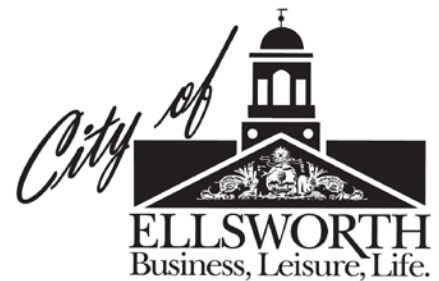


**CHAPTER 10**  
**MAINTENANCE, ADMINISTRATION AND DISPOSITION OF**  
**TAX ACQUIRED PROPERTY**  
**CITY OF ELLSWORTH, MAINE**

A true copy –

Attest: Heidi-Noel Grindle  
City Clerk



*Adopted 6/17/1985*  
*Amended 12/16/1996*  
*Repealed/Replaced 04/19/2010*  
*Amended 08/16/2010*  
*Amended 04/15/2019*

## ARTICLE I. GENERAL

### Section 1. Short Title

This ordinance is hereby adopted in accordance with the provisions of Title 30-A MRSA, Section 3001, as amended and shall be known as and may be cited as the "*Ordinance for the Maintenance, Administration and Disposition of Tax Acquired Property for the City of Ellsworth*" and shall be referred to herein as the "Ordinance".

### Section 2. Purpose

The purpose of this Ordinance is to establish and dictate a procedure whereby real property, <sup>1</sup>recently acquired in accordance with 36 MRSA, Sections 942 and 943, as amended, shall be managed, administered and disposed of by the City of Ellsworth. <sup>2</sup>This ordinance does not dictate procedure of City Property which may be disposed of by the City Council as they deem advisable.

### Section 3. Definitions

For the purpose of this Ordinance, the following terms shall have the following definitions:

- <sup>3</sup>**a.** "**City Property**" shall mean all property owned by the City except for tax acquired property as defined below.
- b.** "**Foreclosed Tax Lien**" shall mean a tax lien mortgage that has automatically foreclosed pursuant to the provisions of 36 MRSA, Section 942 and Section 943, as amended.
- c.** "**Mail**" shall mean regular, first class mail, postage prepaid.
- d.** "**Municipality**" shall mean the City of Ellsworth.
- e.** "**Prior Owner**" shall mean the person or persons, entity or entities, heirs or assigns to whom the property was most recently assessed for municipal tax purposes.
- f.** "**Quit Claim Deed**" shall mean a signed, legal instrument releasing the municipality's right, title or interest in the real estate property, acquired by virtue of foreclosed tax liens, to an individual or individuals, entity or entities without providing a guarantee or warranty of title to same.
- g.** "**Real Property**" shall mean all land or lands and all structures, buildings, dwellings, tenements and hereditaments, including manufactured homes, located or relocated upon any land or lands connected therewith and all rights thereto and interests therein.
- h.** "**Tax Acquired Property**" shall mean that real property acquired by the municipality by virtue of a foreclosed tax lien as defined above <sup>4</sup>within five (5) years of the date of

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<sup>1</sup> Amended August 16, 2010

<sup>2</sup> Amended August 16, 2010

<sup>3</sup> Amended August 16, 2010

<sup>4</sup> Amended August 16, 2010

foreclosure. Following expiration of five years of City ownership, tax acquired property shall be deemed to be City Property.

i. **"Tax Lien"** shall mean the statutory lien created by 36 MRSA, Section 552, as amended.

## ARTICLE II. MANAGEMENT AND ADMINISTRATION

Section 1. Following statutory foreclosure of a tax lien mortgage, title to the real property automatically passes to the municipality. The management of this property rests exclusively with the City Council, subject to the applicable statutes, ordinances and regulations.

Section 2. The City Council may obtain fire loss insurance for tax acquired property with structures in a dollar value not less than all outstanding taxes, liens, costs and other attendant expenses.

Section 3. The City Council shall determine when and if any occupant of tax acquired property shall vacate the same.

Section 4. The City Council shall determine whether a tax acquired property is to be retained for municipal use or disposed of in accordance with the provisions of this ordinance.

Section 5. Should the City Council decide to retain tax acquired property for use by the City, it may take all actions necessary to establish clear title to the property.

Section 6. The City Council may charge a monthly rental fee to any and all occupants of tax acquired property. If a rental fee is charged the City Council shall obtain sufficient insurance coverage for the tax acquired property.

Section 7. The City Council shall obtain insurance coverage for tax acquired property at such time as the prior owner, his lessee or licensee, has ceased to occupy the same for a period of 60 days.

## ARTICLE III. DISPOSITION OF TAX ACQUIRED PROPERTY

Should the City Council decide to dispose of tax acquired property, the following provisions shall be followed unless Article III-A applies:"

<sup>5</sup>Section 1. As soon as possible following the automatic foreclosure, the Treasurer will mail a 30-day redemption notice by certified mail, return receipt request, to the person or entity against whom taxes were most recently assessed. The prior owner may redeem the property within 30 days from the date of the letter by paying all taxes in full including interest, costs, and current tax year. Payment must be made by cashier's check, postal money order, or cash.

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<sup>5</sup> Amended August 16, 2010

<sup>6</sup>Section 2. The City Council shall solicit sealed bids for the sale of tax acquired property and shall receive bids on a date to be determined by the City Council.

Section 3. The City Council shall cause a public notice of the impending public sale of tax acquired property to be posted within the city building and to be advertised for two consecutive weeks in the <sup>7</sup>newspaper of general circulation, the last notice to be published at least seven days prior to the advertised sale date.

