

Article II: Disposition of Town Owned Property [Adopted 5-13-1991, amended ____, 2018]

§ 281-2

Applicability.

These guidelines shall apply to all Town-owned property, whether acquired by tax lien or otherwise.

§ 281-3

Annual map update.

On an annual basis, the Assessor's office shall generate an updated map/maps indicating all Town-owned parcels.

§ 281-4

Sale of Town Owned Property Acquired Other than by Tax Deed

A. In 2003, Town Meeting authorized the Selectmen to sale tax owned property pursuant to RSA 41:14-a. Pursuant to that statute, prior to selling any town owned property, the selectmen must submit any such proposed sale to the planning board and to the conservation commission for review and recommendation by those bodies. After the selectmen receive the recommendation of the planning board and the conservation commission, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed sale. The selectmen's vote shall take place no sooner then 7 days nor later than 14 days after the second public hearing which is held. Upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed sale shall be inserted as an article in the warrant for the town meeting.

B. The provisions of this section shall not apply to the sale of and the selectmen shall have no authority to sell:

(1) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(2) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(3) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 54

§ 281-5

Sale of Tax Deeded Property.

A. As approved by the legislative body on March 12, 1994, the selectmen may dispose of tax deeded property via sealed bid, public auction or as justice may require pursuant to RSA 80:42 (III).

B. Before selling property other than by sealed bid or public auction, the selectmen must make an affirmative finding that disposal by a method other than sealed bid or public auction is in the public interest.

C. The authority to dispose of the property "as justice may require" shall include the power of the selectmen to:

(1) Engage a real estate agent or broker to list and sell the property, including a sale conditional on the buyer's obtaining development approvals;

(2) Sell undeveloped parcels to abutters for consolidation into adjoining lots for the purpose of preserving open space or reducing development density; or

(3) Convey the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement.

§ 281-6

Disposition following Governing Board Decision.

A. Auctions shall be conducted or sealed bids shall be received as soon as practicable following the Selectmen's vote.

B. The Chairman of the Board of Selectmen, or his designee, shall preside.

C. 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 ten (10) 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 and lot numbers and street locations.

D. The Selectmen may require either a cash deposit or treasurer's check in an appropriate amount from the successful 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. Any and all legal costs, survey costs, subdivision or other costs shall be borne by the buyer.