

Bond Case Briefs

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In re Wilkinsburg School Dist.

Commonwealth Court of Pennsylvania - October 8, 2014 - A.3d - 2014 WL 5017871

Association, residents and taxpayers (collectively “Objectors”) who reside within the Borough of Wilkinsburg School District and the Borough of Wilkinsburg appealed from the order of the Court of Common Pleas which approved the School District’s sale of vacant land, known as “Green Street Park” pursuant to Section 707(3) of the Public School Code.

Objectors asserted that the trial court erred when it approved the sale of the Property because: (1) the School District failed to demonstrate that it determined, either by motion or resolution, that the Property was both “unused and unnecessary;” and (2) the Public School Code does not require that the property be “unused and unnecessary” *for school purposes*.

The Commonwealth Court held that:

- There exists no requirement that a school board’s determination that a property is “unused and unnecessary” must be made by formal vote on a resolution or motion; and
- The correct interpretation of Section 707 of the Public School Code is that the real estate must be “unused and unnecessary” for purposes of the school district which owns the land, not for school purposes in general.