

ORDINANCE NO. 1008

AN ORDINANCE GOVERNING THE SALE OF ADJUDICATED PROPERTY.

BE IT ORDAINED AND ENACTED by the Council of the City of Minden, Louisiana, in Regular Session held on April 1, 2013, that in addition to the general method of disposing of adjudicated property, the Council of the City of Minden may:

Section 1: Elect to set a dollar amount as a minimum bid for the public sale of adjudicated property, which shall be at least the total amount of statutory impositions, governmental liens, and costs of sale.

Section 2: It may elect to require an appraisal of adjudicated property to be sold at public sale. When the political subdivision elects to use an appraised value to establish a bidding floor instead of setting a dollar amount minimum bid as allowed by this section, the political subdivision shall appoint a licensed appraiser to appraise and value the property. The minimum bid at the first public sale shall be at least two-thirds of the appraised value of the property. If the property fails to sell at the first public sale, the minimum bid at the second sale shall be one-third the appraised value of the property.

Section 3: Alternatively, the Council may elect to sell the adjudicated property at public sale to the highest bidder without setting a minimum bid or requiring an appraisal.

Section 4: The Council may allow an adjoining landowner to purchase adjudicated property for any price set by the governing authority without public bidding at a public meeting of the Council; provided, that the Council determines that the adjoining landowner has maintained the adjudicated property for a period of one year prior to the sale. Such a sale shall be deemed a public sale under the provisions of this subpart.

Section 5: When adjudicated property is declared surplus and a public bid is held, at the time of the bid opening, the declared highest bidder meeting the minimum requirements, if any, shall be required to post a \$500.00 deposit within five days of being declared the highest bidder. This is considered to be earnest money and shall be in the form of a certified check or bank money order. If said highest bidder fails to present the \$500.00 deposit within the time allowed, the property will be offered to the second highest bidder with the same deposit requirements. Said qualified highest bidder shall be

given 45 days from the date of the bid opening to consummate the sale or said qualified highest bidder will forfeit the \$500.00 deposit. If the sale is consummated within the 45 day time frame, the \$500.00 deposit will be applied toward the purchase price.

Section 6: While a tax debtor or an owner participates, directly or indirectly, in post-adjudication sale of donation during or subsequent to expiration of the redemptive period, it shall be treated as a redemption, and the tax debtor or owner shall be required to pay all taxes and costs in accordance with all laws applicable to redemptions. However, if the property is redeemed, all mortgages, liens, privileges, and other encumbrances affecting the property prior to the sale shall remain in force and effect with the same validity and priority as if sale had not occurred.

Section 7: While property remains adjudicated property, the current owner remains liable as owner of the property under applicable law. The City is not liable as owner of the property. (LSA 47:2210)

By motion of Tommy Davis, and seconded by Magaline Quarles, Ordinance No. 1008 was passed and adopted by the following vote on this 1st day of April, 2013:

AYES: Five
NAYS: None
ABSENT: None
ABSTAIN: None

/s/ _____
Bill Robertson, Mayor

ATTEST:

/s/ _____
Michael Fluhr, City Clerk