

HOCKINSON SCHOOL DISTRICT NO. 98
CLARK COUNTY, WASHINGTON

RESOLUTION NO. 17-18-03

A RESOLUTION of the Board of Directors of Hockinson School District No. 98, Clark County, Washington, relating to the surplusing and sale of real property; and providing for other matters properly related thereto.

ADOPTED: January 22, 2018

This document prepared by:

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HOCKINSON SCHOOL DISTRICT NO. 98
CLARK COUNTY, WASHINGTON

RESOLUTION NO. 17-18-03

A RESOLUTION of the Board of Directors of Hockinson School District No. 98, Clark County, Washington, relating to the surplusing and sale of real property; and providing for other matters properly related thereto.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HOCKINSON SCHOOL DISTRICT NO. 98, CLARK COUNTY, WASHINGTON, as follows:

Section 1. Findings and Determinations.

The Board of Directors (the "Board") of Hockinson School District No. 98, Clark County, Washington (the "District") hereby makes the following findings and determinations:

(a) The District is the owner of a parcel of real property located at NE 169th Street and NE 217th Avenue, Brush Prairie, Clark County, Washington (the "Brush Prairie Property"), legally described in Exhibit "A" attached hereto and by this reference incorporated herein.

(b) RCW 28A.335.090 empowers the Board to convey by deed all the interest of the District in or to any real property of the District which is no longer required for school purpose.

(c) The Board has determined that the Brush Prairie Property is no longer required for school purposes, in that, the Brush Prairie Property will not be used for school purposes for the foreseeable future.

Section 2. Brush Prairie Property No Longer Required for School Purposes.

The Brush Prairie Property is no longer required for school purposes, in that, the Brush Prairie Property will not be used for school purposes for the foreseeable future.

Section 3. Sale of Brush Prairie Property.

The Board, pursuant to the powers granted to it under RCW 28A.335.090, intends to sell the Brush Prairie Property for cash in accordance with the procedures described herein and in RCW 28A.335.120.

Section 4. Publication of Notice of Intent to Sell Brush Prairie Property.

The District shall publish a notice of its intention to sell the Brush Prairie Property ("Notice of Intent to Sell"). The Notice of Intent to Sell shall be published at least once each week during two consecutive weeks in a legal newspaper or legal newspapers with general circulation in Clark County. The Notice of Intent to Sell shall describe the Brush Prairie Property, shall designate the place where and the day and hour when the hearing described in Section 5 below shall be held, and shall otherwise be in substantially the form attached hereto as Exhibit "B" and by this reference incorporated herein.

Section 5. Hearing With Respect to Sale of Brush Prairie Property.

The Board shall hold a public hearing upon the proposal to dispose of the Brush Prairie Property. The hearing shall be at the place and the day and hour fixed in the Notice of Intent to

Sell described in Section 4 herein and the Board shall admit evidence offered for and against the propriety and advisability of the proposed sale. Upon completion of the hearing, the Board shall review the evidence offered therein and determine whether the Brush Prairie Property is no longer needed for school district purposes, whether or not the sale of the Brush Prairie Property is in the best interest of the District and conclude whether or not to sell the Brush Prairie Property.

Section 6. Market Value Appraisal and Preliminary Title Commitment.

The District shall obtain a market value appraisal for the Brush Prairie Property from a professional designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.40 RCW. The District shall further obtain a commitment from a title insurance company to issue a title insurance policy for the Brush Prairie Property at the closing of the sale. The Board hereby directs and authorizes the Secretary to the Board to obtain such a real estate appraisal and commitment for title insurance.

Section 7. Notice of Sale.

If, upon completion of the hearing described in Section 5 above, the Board determines to sell the Brush Prairie Property, the District shall publish a notice in a legal newspaper or legal newspapers of general circulation in Clark County ("Notice of Sale"). The Notice of Sale shall describe the Brush Prairie Property, the method of soliciting offers for Brush Prairie Property, and shall otherwise be in substantially the form attached hereto as Exhibit "C" and by this reference incorporated herein.

Section 8. Purchase and Sale Agreement.

If, upon completion of the hearing described in Section 5 above, the Board determines to sell the Brush Prairie Property, the Brush Prairie Property shall be sold pursuant to the terms and conditions of a purchase and sale agreement to be prepared by legal counsel for the District ("District Legal Counsel"). The Brush Prairie Property shall be conveyed by Special Warranty Deed in its "As-Is" condition, with no representations or warranties of the seller other than those contained in the Deed. The Brush Prairie Property shall not be conveyed prior to the expiration of 45 days after the publication of the Notice of Sale described in Section 7 above.

Section 9. Sealed Bidding.

If, upon completion of the hearing described in Section 5 above, the Board determines to sell the Brush Prairie Property, the Brush Prairie Property shall be offered for sale to the general public. The Notice of Sale described in Section 7 above shall invite prospective purchasers to request a copy of the purchase and sale agreement and to submit sealed bids for the Brush Prairie Property. The minimum price for the Brush Prairie Property shall be set at an amount equal to ninety percent (90%) of the market value for the Brush Prairie Property as determined by the appraisal described in Section 6 above. The Brush Prairie Property shall be sold to the bidder that, in the judgment of the Board, offers the most value to the District, as determined by the judgment of the Board. Prospective purchasers shall execute a copy of the purchase and sale agreement and include a bid amount in the space provided therein. Such an executed purchase and sale agreement shall constitute an offer to contract with the District and does not become a legally binding contract until the Board accepts the bid as given. The Board may reject any and all bids and may waive informalities or irregularities in the bid process. The Board shall award the accepted bid at a regular or special public meeting of the Board. All unaccepted bids to purchase the Brush Prairie Property shall thereafter be null and void.

