

ORDINANCE NO.
2007-O-25

**AN ORDINANCE REGULATING ADJUDICATED PROPERTIES
IN THE PARISH OF VERMILION.**

BE IT ORDAINED, by the Vermilion Parish Police Jury that there is a need to protect the public safety, health and welfare of the citizens of the Parish of Vermilion in regards to the abandoned properties within the Parish of Vermilion, Louisiana.

BE IT FURTHER ORDAINED, by the Police Jury of Vermilion Parish, in regular session convened on this 4th day of September, 2007, that the Vermilion Parish Police Jury adopt Parish Ordinance No. 2007-O-26 in the following specifics:

Section 1. Definitions

As used in this article, the following terms shall have the following meanings, to-wit:

Abandoned property shall mean any immovable property which is vacant or not lawfully occupied, i.e., any premises which is not actually occupied by its owner, lessee, or other invitee, that has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises may be entered and utilized by vagrants or other uninvited persons as a place of harborage, or any premises which, by reason of dilapidation, deterioration, state of disrepair, or other such status, is otherwise detrimental to or endangers public safety, health or welfare.

Adjoining landowner(s) shall mean the owner(s) of property sharing contiguous boundaries with an adjudicated vacant lot.

Adjudicated property shall mean immovable property which is (i) adjudicated to the Vermilion Parish Police Jury for non-payment of taxes in accordance with R.S. 47:2186 and 47:2251; (ii) no longer subject to redemption by reason of passage of the period of time during which the taxpayer might redeem the property as prescribed in Article VII, Section 25, of the Louisiana Constitution of 1974; (iii) not needed for a public purpose, and (iv) an abandoned property.

Adjudicated vacant lot shall include, but not be limited to, any undeveloped immovable property without any building thereon, which is not being maintained by its owner or an agent of its owner and which is adjudicated property.

Section 2. Sale of certain adjudicated properties by private sale

The Vermilion Parish Police Jury may, after the expiration of the period fixed by law for redemption of adjudicated property, sell the property in the manner specified within this section and in accordance with LSA-R.S. 47:2186 and following.

- (a) The Vermilion Parish Police Jury, or its designee, may select for private sale pursuant to this section, an adjudicated property which, in the sole discretion of the Vermilion Parish Police Jury, will facilitate the revitalization and/or rehabilitation of any area which is distressed and which might be improved by immediate renovation, and ultimate return to commerce and/or the private sector and/or which would facilitate employment and/or economic development.
- (b) The sale price for the sale of any adjudicated property sold pursuant to this section, shall be determined as follows:

The Vermilion Parish Police Jury, or its designee, shall select a licensed and qualified real estate appraiser pursuant to the selection procedures established by the Vermilion Parish Police Jury. The appraiser shall conduct a full appraisal of the property. The appraiser shall issue a written report which provides his estimation of the appraised value of the property. The sale price of the property shall be payable in cash, in an amount determined by the Vermilion Parish Police Jury, but not less than the appraised value.

Section 3. Sale of adjudicated vacant lots to adjoining landowners by private sale

- (a) The Vermilion Parish Police Jury, or its designee, may select for private sale to adjoining landowners an adjudicated property which constitutes an adjudicated vacant lot under the circumstances which satisfy the requirements of R.S. 33:4720.41, et seq.
- (b) The sale price for the sale of any adjudicated vacant lot sold pursuant to this section shall be determined in the manner set forth in Section 2(b).

Section 4. Sale of certain adjudicated properties by public auction

- (a) The sale of certain adjudicated properties located in Vermilion Parish, Louisiana shall be accomplished through a public auction of such properties. Such auctions shall consist of the adjudicated properties designated for the auction by the Vermilion Parish Police Jury or its designee.
- (b) The auctioneer shall be chosen pursuant to the terms of a request for proposal prepared by the Vermilion Parish Police Jury which shall outline the terms and conditions by which the auctioneer shall conduct the auctions on behalf of the Vermilion Parish Police Jury, including the compensation to be paid to the auctioneer. The auctioneer will be required to execute a contract with Vermilion Parish Police Jury establishing the relevant terms and conditions. The auctioneer shall have the responsibility for at least the following obligations which shall be specified in the contract, as well as any other obligations specified in the contract:
 - (1) Creation of a strategic marketing plan for Vermilion Parish Police Jury – This shall include advertising for marketing purposes. There shall be advertising in the appropriate local newspapers; a listing of the adjudicated properties on the auctioneer’s web site; providing press releases to television and radio stations; and the installation of signs on each of the adjudicated properties which shall be included within the auction.
 - (2) Preparation of promotional literature – This shall include the preparation and distribution of postcards, brochures and fliers and shall include pertinent information regarding the auction.
 - (3) Preparation of an auction registration – This shall include the preparation of registration packages, equipment and personnel.
 - (4) Provide personnel necessary to conduct a professional and orderly auction – This shall include providing for proper security and providing competent personnel to handle the auction and the attendant record keeping for the auction.
 - (5) Provide necessary equipment – This shall include providing computers and audio and video equipment.
 - (6) Provide report to Vermilion Parish Police Jury after the auction – This shall include providing to Vermilion Parish Police Jury a list of all adjudicated properties which were sold and a list of those not sold; a list of all buyers registered at the auction; and a copy of all purchase agreements.
 - (7) Post-auction duties – This shall include ensuring that a deposit of either ten percent of the sales price or the amount of auction costs attributable to the tract, whichever is greater, is collected at the auction and the balance collected at closing, all in the form of cash or certified funds; coordinating closings with the closing agency; and providing the closing agency with execution copies of the Act of Sale.
 - (8) Additional responsibilities – This shall include abstracting the adjudicated properties to determine all tax debtors, mortgagees and other interested parties and identifying to Vermilion Parish Police Jury the names and addresses of all such parties sufficiently in advance of the auction to allow

