



## Town of Littleton Sale of Town Owned Property Policy & Procedure

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### **Scope:**

This policy establishes a set of procedures for responding to requests for the lease, sale or other disposition of Town-owned land. This policy applies to:

1. land disposition requests made by private individuals or organizations;
2. land disposition recommendations initiated by the Town;
3. the sale of tax foreclosed property; and
4. the sale of land of low value according to applicable MA General Laws (MGL).

### **Purpose:**

This policy is intended to establish those procedures under which the Town will act in considering the disposition of any parcel of Town-owned land. This policy establishes procedures to:

1. Provide a clear understanding and uniform method for reviewing land disposition requests;
2. To ensure that decisions involving land disposition are well considered and address the concerns and needs of all relevant Town Departments and Boards;
3. To provide a mechanism for public input in the decision process.

### **Procedures:**

This policy shall apply to all departments of the Town of Littleton.

The Town shall establish a Land Sale Committee consisting of the Town Administrator and/or Assistant Town Administrator, the Building Commissioner, Planning Board representative, Town Assessor, Town Treasurer and a representative of the Conservation Commission, the Park & Recreation Commission, the Highway Department, and the Light & Water Department. The Town Administrator or the Assistant Town Administrator shall chair the committee. The committee shall meet as necessary to review applications for purchase and/or review parcels owned by the Town for possible sale to the public and to recommend its findings to the Board of Selectmen.

### Sale of Town-Owned Land (non-tax foreclosures)

- 1) All requests for the purchase of Town-owned real property shall be directed to the Town Administrator.
- 2) The requestor must complete a Real property Request Form (attachment A), which provides information relative to the property in question, including its intended use.
- 3) The completed form shall be forwarded to members of the Land Sale Committee and a public meeting shall be scheduled to review the application and parcel in question.

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- 4) Committee members shall consult with their respective Boards, as appropriate, as part of the review process.
- 5) If recommending a parcel be made available for sale to the public, the Committee shall complete the Real Property Request Form for each parcel under review.
- 6) The Town Administrator shall notify abutting property owners and any other individuals and/or organizations with interest in said property (see attachment B). The letter shall invite public comment in response to the disposition request and shall establish a reasonable time period for the receipt of any comments.
- 7) The Committee's recommendation to the Board of Selectmen shall include;
  - a. A description of the property including its current use and any structures;
  - b. The assessed (or appraised) value of the property and recommended sales price (if any);
  - c. All current and foreseeable public uses of the property;
  - d. Whether the property is appropriate for park and recreation or conservation purposes, in accordance with Section 35-3 of the Littleton Town Code;
  - e. Other identified advantages and disadvantages of disposition;
  - f. A recommended action. If a sale is to be recommended, an in-lieu of tax payment should be calculated to satisfy any property tax implications.
- 8) In making a recommendation, the Committee shall consider the following:
  - a. Current and foreseeable Town or other public use of the property;
  - b. Financial impact to the Town upon disposition or retention of property;
  - c. Impact of sale and proposed use of the property on the abutting land owners and surrounding neighborhood;
  - d. Alternatives to title transfer such as easements or lease;
  - e. Environmental impact of proposed or current use;
  - f. Restrictions that may be placed upon the property prior to sale, such as conservation restrictions, public access easements etc.
- 9) The Town Administrator shall present the Committee's recommendation to the Board of Selectmen.
- 10) The Board of Selectmen shall hold a public hearing before acting on the Committee's recommendation. Notice of the meeting should be given to the requestor (if any), abutting property owners and any other individuals or organizations with interest in the property.
- 11) The sale of property shall be governed under the property disposition process established by the Uniform Procurement Act, MGL Ch 30B (see below).

### Sale of Town-Owned Land – Tax Foreclosures

The Town may from time to time consider the sale of property foreclosed upon by the Town for unpaid property taxes. This process is intended to:

- A. Derive revenue to the Town from the sale of property;
- B. Place the foreclosed property back onto the tax rolls;

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### C. Bring the foreclosure process to final closure.

- 1) On an annual basis the Town Treasurer shall compile a listing of Town owned foreclosed property to the Land Sale Committee.
- 2) The Committee shall consider each parcel according to the guidelines specified above.
- 3) A listing of tax foreclosed property that will be recommended for sale should be sent to the Board of Selectmen.
- 4) Tax foreclosed property made available for sale by the Board of Selectmen may be disposed of by either MGL Ch 30B (Uniform Procurement Act) or by Ch 60 section 77B; Public Auction.

#### Procedures for Public Auction

*Note* – What follows is a summary of the applicable provisions of MGL Ch 60, § 77B. Prior to selling the property, the Committee and the Board of Selectmen shall review the statute and relevant provisions of the Littleton Town Code to ensure compliance with all relevant provisions, including those not specifically referenced herein and those that may be amended from time to time.

