

CAL(LEGAL) - APPROPRIATIONS AND REVENUE SOURCES: SALE, TRADE, OR LEASE OF COLLEGE-OWNED PROPERTY

Publication of Notice

Except for the types of land and interests described in Local Government Code 272.001 and 253.008, before land owned by a political subdivision of the state, including a college district, may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication. Local Gov't Code 272.001(a)

Exceptions

Generally

The notice and bidding requirements set out above do not apply to the types of land and real property interests described below and owned by a political subdivision. The land and those interests described below may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple. The fair market value is determined by an appraisal obtained by the political subdivision that owns the land or interest. The appraisal price is conclusive of the fair market value of the land or interest. This applies to:

1. Narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;
2. Streets or alleys, owned outright or used by easement;
3. Land or a real property interest originally acquired for streets, rights-of-way, or easements that the political subdivision chooses to exchange for other land to be used for streets, rights-of-way, easements, or other public purposes, including transactions partly for cash;
4. Land that the political subdivision wants to have developed by contract with an independent foundation;
5. A real property interest conveyed to a governmental entity that has the power of eminent domain; or
6. The land or interests described by items 1 and 2 above may be sold to:

- a. Abutting property owners in the same subdivision if the land has been subdivided; or
- b. Abutting property owners in proportion to their abutting ownership, and the division between owners must be made in an equitable manner.

This section does not require the governing body of a political subdivision to accept any bid or offer or to complete a sale or exchange.

Local Gov't Code 272.001(b)-(d)

Other Higher Education Institutions

A political subdivision may donate, exchange, convey, sell, or lease land, improvements, or an interest in real property to an institution of higher education to promote a public purpose related to higher education. The political subdivision shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. A political subdivision may donate, exchange, convey, sell, or lease the real property interest for less than its fair market value and without complying with the notice and bidding requirements set out above. Local Gov't Code 272.001(j)

Other Political Subdivisions

A political subdivision may donate or sell for less than fair market value and without complying with the notice and bidding requirements set out above a designated parcel of land or an interest in real property to another political subdivision if:

1. The land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling political subdivision;
2. The donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and
3. The title and right to possession of the land or interest revert to the donating or selling political subdivision if the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose.

Local Gov't Code 272.001(l)

Property Acquired Through Eminent Domain

A governmental entity may sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest, or to the person's heirs, successors, or assigns, at the price the entity paid at the time of acquisition if:

1. The public use for which the property was acquired through eminent domain is canceled;
2. No actual progress is made toward the public use during a prescribed period of time; or
3. The property is unnecessary for the public use.

Tex. Const. Art. III, § 52j

Lease of Property to a Governmental Entity

To promote a public purpose of the political subdivision, a political subdivision may:

1. Lease property owned by the political subdivision to another political subdivision or an agency of the state or federal government; or
2. Make an agreement to provide office space in property owned by the political subdivision to the other political subdivision or agency.

When leasing property or providing office space in its property the political subdivision:

1. Shall determine the terms of the lease or agreement so as to promote and maintain the public purpose;
2. May provide for the lease of the property or provision of the office space at less than fair market value; and
3. Is not required to comply with any competitive purchasing procedure or any notice and publication requirement imposed by this chapter or other law.

Local Gov't Code 272.005

Sharing of Underused Classrooms

A public institution of higher education, including a college district, may make the institution's classrooms not scheduled for use by the institution or by students, student organizations, or faculty of the college district between 5:00 p.m. and 10:00 p.m. on one or more weekdays or between 8:00 a.m. and 5:00 p.m. on one or more Saturdays available for that day to another public junior college on request for teaching courses in the core curriculum, as defined by Education Code 61.821, or continuing education courses.

A public institution of higher education that under Education Code 51.975 makes a classroom available to another institution shall continue to make that classroom, or a comparable classroom, available to the other institution for the duration of the semester or other academic term.

An institution of higher education may charge another institution for the use of a classroom under Education Code 51.975 at a rate not to exceed the rate permitted for this purpose as determined by the Coordinating Board. The Coordinating Board shall establish those rates in an amount to reimburse the host institution for utility costs and other costs, such as maintenance and custodial services, based on the infrastructure formula funding that the host institution would receive if teaching a course in that space itself for that time.

Education Code 51.975

[See GH for funds paid by school districts in exchange for the use of an instructional or athletic facility]

Note: Regarding geospatial data products, see CRA.
