

Montgomery County Board of Commissioners

Ordinance 2019 – 11

AN ORDINANCE AUTHORIZING THE TRANSFER OF VACANT PROPERTIES ELIGIBLE FOR COMMISSIONERS' TAX CERTIFICATE SALE TO ADJACENT LANDOWNERS

Whereas, Indiana Code §6-1.1-24-6.8 authorizes the Montgomery County Board of Commissioners (the “Board”) to sell vacant parcels and certificates of sale for vacant parcels to owners of parcels which are contiguous to the vacant parcels and which are used for residential purposes or in conjunction with a residential use; and

Whereas, transferring the vacant parcel or the certificates of sale for such parcels to owners of contiguous property owners will return the vacant property to the real estate tax rolls of the County; and

Whereas, the Commissioners hold several certificates of sale for vacant properties for which no offers have been made during two consecutive tax sales, and the transfer to a contiguous owner may be the only action the Commissioners can take to return the property to the tax rolls; and

Whereas, the Board of Commissioners finds that it is in the best interest of the citizens of Montgomery County that the Board be authorized to transfer vacant properties and certificates of sale for vacant properties with delinquent taxes to contiguous owners as provided for in Indiana Code 6-1.1-24-6.8; and

Whereas, the Board of Commissioners should be authorized to evaluate eligible properties under Indiana Code 6-1.1-24-6.8 in order to identify the properties to be transferred, after considering (1) the limitations on the use of the parcel under local zoning and land use requirements, (2) the minimum parcel area sufficient for construction of improvements, (3) the

likelihood that the parcel can be sold at a certificate sale, and (4) any other factors considered appropriate by the Board;

It is therefore ordained that the Board of Commissioners are hereby authorized to transfer vacant parcels and certificates of sale for such parcels, as provided for in Indiana Code §6-1.1-24-6.8, and that a new section, Section 36.28 is hereby added to the County Code, which will read as follows:

**“§36.28 AUTHORITY TO TRANSFER VACANT PARCELS
TO CONTIGUOUS OWNERS.**

(A) Authority: The Board of County Commissioners are authorized to sell vacant properties and certificates of sale for vacant parcels under Indiana Code §6-1.1-24-6.8.

(B) Definitions: The following definitions apply to this section:

(1) Vacant Parcel: A vacant parcel refers to a parcel that satisfies the following:

(a) a lien has been acquired on the parcel under Indiana Code §6-1.1-24-6(a);

(b) if the parcel is improved on the date the certificate of sale for the parcel or the vacant parcel is offered for sale under Indiana Code §6-1.1-24, the following apply:

(i) one or more of the following are located on the parcel:

(A) A structure that may be lawfully occupied for residential use;

(B) A structure used in conjunction with a structure that may be lawfully occupies for residential use.

(ii) The parcel is:

(A) on the list of vacant or abandoned properties designated Under Indiana Code 6-1.1-24-1.5; or

(B) not occupied by a tenant or person having a substantial Property interest of public record in the parcel.

(c) on the date the certificate sale for the parcel or the vacant parcel is offered for sale under Indiana Code §6-1.1-24, the parcel is contiguous to one or more parcels that satisfy the following:

(i) one or more of the following are located on the contiguous parcel:

(A) a structure occupied for residential use;

(B) a structure used in conjunction with a structure occupied for residential use.

(ii) the contiguous parcel is eligible for the standard deduction under Indiana Code §6-1.1-12-37.

(C) Resolution Identifying Parcel to be Transferred: The Board of Commissioners may evaluate eligible properties for transfer on the basis of the following:

- (1) Limitations on the uses of the parcel under local zoning and land use requirements;
- (2) the minimum parcel area sufficient for construction of improvements;
- (3) the likelihood that the parcel can be sold at a certificate sale, and
- (4) any other factors considered appropriate by the Board;

After considering these factors, the Board will by resolution identify each vacant parcel which the Board desires to sell the vacant parcel or certificates of sale for the vacant parcel and give notice to the owner or owners of each contiguous parcel that the Board will accept written applications from contiguous owners.

(D) Sale Price: The Board may sell the vacant parcel to a contiguous owner who makes a written application therefor for the sum of One Dollar plus the costs of the tax sale, the cost of prior tax sales, and other expenses of collection, as provided for in Indiana Code §6-1.1-24-5(e)(4), (5), and (6).

(E) More Than One Application: If the Board receives more than one written application for a particular parcel, the Board will conduct a drawing between or among the applicants in which each applicant has an equal chance to be selected as the transferee of the vacant parcel or certificate of sale for the vacant policy.

(F) Effect of Transfer on Delinquent Taxes: After the final determination by the Board of the transfer, the Board will on behalf of the County cause all delinquent taxes, special assessments, penalties, and interest with respect to the parcels to be removed from the tax duplicate and give notice to the successful applicant, Auditor and Assessor.

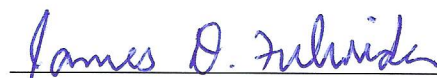
(G) Limitation on Improvements on Parcels Transferred: If a tax deed is issued for an improved vacant parcel, the successful applicant may not sell the improved vacant parcel until after the first anniversary of the date on which the tax deed for the improved parcel is issued to the successful applicant.”

It is further ordained that all provisions of the County Code which are not expressly modified by this ordinance will remain in full force and effect.

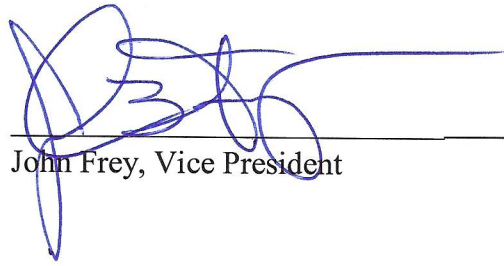
It is further ordained that this ordinance is effective upon adoption.

Adopted: April 22, 2019.

Montgomery County Board of Commissioners:



James D. Fulwider, President

A handwritten signature in blue ink, appearing to be 'John Frey', written over a horizontal line.

John Frey, Vice President

Member

Attest:

A handwritten signature in blue ink, appearing to be 'Jennifer Andel', written over a horizontal line.

Jennifer Andel, Auditor