

## Disposition of Properties

As part of its primary mission, the Athens County Land Reutilization Corporation (“Land Bank”) will dispose of properties in a manner which will improve the quality of neighborhoods, increase land values, create diverse housing opportunities and return properties to the tax rolls.

### A. Eligible end-users

In order to facilitate its redevelopment mission and return property to long-term productive use, the Athens County Land Bank will require all prospective end-users to qualify for transfers based on criteria approved by the Athens County Land Bank Board.

1. Individuals and entities (or their immediate family) *“Immediate family” – Means an employee’s spouse or significant other (“significant other” as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis)* that were the prior owners of property at the time of the tax foreclosure which transferred title to the Land Bank will be ineligible to be the transferee of such property from the Land Bank.
2. The transferee must not own any real property within Athens County that:
  - a. Has repeated un-remediated citations or violations of Ohio statute, local ordinances, and housing quality standards of any political subdivision
  - b. Is property tax or assessment delinquent or has been delinquent for 6 months within the previous 5 years
  - c. Was transferred to a local government as a result of tax foreclosure proceedings within the past 5 years.

The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (Rental and other reasonable exceptions will be considered).

If an end-user is judged to be disqualified under item a or b but believes mitigating circumstances exist they may appeal to the full Land Bank board which shall render a final decision.

For purposes of end user eligibility, in the case of a land contracts, and the Vendor shall be considered the end user rather than the Vendee.

Additional criteria may be required to qualify as the end-user of a property. Such criteria may include:

1. Identified funding sources and financial wherewithal,
2. Planned improvements,
3. Pre-lease agreements with potential tenants,
4. Previous experience in community redevelopment,

5. Development team qualifications,
6. Developer's equity in the project,
7. Timeline for completion,
8. Evidence of community support, and
9. Any other information the Land Bank may require. Qualifying criteria may vary depending on the nature of the end-user.

**B. General Disposition**

1. Intended use for the lot must be disclosed by the intended recipient. Use must not violate any applicable zoning, local ordinances, State and Federal Statute, and environmental conditions.
2. The Land Bank has the responsibility to engage in a qualitative analysis of the proposed uses of the property.
3. Pricing - Properties sold are priced in accordance with the pricing guidelines consisting of the current Athens County Auditor's appraised LAND VALUE of the property, reimbursement of all incurred Land Bank costs, administrative fee up to \$500 and other factors affecting the property value. Title examination, insurance and re-appraisal fee (if desired by the purchaser), and recording fees are the responsibility of the transferee and are not included in the sale price.
4. In the case where a survey is necessary before transfer due to a non-compliant legal description, the cost of the survey will become part of the purchase price.
5. The Land Bank will prepare and provide an appropriate deed for the property depending upon the terms of the sale and otherwise facilitate closing.
6. Notification of application for acquisition by an end-user or disposal of property with no end-user identified shall be publication on the Land Bank website for a minimum of twenty-one (21) days and the Land Bank may place signage advertisement on the property.
7. Offers to purchase shall be made by written proposal to the Land Bank office. When multiple end-user applications are received on a property, the Board may consider the highest AND best use of the property based upon its return to tax productive uses that best fit the goals of the Land Bank. The Land Bank board will consider the following priorities when determining a final end-use:
  - Owner-Occupied Home ownership
  - Historic preservation
  - Mixed income development
  - Rental
  - Institutional/public use
  - Commercial use
8. Where demolition is proposed with Land Bank funds, the Land Bank shall file Form DTE-26, Application for Valuation Deduction for Destroyed or Damaged Real Estate,

with the Athens County Auditor and the same by the end-user if demolished by the end-user.

9. Properties sold with a dilapidated structure on them require the end user to submit and have approved by the land bank board, a plan for rehabilitation or destruction of the dilapidated structure, complete with an achievable timeline and estimated costs as detailed below. The Land Bank may consider the costs, in whole or part, as a credit or deduction to end user's purchase price. Such properties shall be transferred via "Title-in-escrow" or with a "reversionary clause" until all work in the plan has been completed to the satisfaction of the Land Bank board.
10. Prior to final approval of disposition, the Land Bank will notify the local government of its intention to dispose of the property, the intended use and identity of the end-user.

B-1 – Non-Competitive disposition:

- 1) If an end user is the only qualified person requesting the property and the property has been advertised for at least 21 days on the "public site" of the Land Bank website then the Land Bank board may authorize entrance into a contract for sale with the end user, specifying a price range.
- 2) Land Bank attorney will then be directed to prepare the proper deed to transfer to the end user.
- 3) The agreed upon price shall be paid when the contract is signed and the deed is transferred.

