

14. CONSIDERATION IN SCHEDULING A PUBLIC HEARING TO DISPOSE OF REAL PROPERTY

As you are aware, Southampton County holds title to 8.02 acres at 7486 Proctors Bridge Road, which was the site of the former Ivor Elementary School. The property was declared surplus by the Southampton County School Board in November 2001 and subsequently conveyed back to the County in December 2002.

Notwithstanding repeated attempts over the past decade to identify a prospective buyer/renter with adequate resources to adaptively renovate and reuse the facility, the building eventually succumbed to the elements and was demolished by order of the Board early last year.

As you may recall, the County expended \$59,354 last year for expenses associated with demolition:

| | |
|---------------------|---------------|
| Asbestos Abatement | \$23,700 |
| UST Removal | 10,904 |
| Building Demolition | <u>24,750</u> |
| | \$59,354 |

The property is now vacant and no longer serves a public purpose. Section 15.2-734 of the Code of Virginia provides that the Board of Supervisors may sell, at public or private sale, or otherwise dispose of publicly-owned real property **after it has held a public hearing concerning the matter.**

The land is currently assessed at \$64,200 (\$8,000/ac). The Town of Ivor has public water nearby and our Comprehensive Plan designates it as single family residential. It is currently zoned Residential R-1.

MOTION REQUIRED:

If the Board is so inclined, a motion is required directing advertisement of a public hearing regarding disposition of this property.

§ 15.2-734. Purchase, sale, exchange, or lease of real property.

The board may (i) sell, at public or private sale, or exchange, lease (as lessor or lessee), mortgage, pledge, subordinate its interest in, or otherwise dispose of the real property, which includes the superjacent airspace, except airspace provided for in § [15.2-2030](#), which may be subdivided and conveyed separate from the subjacent land surface, of the county; and (ii) purchase any real estate as may be necessary for the erection of all necessary county buildings. However, no such land shall be disposed of unless and until the governing body has held a public hearing concerning such disposal.

The board may acquire by purchase, gift, devise, bequest, grant, lease, or otherwise title to, or any interests or rights of less than fee-simple title in, any real property within its jurisdiction, for any public purposes.

The initial term of any lease shall not exceed seventy-five years, provided such lease term is not prohibited by the Constitution of Virginia. The terms and provisions of any lease shall be prescribed by the county board, provided that any lease shall have a clause to the effect that at the termination of such lease it shall not be renewed if required for any of the purposes mentioned in § [15.2-1639](#), and that upon termination, all improvements thereon shall revert to the county and the real property including all improvements erected thereon shall revert to the county and shall be free from any encumbrance at the time of such reversion. Such real property including all improvements situated thereon may be mortgaged or pledged by the lessee for the term of its lease. If a lease allows a lessee to mortgage or pledge the property, it may also provide that the board has the right to take all action necessary to cure the default if the lessee defaults.

The board may lease real property to private entities under terms which allow the private entities to build office and commercial buildings on the property and to use the office and commercial space itself or lease it to others. The leases by the board to private entities may provide that the rent to be paid the board is to be based in total or in part on a percentage of the profit the private entity gains from the operation of the development on the leased real property; however, the board may not participate in the management or operation of the private commercial activity on the site except during such reasonable period as it is necessary for the board to operate the property in order to protect its interest in the property if the developer defaults on the lease or on a mortgage or pledge of the property. As soon as reasonably possible the county shall provide for management and operation of the property by a private developer.

The board may lease space in the improvements constructed on the land which it leases to the private entities for use by the county government and county constitutional officers, if it pays fair market rent for the use of the space and if the lease of its land is not conditioned on the lease of such space. The lease of such space by the board may be for any terms of years not prohibited by the Virginia Constitution.

This section shall not be construed to in any way affect the requirements of §§ [15.2-1638](#), [15.2-1643](#) or § [16.1-69.50](#).

(1986, c. 595, § 15.1-687.12; 1997, c. [587](#).)

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PG 228 *DEC.02.02 No Consideration
Tax Map # 15-59A

THIS DEED, made and entered into this 26 day of November, 2002, by and between the SOUTHAMPTON COUNTY SCHOOL BOARD, party of the first part, also known of record as the SCHOOL BOARD of SOUTHAMPTON COUNTY; and the COUNTY OF SOUTHAMPTON, VIRGINIA, a political subdivision of the Commonwealth of Virginia, party of the second part, whose mailing address is Post Office Box 406, Courtland, VA 23837;

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good valuable consideration, cash to it in hand paid by the party of the second part, at and before the signing, sealing and delivery of this deed of bargain and sale, the receipt of which is hereby acknowledged, the party of the first part does hereby grant, bargain, sell and convey in fee simple and with GENERAL WARRANTY and ENGLISH COVENANTS of title unto the said County of Southampton, Virginia, a political subdivision of the Commonwealth of Virginia, the following described real property, to-wit:

"All of that certain tract, piece or parcel of land situate, lying and being in Ivor Magisterial District, Southampton County, Virginia, containing 8.02 acres and more particularly described as follows: Beginning at a stake located on the northwest side of Route 616 and continuing N 55° 45' W a distance of 595.3' to a stake; thence N 52° 19' E a distance of 473.9' to a stake; thence N 46° 10' E a distance of 438.1' to a stake; thence S 47° 23' E a distance of 189.2' to a stake; thence S 47° 07' E a distance of 55.0' to a stake; thence S 34° 53' W a distance of 380.0' to a stake; thence N 52° 41' W a distance of 10.0' to a stake; thence S 31° 08' W a distance of 80.0' to a stake; thence S 54° 21' E a distance of 130.0' to a stake; thence S 34° 06' W a distance of 316.4' to a stake; thence S 36° W a distance of 73.3' to the point and place of beginning, all as shown on that certain plat by S. V. Camp, III and bearing date November 23, 1959, to be recorded

