

# 301 General Provisions

## 301 GENERAL PROVISIONS

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### 301.1 Definitions:

**Building formerly used, currently used, or intended to be used in the future as a school** -includes a building or portion of a building owned by a parish or the Archdiocese (including a parish school, interparish or regional school, Archdiocesan collaborative school, or Archdiocesan school) and formerly used, currently used, or intended to be used in the future, for a preschool, elementary, middle, or high school.

**Real estate transaction** - the term real estate transaction includes:

(a) the sale of a building formerly used, currently used, or intended to be used in the future as a school and owned by a parish or the Archdiocese;

(b) a new lease of a building formerly used, currently used, or intended to be used in the future as a school and owned by a parish or the Archdiocese;

(c) a renewal or extension of a preexisting lease of a building formerly used, currently used, or intended to be used in the future as a school and owned by a parish or the Archdiocese; and

(d) the sublease of a building formerly used, currently used, or intended to be used in the future as a school and owned by a parish or the Archdiocese.

**Real Estate Transactions Advisory Committee (RETAC)** - the Real Estate Transactions Advisory Committee is comprised of:

- Vicar Bishop, of the vicariate where the building(s) is located;
- Vicar General;
- Chair, Strategic Planning Committee, Archdiocesan Catholic School Board;
- the Chancellor of Catholic Schools;
- Superintendent of Catholic Schools; and
- Executive Director, Office of Management Services

RETAC is chaired by the Vicar General for the purpose of administering requests, convening meetings of the Committee, and transmitting recommendations to the Archbishop.

### 301.2 Approval of Sales and Leases:

All sales and leases (including subleases) of any building formerly used, currently used, or intended to be used in the future as a school and owned by a parish, group of parishes, or the Archdiocese of Baltimore, require the approval of the Archbishop.

### **301.3 Request for Approval of Sale, Lease, or Sublease:**

The pastor(s) or pastoral life director of a parish or the head of school (in the case of an Archdiocesan School or Archdiocesan Collaborative School) seeking to sell, lease, or approve a sublease of a building (or a portion of a building) formerly used, currently used, or intended to be used in the future shall make a written request for approval from the Archbishop.

#### **Procedure:**

The written request for approval shall include:

- A) A complete description of the building(s) or portion of building sought to be sold, leased or subleased, including the legal description (plat information) and location of the building(s);
- B) The name, address, telephone number, and email address of the prospective purchaser or lessee;
- C) A detailed description of the intended use of the building(s) or portion thereof that is the subject of the sale, lease or sublease;
- D) The impact that such a use may have on any area Catholic schools;
- E) The purchase price or rent for the property that is the subject of the request, along with information about deposit and any financing, or leasing schedule information; and
- F) If a lease or sublease, the term of lease and any conditions of the lease or sublease.

### **301.4 Processing Request for Approval of Sale, Lease, or Sublease:**

Upon receipt of a request to sell or lease a building, the Archbishop's office will forward the request to the Vicar General who will initiate the review process by RETAC.

#### **Procedure:**

- A) The Vicar General will notify RETAC of the request and direct the Office of Research & Planning to coordinate the preparation of a due diligence report examining the request and the impact that the disposition of the building may have on the viability and availability of Catholic schools in the Archdiocese.
- B) The Office of Research & Planning will work with the Division of Facilities and Real Estate Management and the Department of Catholic Schools to prepare a report to RETAC.

### **301.5 Review of Sale, Lease, or Sublease by RETAC:**

Upon receipt of the due diligence report, RETAC will meet and prepare a written recommendation to the Archbishop on whether to approve or disapprove the sale or lease, including in its communication a rationale for its recommendation.

### **301.6 Consultation with RETAC:**

In his discretion, the Archbishop may choose to consult with RETAC or the Archdiocesan Catholic School Board to obtain their advice and input on the proposed transaction.

### **301.7 Decision of the Archbishop:**

After receiving the recommendation of and consulting with RETAC as appropriate, the Archbishop will issue his written decision to the Parish or School regarding the sale, lease, or sublease at issue.