B 2 – Competitive disposition:

- 1) When two or more end users compete for a property each end user must fill out a LB-5, Statement of Proposed Use document and return it to the Land Bank by the date specified by the Land Bank administrator, providing at least 10 days from the time the form is given to the end user.
- 2) End Users wishing to rehabilitate properties shall submit a "rehab plan" as part of the "LB-5" detailing the work they propose to do, evidence of financial wherewithal to complete the project and an achievable timeline for the rehabilitation.
- 3) The Land Bank Board shall make the final determination as to disposition, weighing all the factors as to proposed uses and the ability of the applicants to fulfill their plan as well as the factors of General Disposition listed above.
- 4) Land Bank attorney will then be directed to prepare the proper deed to transfer to the end user.
- 5) The agreed upon price shall be paid when the contract is signed and the deed is transferred.

B 3 – Disposition of tear-down properties pre demolition:

- 1) When a property has been deemed unsafe, unstable or irreparable blight and the Land Bank determines that disposition prior to demolition is warranted, a "Tear-Down" agreement must be signed by the end-user prior to disposition. This agreement specifies the requirements of the end-user as well as the required time-frame of the demolition.

- 2) Land Bank attorney will then be directed to prepare the proper deed to transfer to the end user.
- 3) The agreed upon price shall be paid when the contract is signed and the deed is transferred.
- 4) Such properties shall be transferred via “Title-in-escrow” or with a “reversionary clause” until all work in the plan has been completed to the satisfaction of the Land Bank board.

### **C. Side Lot Disposition Program**

1. Qualified Properties – parcels of property eligible for inclusion in the Side Lot Disposition Program are generally deemed to be too small to be used as building sites and will meet the following minimum criteria:
  - a. The property is a vacant unimproved real property.
  - b. The property is owned or being acquired by the Land Bank, either as an unimproved lot or with the intention of demolishing any structures that currently exist on the land.
  - c. The property will be physically contiguous to adjacent property with not less than a 50% common boundary line on one side.
  - d. Initial priority will be given to the disposition of properties to recipients who own and occupy the adjoining property.
  - e. Intended use for lot must be disclosed by the intended recipient. Use must comply with any applicable zoning, local ordinances, State or Federal Statute, and environmental conditions.
  - f. The transfer may include a deed restriction requiring the use of the property to be consistent with the stated use.
2. Transfer Procedure
  - a. The Land Bank will accept applications for Side Lots from contiguous property owners who wish to acquire an adjoining property.
  - b. The Land Bank will attempt to facilitate a transfer of the parcel to a single side lot owner whenever possible.
  - c. In the event that multiple adjacent property owners desire to acquire the same side lot, the property may be divided and transferred to the interested contiguous property owners. To facilitate such a transaction, the adjacent owners may be required to pay the costs of a required survey of the land in order to split the parcel, in addition to the standard consideration.

In the event of two or more interested purchasers, a contiguous property owner who needs the parcel for a driveway or any other local code compliance issue will receive priority. If both parties do not agree to this resolution, the property will be sold based on the highest offer.

**D. Rural Request Program:** When a property owner proposes to the Land Bank acquisition of a rural, tax delinquent parcel the following procedure shall be followed:

- 1) The potential end-user must be approved through the ordinary ATAP/PQF process.
- 2) The Land Bank administrator shall work with the County Treasurer to verify that the parcel(s) are certified tax-delinquent.
- 3) Upon acceptance by the Land Bank board as a project the end-user will pay a refundable \$2000.00 deposit to cover the cost of the foreclosure and sign a "Rural Property Acquisition Contract-(RPAC)". If, in the opinion of the board, the property has significant value the board can set a final acquisition price above the foreclosure cost. This cost must be listed in the RPAC.
- 4) The County Treasurer may then sell lien certificates on the parcel(s) to facilitate foreclosure via private attorney.
- 5) At the end of the foreclosure process, the property will be made available to the general public via the Land Bank property website. If the end-user is outbid or a different end-user is chosen by the Land Bank Board, then the Land Bank will return the entire \$2000.00 deposit.
- 5) If the ARR is not requested, then the property will go to sheriff sale at the end of the foreclosure process. If the end user is outbid at sheriff sale then the Land Bank will return the entire \$2000.00 deposit.