

DEKALB COUNTY COMMISSIONERS
RESOLUTION NUMBER 2016-R-18

Resolution Setting Forth the Basis for the
DeKalb County Commissioners to Transfer Property
Subject to a Commissioners' Certificate Sale to the
City or Town in Which the Property is Located
Pursuant to I.C. 6-1.1-24-6.2

WHEREAS, the DeKalb County Commissioners, pursuant to Indiana law, plans a Certificate Sale for real property not purchased in a prior tax sale, to take place in March or April 2017; and

WHEREAS, some of the properties to be offered for Certificate Sale have very large amounts of delinquent taxes, special assessments, penalties, interest, or charges attributable to a prior tax sale; and also may have municipal liens properly placed of record against those properties; and

WHEREAS, the City of Garrett has identified several of these properties in need of being fixed or demolished, cleaned up and/or repurposed, to make them more valuable to the community; and

WHEREAS, the City of Garrett has funds to make said properties more valuable to the community, but does not have funds to pay delinquent taxes, assessments, penalties, interest, or charges which are liens against the properties; and also may have municipal liens properly placed of record against those properties; and

WHEREAS, the Commissioners are willing to consider the transfer of these property to Garrett, subject to certain restrictions set forth herein; and also subject to Garrett responding by resolution to the offer of said property by the Commissioners not later than twenty (20) days after Garrett receives notice from the Commissioners of the willingness to transfer the property with conditions.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of DeKalb County, Indiana, as follows:

1. The Commissioners agree to transfer the Certificate for these properties to a Garrett for the negotiated sum of One dollar (\$1.00) per property pursuant to I.C. 6-1.1-24-6.2(b), but subject to the conditions and terms set forth herein.
2. If the Garrett elects to accept transfer by the Commissioners in a timely manner as provided by I.C. 6-1.1-24-6.2, Garrett shall be relieved of the responsibility to pay all delinquent taxes, special assessments, penalties, interest, and costs of any private sale, provided that no delinquent taxpayer will benefit by receiving proceeds from the subsequent sale of the property by Garrett unless the County has been made whole by the payment of all delinquent taxes, assessments, penalties, interest, and costs from a prior sale.
3. If these properties are later sold by Garrett, but not to a delinquent taxpayer, Garrett may retain any and all monies utilized for fixing up the property, including demolishing and/or repurposing, and if any funds remain thereafter, said proceeds must be payable on a pro rata basis to the County and Garrett for all delinquent taxes, assessments, penalties, interest, costs of a prior tax sale, and municipal liens properly placed of record.

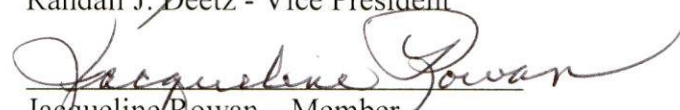
4. If, upon the County offering the Certificate to Garrett by Resolution for each of the properties, and Garrett thereafter gives proper and timely notice to the County, but does not thereafter complete the process of fixing up the properties, including demolishing and/or repurposing, those properties not fixed up shall be transferred back in certificate form to the County.
5. At the time of the execution and delivery of a notice accepting the proposal of the County for Garrett to acquire a certificate for said properties referred to herein, Garrett shall be required to send notice to all adjoining property owners in the manner provided by law to determine whether such property owner has an interest in acquiring the property from the County executive pursuant to I.C. 6-1.1-24-6.8. If that adjoining property owner expresses such an interest to the County executive within twenty (20) days of receiving notice from the City of Garrett of the properties it seeks to acquire, the Commissioners shall have the right instead to transfer said property to the adjoining property owner rather than to the City of Garrett.

ALL OF WHICH IS RESOLVED by the Board of County Commissioners of DeKalb County, Indiana, on this 7th day of November, 2016.


DEKALB COUNTY COMMISSIONERS:


Donald D. Grogg - President


Randall J. Deetz - Vice President


Jacqueline Rowan - Member

Attested:


By Jan Bauman, Auditor

Tax Sale Certificates to be conveyed: 26-09-03-306-005
26-09-03-306-006
26-09-04-231-024
26-09-04-231-025
26-05-33-426-005
26-09-03-152-016
26-09-03-152-017
26-09-03-152-018
26-09-03-152-019
26-09-03-152-020
26-09-03-152-021