

ORDINANCE NO. 5831 of 2018

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE RELATIVE TO THE SALE OF ADJUDICATED PROPERTY TO AMEND DIVISION 3 OF ARTICLE V OF CHAPTER 2 OF THE CADDO PARISH CODE OF ORDINANCES RELATIVE TO DISPOSAL OF ADJUDICATED PROPERTY, TO ESTABLISH THE PROCEDURE PURSUANT TO LA.R.S. 47:2201, ET SEQ., FOR THE SALE BY SEALED BID OF THE TAX TITLE BY THE PARISH TO ADJUDICATED PROPERTY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Caddo Parish Commission desires to establish a procedure for the sale of adjudicated property pursuant to La.R.S. 47:2201, et seq.,

WHEREAS, the Department of Public Works desires to establish a procedure for the sale by sealed bid of adjudicated property pursuant to state law;

WHEREAS, the sale of the Parish's tax title is found to be in the best interest of the Parish in that it returns property to commerce and the tax rolls.

NOW, THEREFORE, BE IT ORDAINED, by the Caddo Parish Commission in due, legal and regular session convened, that Division 3 of Article V of Chapter 2 of the Caddo Parish Code of Ordinances is amended and, as amended, adopted to read as follows:

DIVISION 3. - DISPOSAL OF ADJUDICATED PROPERTY

Sec. 2-201. - Sale or donation of interest in adjudicated property generally.

The following procedures shall apply to the sale or donation of the parish's interest in properties that have been adjudicated to the parish for non-payment of ad valorem taxes:

- (1) The parish administrator is authorized to execute deeds for the sale of the parish's interest in property that has been adjudicated to the parish when the following conditions have been met:
 - a. The property has been deemed surplus in writing by the director of public works or his designee. In order to determine whether the property is surplus, the director of public works shall notify in writing or by email all parish departments of the location of the property to determine whether any department has a need for the property. If no department indicates in writing or by email a need for the property within 15 days, the property shall be deemed not needed by the parish for a public purpose and therefore designated as surplus property, and
 - b. The procedure for the sale provided in R.S. 47:2201 et seq. has been followed, including but not limited to giving notice to persons who have an interest in the property. Said procedure may be complied with by an interested buyer, by the parish, or by a contractor having a contract with the parish for the sale of adjudicated property.

Sec.2-202 Procedure for sale of tax title to adjudicated property.

- A. Any person interested in purchasing tax title to adjudicated property may apply to the Caddo Parish Department of Public Works as follows:
 - (1) Submit an application containing the following information:

- a. Name of applicant;
 - b. Address, telephone number, and email address for applicant;
 - c. Description of property for which the tax title to sought to be acquired, including:
 - i. Legal description
 - ii. Assessor's geo number
- (2) Pay the estimated expenses of the sale, including advertising and other costs associated with the sale.
- B. Upon receipt of the application and payment of estimated expenses, the Department of Public Works will make a determination whether the Parish's tax title interest in the property is surplus under Sec. 2-201(1)(a).
- C. Upon determination that the Parish's tax title interest in the described property is surplus and not needed for a public purpose, the Director of the Department of Public Works or his designee will notify the applicant and proceed as follows. The Director or his designee shall:
- (1) Set the public sale for a specific date and time not less than 45 days from notice to the applicant.
 - (2) Advertise the public sale twice in the official journal of the Parish as follows:
 - a. Once at least thirty days prior to the date of the public sale
 - b. Once no more than seven days prior to the date of the public sale
 - c. The advertisement shall provide for the minimum bid, the latest date and time that written bids will be accepted, the mandatory use of the prescribed adjudicated property bid form, and any other terms of the sale
 - (3) Establish and provide an adjudicated property bid form for use by bidders.
 - (4) Receive until the date and time of the public sale the sealed bids as provided in Paragraph D below. The Director or his designee shall give a written receipt for any hand-delivered sealed bid that is received no later than the date, and time set in the notice.
 - (5) On the date and time set in the notice, open and publicly read aloud the sealed bids.
 - (6) Announce the high bid that contains or meets all the published requirements, including but not limited to payment by certified funds of the bid and any estimated expenses of the sale.
 - (7) Promptly deposit all funds received from all bidders. Refunds shall be issued in a reasonable time to all bidders other than the successful bidder.
- D. Any person desiring to submit a bid for purchase of tax title to adjudicated property as provided above shall:
- (1) Submit in a sealed envelope a completed and signed adjudicated property bid form and certified funds (cashier's check or money order) for the amount of the bid and estimated expenses of the sale (except for the original applicant who only shall include the amount of the bid).
 - (2) Write on the outside of the sealed envelope the name, address, telephone number of the bidder, and the Assessor's geo. number for the subject property. The amount of the bid shall not be written on the outside of the envelope. Any sealed envelope on which the amount of the bid is written or otherwise indicated shall be returned to the bidder unopened.
 - (3) Deliver the sealed envelope by hand, mail, commercial courier, or other means to the Caddo Parish Department of Public Works at the address provided on the adjudicated property bid form by the date and time in the published notice. Bidders are responsible for the timely submission of their bids. Submissions received after that date and time shall be returned unopened to the address on the outside of the envelope.
- E. The Director of Public Works or his designee shall deliver to the high bidder a packet containing the required forms, deadlines, and other requirements for completion of the purchase of the tax title to adjudicated property. The high bidder shall comply with the

requirements of La.R.S. 47:2206-7. If a given property requires six months' notice under La.R.S. 47:2206, the high bidder shall have 240 days from the date of the bid opening to complete the process required by La.R.S. 47:2207. If a given property requires 60 days' notice under La.R.S. 47:2206, the high bidder shall have 120 days from the date of the bid opening to complete the process required by La.R.S. 47:2207. Failure of a high bidder to timely complete the process after notice will constitute abandonment of the process. Abandonment of the process will result in forfeit of the funds held by the Parish and in the property being eligible for purchase in a subsequent process.

BE IT FURTHER ORDAINED, that the procedure established herein shall not affect any program providing for the Internet sale of tax title to adjudicated property.

BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications that can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption and shall apply to any application or sale that is initiated after the effective date of this ordinance. Any application or sale pending on the effective date of this ordinance shall continue under pre-existing procedures and authority.

BE IT FURTHER ORDAINED, that all ordinances or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form:

Parish Attorney

Date