Section 4. The City Council shall require the following for proper submission of bids:

- a. A bid sheet containing the Tax Map and Lot number(s) of the property being bid upon and the bid price.
- b. A certified cashier's check or postal money order in an amount not less than 10% of the bid price must be included as a deposit on the bid. Failure to submit a deposit shall cause the bid to be automatically rejected.

Section 5. The City Council shall require that those bid items cited above in Section 4, subsections a) and b), be sealed in a single plain envelope marked only "Tax Acquired Property Bid" on the exterior and either be hand delivered to the City Manager or, if mailed, to be enclosed within a second envelope addressed to the City Manager, City of Ellsworth. All bids must be received by the municipality on the date and time determined by the City Council in Section 2 above.

Section 6. The City Council shall not accept any bid that is less than the total outstanding taxes, interests and costs, current year taxes not assessed, and public notice costs and insurance costs.

Section 7. The City Council shall retain the right to accept or reject any and all bids submitted. Should the City Council reject all bids, the property may be offered again for public sale without notice to any prior owner or owners.

Section 8. The City Council shall notify by mail any successful bidder.

Section 9. The City Council shall, as a credit to payment, retain the submitted bid price deposit of any successful bidder and shall return all other submitted deposits.

Section 10. The City Council shall require payment in full from a successful bidder within 30 calendar days following the date when bids are opened and read. Should the bidder fail to pay the balance within 30 days <sup>8</sup>or should the successful bidder choose not to complete the purchase for any reason, the City shall retain the bid price deposit and title to the proffered property.

Section 11. The City Council may, subject to a show of good cause on the part of the bidder, extend the time limit in which full payment must be received by 20 additional days.

Section 12. The City Council shall convey title to tax acquired property by Quit Claim Deed.

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<sup>6</sup> Amended August 16, 2010

<sup>7</sup> Amended August 16, 2010

<sup>8</sup> Amended April 15, 2019

Section 13. The successful bidder shall be responsible for the removal of any and all occupants of tax acquired property purchased by him and shall, in writing, forever indemnify and save harmless the municipality from any and all claims arising out of the sale of the tax acquired property by the occupants of the purchased property, their heirs or assigns. A signed, written document giving effect to the provisions of this section shall be delivered to the municipality with the balance of the purchase price.

#### **\*\*ARTICLE III-A SALE TO PRIOR OWNERS RESIDING ON THE PREMISES**

Section 1. This Article applies only to prior owners who personally reside on the premises of the tax-acquired property at the time the tax lien matured and continuously thereafter up to and including the time of the petition for repurchase noted below.

Section 2. Within thirty (30) days of the maturation of the oldest property tax lien encumbering the immediate prior owner of the tax acquired property may petition the City Council to repurchase the property.

Section 3. The City Council may, at its discretion, allow such repurchase if it deems the repurchase to be in the best interest of the City. The City Council shall establish the terms of the repurchase at the time it decides whether to allow such repurchase.

Section 4. In the event the City Council votes to allow the immediate prior owner to repurchase the property, the City Treasurer shall prepare a repurchase agreement. This agreement shall allow the immediate prior owner to repurchase the property upon payment of all back taxes, interest, charges and fees and all attorneys' fees incurred by the City in the repurchase process, plus any taxes and interest accrued during the term of the repurchase agreement. The repurchase agreement shall generally conform to the model found at Appendix A of this Ordinance.

Section 5. A repurchase agreement is not binding upon the City until it is reviewed by the City Attorney and signed by the City Council after a vote thereon.

Section 6. The City Council shall only give a Quitclaim Deed to convey title to the property. There shall be no transfer of title of the property until the repurchase agreement is satisfactorily performed by the repurchaser.

#### **ARTICLE III-B – Other Sale and Disposition Procedures**

Section 1. Should the City Council determine that tax-acquired property shall be relinquished rather than retained by the City, and the provisions of Article III have been completed in full a minimum of one (1) time and the provisions of Article III-A do not apply thereto and if bids are not received for tax acquired property under the terms and conditions of Article III, then the City Council may dispose of tax acquired property as they deem advisable.

Section 2. Any sale of tax-acquired property shall be through public sale. The Finance Director, under the directive of the City Manager, shall oversee the exact terms and conditions of such sale and use his/her best judgment to seek the best and most expedient method of sale and return on the sale for the City. The City Council will have the right to accept or reject any sale.

Section 3. The price of tax acquired property, sold pursuant to this Article must be no less than the total outstanding taxes, interest, costs including, but not limited to, public notice costs and insurance costs, and current year taxes. The City Council may waive this provision if it concludes that doing so would be in the City's best interest.

Section 4. A public notice of tax acquired property available for sale under Article III-B to be posted within the city building, on the City website, and to be advertised for two consecutive weeks in the<sup>9</sup>newspaper of general circulation.

#### ARTICLE IV. CONSTRUCTION AND ADOPTION

Section 1. The various Articles and Sections of this Ordinance are severable. Should any article or provision of this ordinance be declared invalid, such decision shall not invalidate any other Article or Section of this ordinance.

Section 2. The provisions of this ordinance shall not be deemed applicable to a release given by the City Council to any person or persons, entity or entities, the sole purpose of which is to remove any cloud upon title to property arising from defective or unrecorded discharges of tax liens.

Section 3. This ordinance shall become effective immediately upon adoption by the City Council.

Adopted 6/17/85 Amendments through 8/16/2010

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<sup>9</sup> Amended August 16, 2010