

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5433

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: TANNER/BRISTER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. CANULETTE

ON THE 6 DAY OF AUGUST , 2015

ORDINANCE RESTATING AND REENACTING SECTION 2-007.01 AND SECTION 2-007.02 OF THE ST. TAMMANY PARISH CODE OF ORDINANCES REGARDING THE PROCEDURES TO SELL ADJUDICATED PROPERTY.

WHEREAS, certain properties that are otherwise sold for unpaid ad valorem taxes by the St. Tammany Parish Sheriff on behalf of St. Tammany Parish become adjudicated or otherwise transferred to St. Tammany Parish; and

WHEREAS, Louisiana law provides for methods for the sale of these adjudicated properties by St. Tammany Parish; and

WHEREAS, St. Tammany Parish desires to amend and restate its ordinances regarding the sale of adjudicated property.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the Parish Code of Ordinances, Chapter 2, Sections 2-007-01 and 2-007.02 be amended and restated as follows:

2-007.01 Sale of Adjudicated Property

1. Definition

For the purposes of this section, adjudicated property shall be defined as property that has been procured through legal process that warrants the right of the parish governing authority to seek property for non-payment of property taxes or for any other reason relevant to lien, debts or donation as prescribed by Louisiana law.

2. Sale of Adjudicated Property After Expiration of Redemption Period

After declaration of the Council by Ordinance resolution that the property is deemed surplus, the Office of the Parish President may, after the expiration of period fixed by law for redemption of adjudicated property, sell the property in the manner specified within this section.

3. Advertising Sale of Adjudicated Property After Expiration of Redemption Period

Any person desiring to be notified in the event specific immovable property will be subject to a post-adjudication sale may file a request for the notice in the mortgage records of the parish where the immovable property is located.

~~Except as otherwise provided by Louisiana law, the only other public notice required shall be the placement of a sign(s) that shall be posted on or in the vicinity of the property to be auctioned, describing the proposed auction, and the deadlines associated with the terms and conditions of the auction. Said sign(s) shall be posted in the manner specified herein at least thirty (30) days prior to the auction. Misplacement or theft of the sign shall not invalidate the sale of the adjudicated property.~~

4. Appraisement of Property

The Office of the Parish President, at its option, may have any adjudicated property offered or solicited for sale, appraised by an appraiser licensed in Louisiana to determine the fair market value of said property.

5. Minimum acceptable bid; adjudication to tax debtor or his representatives on payment of taxes and assessments

A. The property shall be adjudicated to the last and highest bidder for cash, payable in current money of the United States at the time of the adjudication. If the Office of the Parish President elects to have the property appraised, no bid shall be accepted which is less than two-thirds of the appraised value. If no appraisal is requested by the governing body, the minimum bid shall be at least the total amount of statutory impositions, government liens and costs of sale ~~then no bid shall be accepted or sale made for a lesser amount than the total amount for which the property was adjudicated, including all interest, costs, penalties and subject to any state, parish and levee district taxes and to all subsequent taxes and paving or other local improvement charges.~~

B. At any moment before the actual adjudication takes place, whether the property was appraised or not, if the tax debtor, his heir, administrator, executor, assign, or successor pays to the tax collector of the parish all taxes or charges imposed pursuant to R.S. 33:1236, or paving or other local improvements assessments due upon the property, including all interest, costs, penalties, taxes or charges imposed pursuant to R.S. 33:1236, or paving or local improvement assessments which have accrued since the date when the property was adjudicated to the parish to the tax debtor, his heirs, administrator, executor, assign, or successor, as the case may be, by preference over all other bidders, though they may bid larger sums.

C. The Office of the Parish President may elect to allow an adjoining landowner to purchase adjudicated property for the price of one (\$ 1.00) dollar; provided, that the Office of the Parish President receives sufficient evidence, in its discretion, that the adjoining landowner has maintained the subject adjudicated property for at least one (1) year prior to the sale as per Louisiana Revised Statute 47:2202(B).

6. Reserved.

7. Reserved.

8. The act of sale shall be without any warranty or recourse whatsoever (including warranty of title), even for the return or any reduction of the purchase price, but with subrogation to all rights and actions of warranty that Parish of St. Tammany may have. These waivers of warranty shall be self-operative regardless of whether the waivers are contained in the act of sale, regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the acquiring person. The Parish of St. Tammany shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property.

~~9. The purchaser shall be required to obtain an owner's policy of title insurance insuring purchaser's title to the property purchased, at purchaser's expense.~~

2-007.02 Adjudicated Real Estate/Immovable Property

1. That any and all real estate and/or immovable property that is otherwise adjudicated in the future or previously has been adjudicated to the Parish of St. Tammany in any previous year will now be subject to the following program.

2. Reserved.

3. The Office of the Parish President shall hereinafter be charged with the duty and responsibility to develop a program of reclamation of such property, including but not limited to identification of affected property, retention of necessary staff to place any program into effect, establishing a fee schedule, and oversight of all programs, together with advertisement, selling such properties where necessary and reasonable, all as per law.

4. The Office of the Parish President is specifically authorized to establish such an administrative program to immediately address the magnitude of properties currently adjudicated to the Parish since 1974 ~~1921~~. ~~Properties adjudicated to the State of Louisiana prior to the tax year of 1993 shall likewise be included in this program.~~ The Office of the Parish President is likewise exclusively vested with the power and authority to seek out and search all properties since 1974 ~~1921~~ and to formulate, in conjunction with the Louisiana State Land Office, a plan of identification, redemption, listing, sale or whatever else is necessary to dispose of such property.

5. The Office of the Parish President is authorized to negotiate terms and conditions of any sales, enter listing agreements, sign purchase agreements, and such other actions necessary to transfer the Parish's interest in and to such properties, all as per law.

6. Funds received from the sale of such properties shall be dedicated to the general fund.

7. The Office of the Parish President shall adhere to the requirements of the Parish Charter as to the sale of such properties.

8. The Office of the Parish President shall have the option to exercise the method and/or procedure under this Ordinance necessary to dispose of such properties as per (1) the current Parish Ordinance or (2) that which is delineated in state law as to the sale of adjudicated property.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF SEPTEMBER, 2015; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

RICHARD E. TANNER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 30 , 2015

Published Adoption: _____, 2015

Delivered to Parish President: _____, 2015 at _____

Returned to Council Clerk: _____, 2015 at _____

Ordinance Administrative Comment

ORDINANCE RESTATING AND REENACTING SECTION 2-007.01 AND SECTION 2-007.02 OF THE ST. TAMMANY PARISH CODE OF ORDINANCES REGARDING THE PROCEDURES TO SELL ADJUDICATED PROPERTY.

This restatement is intended to establish a \$1.00 lot next door program for adjudicated properties being maintained by the adjoining neighbor. Other modifications as shown are to conform the Ordinances to current statutes and practices.