dc
Attachment

cc: Sharon Bulova
Jack D. Dale
Robert Sisson
Tessie Wilson

1 **A RESOLUTION OF THE SCHOOL BOARD OF FAIRFAX COUNTY**
2 **DECLARING APPROXIMATELY 7.157 ACRES OF LAND KNOWN AS**
3 **THE "ELEVEN OAKS PROPERTY" SURPLUS AND APPROVING THE**
4 **SALE OF SUCH PROPERTY TO THE CITY OF FAIRFAX, VIRGINIA;**
5 **AND DELEGATING THE RESPONSIBILITY AND AUTHORIZING THE**
6 **OFFICERS OF THE SCHOOL BOARD TO CARRY OUT THE**
7 **PURPOSES AND INTENT OF THIS RESOLUTION.**

8 **WHEREAS**, the Fairfax County School Board (the "School Board") is the owner of
9 certain land located at 10515 School Street, which consists of the following two parcels: (i) the
10 approximately 1 acre of land located in the City of Fairfax, Virginia, identified within such City's
11 parcel identification system as Parcel No. 57-4-((2))-3; and (ii) the approximately 6.157 acres of
12 land located in Fairfax County, Virginia, identified within such County's parcel identification
13 system as Parcel 57-4-((1))-6 (collectively, the "Property"); and

14 **WHEREAS**, the School Board has determined that it has no use for the Property and that
15 the Property should be declared surplus; and

16 **WHEREAS**, subject to the Fairfax County Board of Supervisors' approval of the School
17 Board retaining all of the proceeds pursuant to Va. Code Ann. § 22.1-129 (Michie 2006 Repl.
18 Vol.), the School Board desires to sell the Property to the City of Fairfax, Virginia (the "City"),
19 and the City wishes to purchase the Property from the School Board, in accordance with the
20 terms of the Agreement attached to this Resolution as Exhibit A; and

21 **WHEREAS**, on May 16, 2007, the School Board conducted a duly-advertised public
22 hearing on such sale and retention of proceeds, as required by Va. Code Ann. § 22.1-129.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF**
24 **FAIRFAX COUNTY:**

25 1. Surplus Declaration. The School Board hereby determines and declares that it has
26 no use for the Property and that the Property is surplus to the present and planned future needs of
27 the School Board.

28 2. Approval of Sale. The School Board hereby approves the sale of the Property to
29 the City in accordance with the terms of the Agreement attached to this Resolution as Exhibit A
30 and subject to the Fairfax County Board of Supervisors' approval of the School Board's retention
31 of all proceeds of such sale pursuant to Va. Code Ann. § 22.1-129.

32 3. Capital Improvement Fund. The proceeds of the sale of the Property shall accrue
33 to the School Board's capital improvement fund and shall only be used for new school
34 construction, school renovation, and major school maintenance projects.

35 4. Recordation. A copy of this Resolution shall be recorded with the deed
36 conveying the Property to the City as required by Va. Code Ann. § 22.1-129.

37 5. Ratification and Confirmation of Prior Actions. All actions taken by the School

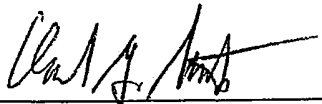
1 Board and the members, officers and employees of the School Board in connection with the
2 purposes contemplated by this Resolution are hereby ratified and confirmed.

3 6. Further Actions. The School Board hereby authorizes and directs the
4 Superintendent and/or the Chief Operating Officer, to execute on behalf of the School Board, the
5 Agreement, the Deed and any related documents, as approved by School Board counsel, to
6 accomplish the purposes of this Resolution. The School Board hereby authorizes all members,
7 officers and employees of the School Board to do all acts and things required of them by the
8 provisions of the Agreement, and to do all acts and things required of them to accomplish the
9 purposes of this Resolution.

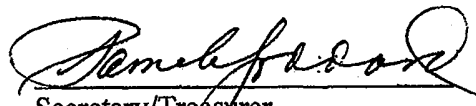
10 7. Effective Date. This Resolution shall take effect immediately.

11 The preceding Resolution was adopted at a regular meeting of the Fairfax County School Board
12 on May 24, 2007 by a vote of 11 ayes and 0 nays.

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Chairman



Secretary/Treasurer
