

RESOLUTION 14-09

Approved as Amended May 21, 2014

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RESOLUTION TO ADOPT, ESTABLISH AND AMEND PROPERTY DISPOSITION GUIDELINES.

WHEREAS, the Richland County Land Reutilization Corporation ("RCLRC") Board of Directors ("BOARD") has determined the need to update its guidelines.

BE IT THEREFORE RESOLVED by the Richland County Land Reutilization Corporation Board of Directors that the following guidelines will be used in the disposition of properties:

Section 1. PROPERTY SOLD "AS IS".

1. Purchaser will be given a full and complete opportunity to conduct its own investigation as to any matter, fact or issue that might influence Purchaser's decision to accept the Property from RCLRC. Accordingly, Purchaser shall accept the Property from RCLRC without any representations or warranties whatsoever regarding the Property and on an "as is, where is" and "with all faults" basis.

Section 2. MULTIPLE PARCEL GUIDELINE

Properties that have multiple adjacent parcels that were offered at Sheriff's Sale as one property shall be offered through RCLRC as one property. *RCLRC will form a letter to the auditor requesting that all parcels be combined before being transferred to an End User.*

If multiple forfeitures result in multiple parcels being made available for sale which have the same and only eligible end user, then in that event all such forfeited properties may be sold in one transaction according to the price determined by the Board.

Section 3. PARCEL SIZE GUIDELINE

Parcels that are less than 100 feet wide will be transferred with the following restrictions.

100' Minimum Frontage Policy

No parcel that is less than one hundred (100') feet in width may be reconveyed or transferred by the grantee or his successor/assign unless combined with such abutting parcel(s) that together have a minimum frontage of one hundred (100') feet.

Deed Restriction

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This parcel may not be reconveyed or transferred unless combined with an abutting parcel(s) that have a combined minimum frontage of one hundred (100') feet.

Section 4. DISPOSITION GUIDELINE

RCLRC reserves the right to sell property on a first come first serve basis.

Methods which MAY be used to identify End Users include but are not limited to the following:

- 1. Walk-ins, a person who walks in and expresses an interest in a property.**
- 2. Listing properties available on website.**
- 3. Listing in real estate publications and/or newspapers.**
- 4. Listing with realtor.**
- 5. Sending letters to adjoining property owner(s).**
 - a. Land Bank may offer only to adjacent owner occupants.**
 - b. Land Bank may offer only to adjacent investment property / business owners.**
 - c. Land Bank may offer only to adjacent property owners with largest common boarders.**
 - d. Land Bank may offer to any and/or all of the above.**

Definition- Owner Occupant - Any prospective purchaser who owns the property he occupies as his primary residence for the main portion of each calendar year.

RCLRC will form a letter to the auditor requesting that all side lot parcels be combined with the End Users adjacent property parcel.

Unaccepted dedicated alley does not bar a parcel from qualifying as a side lot.

Residential Side Lot Program – Homeowners with vacant properties adjacent on either side of their owner-occupied homes will have the option to purchase a RCLRC property as per the current pricing guidelines.

Residential Rear Lot Program – Homeowners with vacant properties adjacent to the rear of their owner-occupied homes will have the option to purchase a RCLRC property as per the current pricing guidelines.

Non-Residential Side Lot Program – Property owners with vacant properties adjacent on either side or to the rear of their business or rental property will have the option to purchase a RCLRC property as per the current pricing guidelines.

Business or Residential Development – For business or residential development, RCLRC property can be purchased as per the current pricing guidelines. All properties must be developed in accordance with local zoning regulations. Plans and timelines must be approved by RCLRC. Development must be completed within one (1) year of property conveyance.

Residential Property w/ Structure(s) – For residential properties with existing unimproved structures that will not be demolished, RCLRC property can be purchased as per the current pricing guidelines. All properties must be re-developed in accordance with local zoning regulations. Plans and timelines must be approved by RCLRC. Property must be brought up to code and be reasonably energy efficient within one (1) year before property conveyance.

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Business Property w/ Structure(s) – For commercial properties with existing unimproved structures that will not be demolished, RCLRC property can be purchased as per the current pricing guidelines. All properties must be re-developed in accordance with local zoning regulations. Plans and timelines must be approved by RCLRC. Property must be brought up to code and be reasonably energy efficient within one (1) year before property conveyance.

Non Profit Organizations – A transfer of property to nonprofit entities for the development of affordable housing, community gardens, or other uses will be established at a level between Property Cost and fair market value. To the extent that the consideration is less than the Property Cost, such amount shall be reflected by a combination of contractual obligations to develop, maintain, or preserve the property for specified purposes. Such amount may be secured by subordinate financing in which amortization of the obligation occurs by virtue of annual performance of required conditions. Approval by the Board will be required.

Definition - Non-Profit Organization- Means an organization formed, under Ohio Revised Code 1702 and registered with Ohio Secretary of State, not for monetary gain or profit and whose net earnings are not distributed to its members or officers or other private persons except for compensation reasonable for services rendered. Such organizations may be required to have (or in the process of filing for) IRS 501(c) tax status.

