

**DISPOSITION OF TOWN REAL ESTATE PROPERTY POLICY:****SECTION I : GENERAL PROVISIONS:**

These Guidelines shall apply to all Town owned real estate property, whether acquired by tax deed or otherwise. Specific requirements for tax deeded parcels are addressed where applicable.

- A) On an annual basis, and after the tax lien process has been completed, the Assessor's Office shall generate an updated map/maps indicating all Town owned parcels. These maps shall be available to the Board of Selectmen no later than July 1<sup>st</sup> of each year.
- B) The Town Administrator, no later than August 1<sup>st</sup> of each year, shall review the maps supplied by the Assessor's Office and prepare and submit to the Board of Selectmen a list of parcels deemed eligible for sale in preparation for a public hearing.
- C) Town property to be considered for sale shall be catalogued in a master file in the Town Administrator's Office.
- D) Individuals interested in purchasing a piece of Town owned land may submit a request to the Board of Selectmen at any time during the year. All requests will be reviewed by the Board and taken under consideration when conducting their annual review of all Town properties. If a request is received after the annual review, the Board, at its discretion, may hold another session to consider the request, however, it must be done prior to December 1<sup>st</sup> to allow for hearings, etc.
- E) No Town property may be incorporated into the master file or added to the list after December 1<sup>st</sup> prior to Town Meeting. However, if twenty-five voters should submit a petition requesting to purchase Town land after that deadline, the land will be listed and included on the warrant without Selectmen recommendation.
- F) Once Town land is catalogued in the master file, a description of the property shall then be transmitted to all interested Town departments, boards and committees for their review and recommendation. In all cases the Conservation Commission and Planning Board shall be notified, and their recommendation requested.
- G) The provisions of RSA 80:42 govern the transfer of tax liens and the sale of property taken in default of redemption. Thus, the Town may not transfer tax liens acquired by the Town at a Tax Collector's sale during the two year period allowed for redemption. Neither shall the Town convey title to property acquired by the Town as a result of a default of redemption from a tax sale unless the Town, by majority vote at the annual meeting, shall authorize the Selectmen to convey such property by deed.
- H) Nothing in these guidelines shall prevent a citizen from seeking to place a citizen petition on the Town Meeting Warrant for sale of Town owned land.

**SECTION II : PROCEDURE PRIOR TO SALE OF PROPERTIES:**

- A) Sometime not later than sixty days before the annual Town Meeting, the Board of Selectmen shall warn and schedule a public hearing on the proposed sale of all Town land. The warning of the public hearing shall include a list of all Town land to be sold, including map numbers, lot numbers, and street locations.
- B) For at least one week prior to the public hearing, the Town shall post on the property which is being considered for sale a "For Sale" sign. Such sign shall be legible from the street and shall contain a telephone number to be called to gain additional information about the Town land and the procedures to be followed in the sale of Town land.
- C) As soon as possible after the conclusion of the public hearing, but no later than fourteen days, the Selectmen shall vote as to whether they will commence with the sale of any properties acquired through the tax deeding process. The Selectmen shall also, at such time, vote as to whether or not they will recommend adoption by the Town Meeting of other warrant articles either generated by themselves or submitted to them through citizen petitions calling for the sale of other Town owned property.
- D) The motion to place the land up for sale shall include any special conditions of sale to be incorporated in the warrant article, including if it is being sold to a specific individual(s) or by bid or auction.
- E) Upon voting to sell properties acquired through tax lien, the Board shall vote to either sell these parcels by public auction or sealed bids.
- F) If the Board votes to sell parcels other than those acquired through the tax deeding process, they shall have an article placed on the Town Meeting Warrant which shall identify the property to be sold by tax map, lot number and street address. The article shall also indicate whether or not the property is to be sold by public auction or sealed bid, or in the case of sale to a specific individual(s), the name of that individual(s). The article shall state also any terms and conditions which the Selectmen believe should be included in the deed transferring title to purchaser. The article's language shall be written in a way to authorize the Selectmen to reject any and all bids or offers that are less than the fair market value of the property.