FRANCIS AND FRANCIS
ATTORNEYS AT LAW
32086 MAIN STREET
P.O. Box 266
BOYKINS, VIRGINIA 23827
757-654-6333

simultaneously herewith. The tract hereby conveyed is bounded on the southwest and northwest by the lands of Silas S. Kea & Sons; on the northeast by the land of L. T. Saunders; and on the southeast by the land of J. Henry Nixon, James A. Holloway, Mattie Nichols, and by Route 616."

This being in all respects the same tract, piece or parcel of land conveyed to the County School Board of Southampton County, Virginia, by Deed dated December 3rd, 1959 from S.S. Kea, Sr. and others which Deed is recorded in the Clerk's Office for the Circuit Court in Southampton County in Deed Book 139 at page 53. See also the plats recorded in Plat Book 7 at page 135 and at page 152.

The herein described real property is conveyed subject to any and all easements, rights-of-way, reservations, restrictions or conditions which may be shown on the herein above mentioned survey and plat and as may be of record and constituting constructive notice in the chain of title to said real property.

In compliance with the provisions of § 22.1-129 of the 1950 Code of Virginia, as amended, the Southampton County School Board on November 12, 2001, did resolve that the Board had no further use for the Ivor Elementary School facility and real estate and did declare the facility and real estate to be surplus property. Said resolution being attached hereto and incorporated by reference as "Exhibit A".

In compliance with the provisions of § 15.2-1803 of the 1950 Code of Virginia, as amended, this deed is in the form approved by Richard E. Railey, Jr., County Attorney for Southampton County, Virginia, and is accepted by him on behalf of Southampton County, Virginia, he having been authorized so to act on behalf of said County, by a resolution duly adopted by the Southampton County Board of Supervisors, with such approval and acceptance being evidenced by the execution of this instrument by said Richard E. Railey, Jr., County Attorney, on behalf of Southampton County, Virginia.

Witness the following signatures and seals:

SOUTHAMPTON COUNTY
SCHOOL BOARD

By Russell C. Schools (SEAL)

Russell C. Schools, Chairman,
Southampton County School Board

By [Signature] (SEAL)

COUNTY OF SOUTHAMPTON,
VIRGINIA

Richard E. Railey, Jr., County
Attorney for Southampton County,
Virginia

COMMONWEALTH OF VIRGINIA
COUNTY OF SOUTHAMPTON, to-wit:

The foregoing deed was acknowledged before me this 26th day of
November, 2002 by Russell C. Schools, Chairman of the Southampton County School
Board on behalf of the Southampton County School Board.

My commission expires on 9/30/06.

[Signature]
Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY OF SOUTHAMPTON, to-wit:

The foregoing deed was acknowledged before me this 26th day of
November, 2002 by Richard E. Railey, Jr., County Attorney for Southampton County,
Virginia.

My commission expires on 10/31/06.

Lisa E Jewler
Notary Public

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RESOLUTION CONVEYING
SCHOOL BOARD PROPERTY

WHEREAS, the Southampton County School Board is the owner of an elementary school facility known as Ivor Elementary School which is located at 7486 Proctors Bridge Road, Ivor; and,

WHEREAS, because of the construction of a replacement school facility, the School Board has determined that it no longer has any use for the Ivor Elementary School facility and real estate and thus it s surplus property; and,

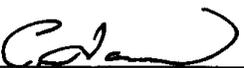
WHEREAS, the school board has determined that it is in the Board's best interests and in the community's best interests, pursuant to section 22.1-129, to convey the Ivor Elementary School's land and facility to Southampton County through it s Board of Supervisors

NOW THEREFORE, BE IT RESOLVED this 12th day of November, 2001 that the Southampton County School Board does:

- (A) determine that it has no further use for the Ivor Elementary School facility and real estate; and
- (B) declare that the Ivor Elementary School facility and real estate is surplus property as defined in section 22.1-129 of the 1950 code of Virginia, as amended.

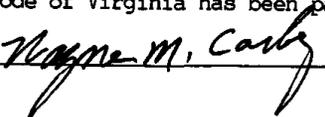
ACCORDINGLY, it is further RESOLVED that the Southampton County School Board shall, by separate deed, convey the Ivor Elementary School Facility and real estate to Southampton County through it s Board of Supervisors.


 Russell Schools, Chairman
 Southampton School Board


 Attest: Secretary
 Southampton School Board

VIRGINIA: In the Clerk's Office of the Circuit Court of Southampton County, the 2nd day of December, 2002. This Deed was presented and with certificate annexed, admitted to record at 4:10 o'clock p.m., and I certify that a tax of NONE imposed by Sec. 58.1-802 of the Code of Virginia has been paid.

| | |
|------------|-------|
| State | |
| Local | |
| Tran | 1.00 |
| Fee & Arch | 19.00 |
| Grantor | |
| | <hr/> |
| | 20.00 |

Teste:  Clerk