Section 10. All Other Action.

The Secretary to the Board, the Director of Business Services, and the District Legal Counsel are hereby further authorized to take all other action, to do all other things consistent with this resolution.

Section 11. Ratification.

All actions of the District or its officers prior to the date hereof and consistent with the provisions of this resolution are hereby and in all respects ratified, approved and confirmed.


Section 12. Effective Date.

This resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Board of Directors of Hockinson School District No. 98, Clark County, Washington, at a regular open public meeting thereof, held this ___ day of _____, 2018, the following Directors being present and voting in favor of the resolution.

HOCKINSON SCHOOL DISTRICT NO. 98
CLARK COUNTY, WASHINGTON


Director


Director


Director


Director


ATTEST:



Sandra F. Yager
Secretary to the Board of Directors

EXHIBIT "A"

LEGAL DESCRIPTION

[To be provided upon receipt of commitment for title insurance]

EXHIBIT "B"

FORM OF NOTICE OF INTENT TO SELL REAL PROPERTY

**HOCKINSON SCHOOL DISTRICT NO. 98
CLARK COUNTY, WASHINGTON**

**NOTICE OF INTENT TO SELL REAL PROPERTY
(BRUSH PRAIRIE PROPERTY)**

NOTICE IS HEREBY GIVEN that the Board of Directors (the "Board") of Hockinson School District No. 98, Clark County, Washington (the "District") is proposing to sell a parcel of real property which is no longer required for District purposes. The property is located at NE 169th Street and NE 217th Avenue, Brush Prairie, Clark County, Washington (the "Brush Prairie Property") and is legally described as follows: #20 of SEC 16 T3NR3EWM 35.19A and has the following Tax Identification No.: 203795000. The Board has scheduled a public hearing regarding the proposal to sell the Brush Prairie Property to be held at Hockinson High School Library, at 6:00 p.m. on February 12, 2018. At that time, the Board will receive evidence and comments for and against the propriety and advisability of the proposed sale.

HOCKINSON SCHOOL DISTRICT NO. 98
CLARK COUNTY, WASHINGTON

/s/ SANDRA F. YAGER
Superintendent and Secretary to the Board

EXHIBIT "C"

FORM OF NOTICE OF SALE OF REAL PROPERTY

**HOCKINSON SCHOOL DISTRICT NO. 98
CLARK COUNTY, WASHINGTON**

**NOTICE OF SALE OF REAL PROPERTY
(BRUSH PRAIRIE PROPERTY)**

NOTICE IS HEREBY GIVEN that the Board of Directors (the "Board") of Hockinson School District No. 98, Clark County, Washington (the "District") intends to sell a parcel of real property located at NE 169th Street and NE 217th Avenue, Brush Prairie, Clark County, Washington (the "Brush Prairie Property") and legally described as follows: #20 of SEC 16 T3NR3EWM 35.19A and has the following Tax Identification No.: 203795000. The Brush Prairie Property shall be sold pursuant to the terms and conditions of a purchase and sale agreement which is available upon request. Prospective purchasers shall execute a copy of the purchase and sale agreement and include a bid amount in the space provided therein. Such an executed purchase and sale agreement shall constitute an offer to contract with the District and does not become a legally binding contract until the Board accepts the bid as given. The Board may reject any and all bids and may waive informalities or irregularities in the bid process. The Board shall award the accepted bid at the [regular/special] public meeting of the Board to be held at _____ [Describe Location of Meeting] _____, at _____ p.m. on _____, 2018. All unaccepted bids to purchase the Brush Prairie Property shall thereafter be null and void. The minimum purchase price for the Brush Prairie Property is \$_____. The deadline for submission of sealed bids for the purchase of the Brush Prairie Property to the District is _____ p.m., _____, 2018. Bids shall be submitted to the District Administration offices at the location of 17912

NE 159th Street, Brush Prairie, Washington 98606. For further information or to request a copy of the purchase and sale agreement, please contact Michelle Scott, Director of Business Services, at 360-448-6400.

HOCKINSON SCHOOL DISTRICT NO. 98
CLARK COUNTY, WASHINGTON

/s/ SANDRA F. YAGER
Superintendent and Secretary to the Board

CERTIFICATION

I, SANDRA F. YAGER, Secretary to the Board of Directors (the "Board") of Hockinson School District No. 98, Clark County, Washington (the "District"), hereby certify as follows:

1. The foregoing Resolution No. 17-18-03 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Directors of the District (the "Board") held at the regular meeting place thereof on January 22, 2018, as that Resolution appears on the minute book of the District, and the Resolution is now in full force and effect; and

2. A quorum of the members of the Board was present throughout the meeting and a sufficient number of members of the Board present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of January, 2018.

HOCKINSON SCHOOL DISTRICT NO. 98,
CLARK COUNTY, WASHINGTON



Sandra F. Yager
Secretary to the Board of Directors