**SECTION III : PROCEDURE AT THE TIME OF SALE:**

- A) The sale of Town property, including those acquired through the tax deeding process shall adhere to the following procedures:
  - 1. SALE OF TAX LIEN PROPERTIES: Auctions shall be conducted or sealed bids shall be received within forty-five (45) days after the decision to sell the properties.
  - 2. SALE OF OTHER TOWN-OWNED PROPERTIES: Auctions shall be conducted or sealed bids shall be received before the first day of June following the annual Town Meeting vote authorizing the sale.

- B) The Chairman of the Board of Selectmen, or his designee, shall act as auctioneer.
- C) The date and time of the public auction, or the last date for receipt of sealed bids shall be posted at the Town Office and shall be advertised in a newspaper of general circulation in the Town at least seven days prior to the date of the auction or the last date for the receipt of sealed bids. All properties to be sold shall be identified by tax map and lot numbers.
- D) The Selectmen may require either a cash deposit or treasurer's check in an amount equal to 10% of the sale price. The successful bidder shall submit the balance with 30 days of the sale unless an extended time period is agreed to in writing by both the Town and the bidder. The Selectmen shall establish a date by which the property transfer from the Town to the successful bidder must be completed, failing which the deposit will be retained by the Town as liquidated damages.
- E) The successful bidder shall be responsible for all fees incurred by the Town relative to transfer of the property. These fees shall include, but not be limited to, legal fees, survey costs, subdivision costs and registry fees.

**SECTION IV : GUIDELINES TO BE FOLLOWED BY THE TOWN:**

- A) It shall be the intent of the Town of Windham, through its Board of Selectmen, to return all parcels acquired through the tax deeding process back into the tax rolls of the Town except where the Town's best interest would be served by retaining a specific parcel of real estate.
- B) Examples of circumstances where the Town is better served by retaining a particular piece of property include, but are not limited to, the following:
  - 1. Parcels of land where it is possible to put a septic system in place thereby alleviating a possible health concern.
  - 2. Rights-of-Way which provide access to ponds and other bodies of water.
  - 3. Land which is suitable for conservation or historic purposes. In cases where these lots are sold, the Board shall give serious consideration to attaching a conservation or historic easement to the property prior to sale.
- C) Notwithstanding any of the above guidelines, the Board of Selectmen, under an annual article voted on at Town Meeting, are authorized to dispose of tax deeded properties as "justice may require". Examples of instances where "justice may require" the return of the properties to the owners prior to deeding may include, but not be limited to, the following:
  - 1. Where the Town commits an error in the actual deeding process such as notification problems; or
  - 2. Where the owner of the property shows clear intention of redeeming the properties prior to deeding, but due to unique circumstances is unable to do so.

**SECTION V : ADOPTION:**

These guidelines shall be construed to be the official guidelines for the Disposition of Town Real Estate Property of the Town of Windham, and has been adopted by the Board of Selectmen on this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

**SECTION VI : AMENDMENTS:**

These guidelines may be amended from time to time by the Board of Selectmen provided the proposed changes are posted in at least two (2) public places and in a newspaper of general circulation at least fourteen (14) days prior to a public hearing on the proposed changes.

**Adopted by the Board of Selectmen - 1991**

**Edward J. Milan**  
**Elizabeth A. Dunn**  
**Frederic H. Noyles**  
**Patrick W. Wallace**  
**Charles E. McMahon**  
Board of Selectmen

**Re-codified and affirmed by the Board of Selectmen - May 11, 1998**

**Charles E. McMahon**  
**Douglass L. Barker**  
**Carolyn B. Webber**  
**Margaret M. Crisler**  
**Galen A. Stearns**  
Board of Selectmen

**Amended by the Board of Selectmen - November 9, 1998**