

PLANNING COMMISSION SCHOOLS COMMITTEE - POLICY RESEARCH

Topic: Use of County owned vacant and underutilized property for FCPS facilities and programs.

Summary of Planning Commission Schools Committee Discussion

- County Process for Reallocation or Disposition of County Owned Property
 - The most recent policy for the reallocation and disposition of County property was amended by Facilities Management Department (FMD) in 2011.
 - If a County agency wishes to dispose of surplus property, FMD distributes a memo to all County agencies, semi-autonomous agencies, the District Supervisor and Chairman of the Board. The memo will request any interested agency submit a request for the utilization of the property.
 - Semi-autonomous agency includes the Park Authority and the Redevelopment and Housing Authority.
 - FCPS does not receive the memo to dispose of surplus property.
 - According to FMD, most surplus property is comprised of small non-buildable parcels often in a floodplain.

Research

According to the Office of the County Attorney, Fairfax County Public Schools (FCPS) is a legal entity separate and independent of the County unlike other County agencies. The County may not offer FCPS surplus real property in the same manner that it offers it to other County agencies, because a transfer of ownership to FCPS constitutes disposing of real property and must be transferred by legal conveyance, such as a deed, and requires a public hearing. Conversely, if County owned surplus real property is reallocated to another County agency, the real property is still owned by the County or Board of Supervisors and does not require a public hearing. There is nothing legally prohibiting the County from offering FCPS the first right of refusal for surplus real property it intends to dispose of or sell; however, the County must hold a public hearing for each property for which the County wishes to grant such a right.

Suggested Planning Commission Recommendation – Non-Land Use

Include FCPS on notice of surplus property memo distributed to County agencies by FMD.