

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

This Policy 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 Board of Selectmen designees shall generate an updated map/maps indicating all Town owned parcels and the Assessor shall generate a list of these parcels. These maps and list shall be available to the Board of Selectmen no later than June 1st of each year.
- B) The Town Administrator, no later than July 1st of each year, shall review the maps supplied by the Board of Selectmen designee and Assessor and prepare and submit to the Board of Selectmen a list of parcels deemed eligible for sale in preparation for a public hearing. The Board of Selectmen will hold a meeting to determine which parcels they deem appropriate for sale, and said parcels will then be cataloged in a master file maintained in the Administrative Offices.
- C) 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, Assessor, Windham Economic Development Committee, Historic District Commission, and Planning Board shall be notified, and their recommendations requested.
- D) Individuals interested in purchasing a piece of Town owned land may submit a request to the Town Administrator at any time during the year. All requests will be reviewed and submitted by the Town Administrator to the Board of Selectmen for consideration when conducting their annual review of all Town properties. If a request is received after the annual review, the Board of Selectmen, at its discretion, may hold another session to consider the request, however, it must be done prior to December 1st to allow for the input of Boards, Committees, and Departments as well as proper notice of the required hearings.
- E) The provisions of RSA 80:80 govern the transfer of tax liens and the sale of property taken in default of redemption. The Selectmen, as authorized by Article 9 of the 1994 Town Meeting, shall have the authority to convey tax deed properties by sealed bid, public action, or as justice may require in accordance with RSA 80:80.
- F) Notwithstanding the provisions of this Policy, should twenty five (25) registered voters submit a petition requesting a town owned parcel be sold, and provided that petition is received prior to the annual Town Meeting deadline in accordance with RSA 39:3, said land will be listed and included on the Town warrant with a recommendation from the Selectmen in accordance with the Board's Rules of Procedures.

SECTION II : PROCEDURE PRIOR TO SALE OF PROPERTIES:

- A) The Board of Selectmen shall notice and schedule a public hearing on the proposed sale of all Town land. The public hearing notice shall include a list of all Town land to be sold, including map numbers, lot numbers, acreage, zoning districts, 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 by Town of Windham" 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 deed, the Board of Selectmen shall vote to either sell these parcels by public auction, sealed bids, or in such other fashion as justice may require complying with the provisions of the voted authority as described in Section I (E) above
- F) If the Board of Selectmen 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 also state 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 or a minimum value established by the Board.

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 DEEDED PROPERTIES: Auctions shall be conducted, sealed bids shall be received, or sales in such other fashion as justice may require shall be completed within forty-five (45) days after the decision to sell the properties.

2. SALE OF OTHER TOWN-OWNED PROPERTIES: Auctions shall be conducted, sealed bids shall be received, or sales in such other fashion as justice may require shall be completed before the first day of July following the annual Town Meeting vote authorizing the sale.
- B) The Chairman of the Board of Selectmen, or the Board's 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, lot numbers, and address.
- 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, contracted auctioneer fees, 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 of neighboring properties.
 2. Rights-of-Way which provide access to Town conservation lands, ponds and other bodies of water.
 3. Land which is suitable for conservation, recreation, or historic purposes. In cases where these lots are sold, the Board of Selectmen shall give serious consideration to attaching a conservation, recreation, or historic easement to the property prior to sale.
 4. In the circumstances in subparagraph 2 + 3 above, where Town retention is indicated, the Selectmen shall draft and submit a warrant article under RSA 80:80 (V) to seek Town approval to retain such parcel.

C) Notwithstanding any of the above Policy, the Board of Selectmen is authorized to dispose of tax deeded properties as “justice may require”. Should the Board of Selectmen elect to do so, they shall not be obligated to adhere to those procedures outlined in Sections II and III of this document, provided that any actions undertaken are deemed by the members to be in the best interest of the Town of Windham. 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; or,

D. Nothing in this policy affects the rights of “former owners” (as defined in law) to exercise rights to reacquire tax deeded properties under RSA 80:89

SECTION V : ADOPTION:

This Policy shall be construed to be the official Policy 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:

This Policy 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. McMahan
Board of Selectmen

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

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

Amended by the Board of Selectmen - November 9, 1998

Amended by the Board of Selectmen - October 15, 2012