

Browning Public Schools  
**Board Agenda Request**  
 Meeting to Be Held: 7/10/2018



- Recognition:**     Students                       Staff                       Parents
- Information:**    Building Report             Old Business             Superintendent's Report
- Action:**         Resignation                       Hiring                       Contract Service Agreements
- Travel Out-of-State             Travel In State             Approvals
- Termination                       Legal Matters             Other:
- This action request pertains to  Elementary (only)             High School/District Wide

**Date:**        7/10/2018

**To:**            **Browning School Board**  
 Members

**From:**        Corrina Guardipee-Hall ED.S.  
 Title:            Superintendent

**Subject: Declare Property Surplus**

**Description:** Intent to sell 2 1/2 acres of land located on SE 1/4 SE 1/4, SW1/4, SW1/4 of Section Seven (7), Township 37 N of Range 10 West of Montana Principal Meridian, Containing two-and one-half (2 1/2) acres more or less

**Justification:** In 1941 Browning Public Schools was sold the above land for a one room school house for \$1.00. The proposal is to sell it back to the DuBray/Icenoggle family of the original land owner who is an enrolled member of the Blackfeet Tribe. At this time the District needs to declare this property as an intent to sell and advertise it for 14 days.

**Financial Impact:** N/A

**Funding Source (Budget/grant, etc.):** building discretionary budgets

**Attachment(s):**

**Approval:** Superintendent's Office/Finance/Personnel as applicable (Initial) \_\_\_\_\_

**Comments:** \_\_\_\_\_

**Board Action:**     N/A (Info)     Approved     Denied     Tabled to: \_\_\_\_\_

From: **Michael Dahlem** <[philo2500@yahoo.com](mailto:philo2500@yahoo.com)>  
Date: Tue, Jul 3, 2018 at 6:49 AM  
Subject: Re: Fwd: warranty deed for Dubray  
To: Corrina Guardipee-Hall <[corrinag@bps.k12.mt.us](mailto:corrinag@bps.k12.mt.us)>

Corrina - Before selling the property, the district must comply with the following procedure in 20-6-604. After that is completed, a lawyer qualified to handle real estate transactions should be retained by the parties to prepare and record the deed with the county clerk and recorder. Any attorney and recording fees, along with the cost of title insurance, if obtained, should be factored into the sales price. Mike

20-6-604. Sale of property when resolution passed after hearing -- appeal procedure. (1) Whenever the trustees of a district determine that a site, building, or any other real or personal property of the district is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district, the trustees may sell or otherwise dispose of the real or personal property in accordance with this section and without conforming to the provisions of [20-6-603](#). If a decision to sell or dispose of property is made, the trustees shall adopt a resolution to sell or otherwise dispose of the district real or personal property because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district.

(2) The resolution may not become effective for 14 days after the notice required in subsection (3) is made.

(3) The trustees shall provide notice of the resolution in the manner required for school elections in [20-20-204](#).

(4) A taxpayer may appeal the resolution of the trustees, at any time prior to the effective date of the resolution, to the district court by filing a verified petition with the clerk of the court and serving a copy of the petition upon the district. The petition must set out in detail the objections of the petitioner to the adoption of the resolution or to the disposal of the property. The service and filing of the petition stay the resolution until final determination of the matter by the court. The court shall immediately fix the time for a hearing at the earliest convenient time. At the hearing, the court shall hear the matter de novo and may take testimony as it considers necessary. Its proceedings are summary and informal, and its decision is final.

(5) The trustees of a district that has adopted a resolution to sell or otherwise dispose of district real or personal property and, if appealed, has been upheld by the court shall sell or dispose of the real or personal property in any reasonable manner that they determine to be in the best interests of the district.

(6) The money realized from the sale or disposal of real or personal property of the district must be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion of the trustees.

----- Forwarded message -----

Michael Dahlem, Attorney at Law  
Specializing in school, labor and employment law  
P.O. Box 415  
Kellogg, ID 83837  
Phone: (406) 250-0455

This family approached us about buying back this property. They gave it to the school district for a one room school house way back when. It is surrounded by their land, what process do we have to do to sell it back to them?

Thank you,  
Corrina