Vermilion Parish Police Jury to provide the timely and proper legal notice to such parties.

- (c) Vermilion Parish Police Jury shall be responsible for at least the following obligations which shall be specified in the contract, as well as any other obligations specified in the contract:
 - (1) Selection of auctioneer, place and tracts – This shall include the selection of the auctioneer and the location of the auction and for timely designating the adjudicated properties to be included within the auction.
 - (2) Minimum price – Vermilion Parish Police Jury shall establish a minimum bid or price for the sale of each tract.
 - (3) Legal notice – Vermilion Parish Police Jury shall also be responsible for providing all tax debtors, mortgagees and other interested parties with timely legal notice of the impending sale, consistent with the requirements of Louisiana law.
 - (4) Legal advertisement – Vermilion Parish Police Jury shall provide any other legal notice or legal advertisement which may be required under Louisiana law.
 - (5) Approval of tracts – Vermilion Parish Police Jury shall approve, by resolution, any tracts to be sold at the auction.
 - (6) Closing agency – The Parish attorney shall be solely responsible for selecting a closing agency to handle the actual sale of the property.
- (d) After the auction, as noted above, the auctioneer will coordinate the closing of the sales with the closing agency.
- (e) The President or Administrator/Secretary-Treasurer of the Vermilion Parish Police Jury are hereby authorized and directed to sign any and all documents, agreements or other papers reasonably necessary to accept or implement the program for the sale of adjudicated properties, as described herein, and to return all monies, appraiser's fees or deposits heretofore paid in connection with the prior procedure or program.

Section 5. General

- (a) All Acts of Sale of adjudicated property shall contain provisions, acceptable in form and substance to the legal counsel for the Vermilion Parish Police Jury, which provide that all such sales shall be for cash and shall be without warranty of title and without any warranty of merchantability or fitness; shall be “as is, where is”; that it shall be the obligation of the purchaser to obtain title insurance, if it is desired; that all such sales shall reserve all mineral rights to Vermilion Parish Police Jury; that all such sales shall be subject to such encumbrances, liens, mortgages, real charges or other burdens reflected in the public records; and that the Act of Sale for such adjudicated property shall contain a condition which shall require the purchaser of such property to improve/renovate/make use of the tract, to the satisfaction of Vermilion Parish Police Jury, within 270 days of the passage of the Act of Sale and that, if the purchaser fails to timely comply with this provision, Vermilion Parish Police Jury shall have the right to dissolve or cancel the sale.
- (b) The purchaser at private sale of an adjudicated property shall be responsible for the payment of the sale price; all accrued taxes, penalties and liens, if any; all costs associated with the private sale of the property including, but not limited to, advertisement and publication costs, the fees and expenses of the appraiser, the costs of the purchase (including, but not limited to, attorney's fees) and the recordation costs for the sale.

Section 6. Repeal of conflicting ordinances

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

Section 7. Severability

Should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

Section 8. Effective date

This ordinance shall become effecting upon the signature of the Administrator/Secretary-Treasurer of the Vermilion Parish Police Jury.

This amendment having been submitted in writing, having been read and adopted at a public meeting of the Police Jury of the Parish of Vermilion, State of Louisiana, was then submitted to an official vote as a whole, the vote was thereon being as follows:

YEAS: Mr. Carroll Duhon, Mr. Hubert J. Faulk, Mr. Ronald Darby, Mr. Wayne Touchet, Mr. Mark Poche', Mr. David C. Mayard, Mr. Edval Simon, Jr., Mr. Maxwell Chreene, Mr. Gaulman Gaspard, Mr. Ravis Menard, Mr. Purvis Abshire, Mr. T. J. Prejean, Jr., Mr. Luther "Buster" Hardee, III

NAYS: None

ABSENT: Mr. Minos Broussard

I, Chris P. Theriot, Administrator/Secretary-Treasurer of the Vermilion Parish Police Jury, do hereby certify that the above is a true and exact copy of an ordinance adopted by the Vermilion Parish Police Jury, at the regular meeting of September 4, 2007, at which a quorum was present and acting.

Chris P. Theriot
Administrator/Secretary-Treasurer
Vermilion Parish Police Jury