Public Use Program – To the extent that transfers of property to governmental entities are designed to be held by such governmental entities in perpetuity for governmental purposes, the aggregate consideration for the transfer shall be based upon deed restrictions upon the use of the property.

Government Entities – To the extent that transfers of property to governmental entities are designed to be held by such governmental entities in perpetuity for governmental purposes, the aggregate consideration for the transfer shall be based upon deed restrictions upon the use of the property. To the extent that transfers of property to governmental entities are anticipated as conduit transfers by such governmental entities to third parties, the consideration shall consist of not less than the Property Cost, to be paid in cash. The difference between the Property Cost and the fair market value may be included in consideration depending upon the relationship between the anticipated uses and the governing priorities of RCLRC.

Non-developmental use of Property – A transfer of property for non-developmental use will charged the total Property Cost unless approved by the Board.

Purchaser of property must pay the total Property Cost. Property Cost will be forgiven for Side Lot Program, Non-Profit Organizations, Public Use, Governmental Entities, and Business and Residential approved uses. "Property Cost" shall mean the aggregate costs and expenses of RCLRC attributable to the specific property in question, including cost of acquisition, maintenance, repair, demolition, marketing of the property and indirect costs of the operations of RCLRC allocable to the property.

Multiple Applications for same parcel

If two or more applicants are interested in a property, the Rehab / Special Consideration Committee (RSC Committee) will review all applications considering all information including but not limited to the following:

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Is the application consistent with the stated purposes of the RCLRC by:

- a) Facilitating the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed or other real property that will be so benefited by transfer to the applicant;
- b) Is the immediate transfer of the property more efficient than being held and managed by the RCLRC;
- c) Is there a benefit to coordinate the transfer of the property to assist a governmental entity or other non-profit organization;
- d) Does the transfer promote economic and housing development in the neighborhood and community?

In keeping with the above, other factors that may be considered are, but not limited to:

- e) Will the transfer reasonably avoid future tax forfeiture sales;
- f) Can the applicant provide a reasonable comprehensive plan for the long-term use of the property;
- g) Will the transfer comply with local ordinances and building codes?

Upon review, if the RSC Committee determines that one applicant's plan fits better within the above mentioned guidelines, then the RSC Committee may recommend to the Board of Directors to sell to property to said applicant and reject other applications.

If the RSC Committee concludes that applicants qualify equally, then the Committee may recommend either:

- (1) Applicants will be notified by mail and asked to submit their "Best and Highest" bid by a submission date stated in notice.
 - All bids delivered to the office must be submitted to either the Treasurer's Office or the Land Bank office on or before 4:00 on date of submission date no later than 4:00 pm.
 - All bids that are mailed regular US postal service must be posted marked on or before submission date and received no later than 7 days after mailing. Any bid received more than 7 days after mailing will be rejected.
 - RCLRC reserves the right to reject any and all bids.

or

- (2) The property be advertised and sold at public auction.

RCLRC reserves the right to reject any bid not received within specified deadlines.

Special Exceptions

The Board recognizes that from time to time there may be special or extraordinary circumstances where the highest and best bid and/or offer may not be consistent with the Board's purposes. In such situations, the Board may recognize a moral obligation exists as defined in MCI Telecomm v. Franklin County Commissioners (1998), 127 Ohio App.3d 127 (140).

RCLRC reserves the right to modify or reject any proposal.

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Land Transfer Policies

1. Transferee must not own any property that has any un-remediated citation of violation or have a history of code violations of local codes and ordinances, the Land Bank will check with local Codes Enforcement office.
2. The transferee must not own any real property that is tax delinquent in Richland County, unless on payment plan and the transfer is approved by Richland County Treasurer’s office.
3. Transferee must not have had a tax foreclosure case filed with the courts within the past 10 years.
4. 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 during the twelve (12) months preceding the submission of application (except in rental cases or tax foreclosure cases that have been granted an exception by the Board).
5. Transferee or family member of transferee must not have been the prior owner of any property that was transferred to RCLRC as a result of tax foreclosure proceedings unless RCLRC approves the anticipated disposition prior to the effective date of completion of such proceedings. An exception may be granted by the Board.
6. A precise narrative description of future use of the property is required.
7. Transactions structured in a manner that permits RCLCR to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced through reliance on subordinate financing held by the RCLRC.
8. The transferee must agree to pay future property taxes from time of transfer.
9. The proposed use must be consistent with current zoning requirements.

Section 5. This resolution shall take effect and be in force immediately upon its adoption.

Section 6. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in full compliance with the law.

Mr. Parton moved the adoption of the foregoing resolution. I was seconded by Mr. Vero and upon call of the roll the following vote resulted:

Mr. Hamilton, ____; Mr. Theaker, ____, Ms. John, ____, Mr. Vero, ____; Mr. Craft, ____; Mr. Holden, ____, Mr. Parton, ____ . Motion Carried

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of Richland County Land Reutilization Corporation, Richland County, Ohio on the 5th day of April, 2017.

Elaine Frasz, Clerk