- 1) The Board of Selectmen may appoint a custodian who shall have care, custody, management and control of all property acquired by the Town by tax foreclosure. The custodian may sell such property at a public auction provided that the custodian complies with the requirements of MGL Ch 60 § 77B.
- 2) Proper notice must be given to the owner of record immediately prior to the acquisition of the property by the Town by registered mail at least 14 days prior to the auction. Similar notice must be posted in two or more convenient and public places in the Town. The notice of sale must include several legal requirements in addition to the requirements of Ch 60.
  - a. Title 5 Notice of Inspection
  - b. Auction procedures or specific terms, conditions or restrictions with respect to the sale of the property or properties.
- 3) After the sale of the property at auction the Treasurer shall execute and deliver a Treasurer's Deed, which transfers title from the Town to the purchaser. The Treasurer shall record the Deed within 15 days of the auction. The recording expense shall be paid by the purchaser.
- 4) A pro forma tax must be included in the Treasurer's Deed, in accordance with the provisions of MGL Ch 44 § 63A.
- 5) The purchaser must supply an Arson/Tax delinquency statement, in accordance with MGL Ch 60 § 77B and a Disclosure Statement required by MGL Ch 7 § 40.

#### Procedures for Sale under Uniform Procurement Act

*Note* – What follows is a summary of the applicable provisions of the *Uniform Procurement Act*, MGL Ch 30B, § 16. Prior to selling the property, the Committee shall review the statute to ensure compliance with all relevant provisions, including those not specifically referenced herein and those that may be amended from time to time.

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- 1) Any applicable Town Meeting votes have been taken to authorize a sale of property. The Town shall not sell land acquired by Town Meeting vote unless authorized by Town Meeting.
- 2) Value of Property has been determined;
  - a. By appraisal
  - b. By the assessed value of the property as long as the assessment
    - i. Is current
    - ii. The property is assessed at 100% of value
    - iii. The assessment was determined through valid procedures.
- 3) If the property is in excess of \$25,000, the Town must solicit proposals by advertising at least once per week for 2 consecutive weeks in a local newspaper. The last publication must occur at least 8 days prior to the day the proposals are to be opened. The parcels description, terms and requirements of the sale and the time and place for the submission of proposals must be included.
- 4) If the property contains more than 2,500 square feet the advertisement must also be published in the Central Register published by the Secretary of State.
- 5) The advertising requirement may be waived in a declared emergency as long as the reason for the emergency is published in the Central Register at the earliest opportunity.
- 6) Proposals are opened publicly at the designated time and place. The selected buyer and the amount of the transaction must be published in the Central Register.
- 7) The purchaser should also supply the Town with the pro-forma tax obligation, an Arson/Tax delinquency statement and disclosure Statement described above.

### Sale of property taken by Land-of Low Value

Once a property deemed to be Land of Low Value has been issued an Affidavit to Foreclose by the Commissioner of Revenue, the Town has four years to hold a public auction to dispose of the property. The Affidavit to Foreclose must be filed at the Registry of Deeds. Sale of Land of Low Value parcels are governed under MGL Ch 60 §§ 79, 80, 80A, 80B, and 80C. The Committee shall review parcels taken by the Land of Low Value process to establish any Town need or uses. If the Town decides to retain the property, a Treasurer's Deed must be issued and filed. The disposition of Land of Low Value must be by public auction, following the procedures outlined above.



## Town of Littleton Real Property Request Form

Requestor Information: Name of Requestor \_\_\_\_\_

Address \_\_\_\_\_ Home Phone \_\_\_\_\_

\_\_\_\_\_ Work Phone \_\_\_\_\_  
\_\_\_\_\_

Land Address \_\_\_\_\_ Assessor's Map and Lot Number \_\_\_\_\_  
\_\_\_\_\_ Acres/Sq. Feet \_\_\_\_\_  
\_\_\_\_\_ Assessed Value of Property \$ \_\_\_\_\_

Any Structures on the Property Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, Describe the type and condition of each structure

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Tax Status of Property (please indicate any back taxes owed)

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Description of Parcel (topography, natural features, water resources etc.)

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Current Use

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Intended Use \_\_\_\_\_

Nature of Requested Disposition (do you want an easement or do you wish to purchase the property?)

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Please attach any additional information you may have regarding the property and your intended use of the property.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Sample Abutter Letter – Attachment B

Dear Abutter:

The Town of Littleton has received a request for the purchase of property at [property address, assessor map and lot number] which is owned by the Town. (see enclosed request form). The request is currently under review by Town staff.

If you have any comments, questions, or concerns regarding this request, please let us know. We value your input and will take it into consideration when reviewing the land disposition request. Please be assured that no final action on this matter will be taken without a public hearing held by the Board of Selectmen.

Thank you for your attention to this letter. If you have any questions regarding it, please call me at 978-540-2460.

Sincerely,

Keith Bergman

Town Administrator