

ORDINANCE FOR THE RETENTION OR DISPOSITION OF
TAX-ACQUIRED PROPERTY IN BLUE HILL, MAINE

This Ordinance has been adopted pursuant to the authority granted to the Town in 30-A M.R.S.A. Section 3001 et seq. and the Home Rule Power referenced in 30-A M.R.S.A. Section 2101 et seq. The purposes of this Ordinance are to establish a procedure for the retention or sale of tax-acquired property and to provide certain authority to the Selectmen for the sale of such property to its previous owners after foreclosure of a tax lien mortgage.

1] (a) Except as provided below, any property that has been acquired by the Town for nonpayment of real estate taxes or sewer charges by virtue of foreclosure of a statutory tax lien mortgage pursuant to 36 M.R.S.A. §941 et seq., or by other method or procedure, shall be the property of the Inhabitants of the Town of Blue Hill held in fee simple.

(b) The Selectmen may take appropriate measures to take full possession of the property, and to rent, insure, manage, maintain and/or improve the same. If the property is rented, the Selectmen may also obtain liability insurance coverage.

(c) The Selectmen may, in their discretion, then determine (1) whether to retain the property for present or future, municipal or public use, or (2) whether to sell or release the property as provided below. If the Selectmen determine that the property should be retained, they may then bring a court action for equitable relief seeking an order establishing and confirming the validity of the town's title.

2] (a) If the taxpayer(s) named in the tax lien certificate, or his, her or their heirs, or devisees or assigns, personally resided in or on the tax-acquired property at the time that the tax lien mortgage was automatically foreclosed, and continued to reside in or on the property thereafter, then, within six (6) months after the foreclosure, they may petition the Selectmen to allow them to purchase the property and obtain a municipal release deed.

(b) Unless the Selectmen have determined that the property should be retained for present or future, municipal or public use, the Selectmen shall allow the petitioners to purchase the property back upon payment of the unpaid taxes, current taxes not yet assessed, interest, lien charges, attorney fees, maintenance and insurance expenses, any other expense incurred by the town, and any additional sum that the Selectmen deem appropriate. In the event of competing petitions from the taxpayer(s) named in the tax lien certificate, or his, her or their heirs, devisees or assigns, the Selectmen may decline to sell the property back to either party.

ATTEST TRUE COPY
Date 4/10/09
Signature [Signature]

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3] (a) The Selectmen may, in their discretion, sell any other tax-acquired property by public bid. At least thirty (30) days prior to the bid opening date, the Selectmen shall (1) provide notice of the impending sale to the prior taxpayer, by regular U.S. mail sent to the same address contained in the tax lien certificate, (2) post a bid invitation at the town hall, and (3) publish a bid invitation twice in a newspaper of general circulation in Blue Hill. However, failure to mail that notice to the prior taxpayer shall not invalidate any sale of the property. The Selectmen may also provide notice to persons who they feel may have an interest in purchasing the property.

(b) The Selectmen shall determine the form of the notice of and invitation for the public sealed bid sale. The form shall (1) contain a description of the property, (2) require a 10% bid deposit in the form of a cashier's or certified check which will be returned to all unsuccessful bidders, (3) specify the date and time when bids must be received at the town office, (4) specify when and where the bids will be opened, (5) state that the Selectmen have full discretion to reject any and all bids, (6) state that the property is being sold "AS IS", and (7) require the successful bidder to agree to indemnify and hold the town harmless from any claim arising out of the taking, ownership or sale of the property, and the eviction of any occupants in the premises. In addition the Selectmen may in that notice provide for a minimum bid price.

(c) Except for any rejected bid(s), or except if no bid meets or exceeds a minimum bid requirement, the Selectmen shall sell the property to the highest bidder. The Selectmen may require full payment within thirty (30) days after the sale, and shall deliver to the buyer a municipal release deed in exchange for payment of the bid price and delivery of the indemnity and hold harmless agreement referred to above. If that bidder defaults, the Town may retain the bid deposit and the Selectmen may either sell the property to the next highest bidder, or issue an invitation for new sealed bids.

4] Notwithstanding the foregoing provisions - in regard to tax or sewer lien mortgages that were foreclosed prior to the adoption of this ordinance, the Selectmen may, in their discretion, either (a) determine that the property should be retained for present or future, municipal or public use, or (b) grant a municipal release deed to the taxpayer(s) named in the tax lien certificate, or his, her or their heirs, or devisees upon payment of all unpaid taxes, interest, lien charges, attorney fees, maintenance and insurance expenses, any other expense incurred by the town, and any additional sum that the Selectmen deem appropriate - provided that such persons have, within six (6) months of the effective date of this Ordinance, made a written request to purchase the property back as provided above.

ATTEST TRUE COPY
Date 4/19/09
Signature [Handwritten Signature]