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DEKALB COUNTY COMMISSIONERS
RESOLUTION NUMBER 2015-R- /

COPY

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, have scheduled a Certificate Sale for real property not purchased in a prior tax sale; 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, certain cities and towns in DeKalb County, Indiana, have been awarded a Blight Elimination Grant to acquire those properties and to use grant proceeds to fix or demolish and repurpose, to make them more valuable to the community; and

WHEREAS, I.C. 6-1.1-24-6.2 permits the county to transfer such properties to a city or town in which the property is located prior to the Certificate Sale by the Commissioners; and

WHEREAS, the Commissioners are willing to consider the transfer of certain of these properties to the city or town in which the property is located, subject to certain restrictions set forth herein; and also subject to the city or town responding by resolution to the offer of said property by the Commissioners not later than twenty (20) days after the executive of the city or town receives the 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:

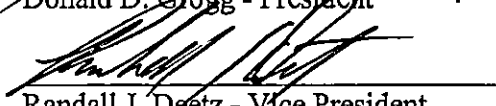
1. The Commissioners agree to transfer property to a city or town in which property is located in which property is covered by the grant for said city or town through the Blight Elimination Program, but subject to the conditions and terms set forth herein.
2. If the city or town elects to accept the transfer by the Commissioners in a timely manner as provided by I.C. 6-1.1-24-6.2, the city or town must pay all delinquent taxes, special assessments, penalties, interest, and costs of any prior tax sale UNLESS grant money is used solely for the purposes set forth in the Blight Elimination Program grant and no delinquent taxpayer will benefit by receiving proceeds from the subsequent sale of the property by the city or town unless the County has been made whole by the payment of all delinquent taxes, assessments, penalties, interests, and costs from a prior tax sale.
3. If any excess proceeds remain from the grant monies after fixing up the property, including demolishing and repurposing, and if grant proceeds may be used to offset some of the delinquent taxes, assessments, penalties, interest and costs of a prior tax sale, or municipal liens, those proceeds must be payable on a pro rata basis to the County or city or town 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 property to a city or town by Resolution, and if the city or town desires to acquire property pursuant to I.C. 6-1.1-24-6.2, and gives proper and timely notice to the County; but thereafter does not complete the process of fixing up the properties, including demolishing and repurposing, pursuant to the Blight Elimination Program grant, the property 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 the city or town to acquire a certificate for a property within that city or town, that city or town 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 or town of the property it seeks to acquire, the Commissioners shall have the right to instead transfer said property to the adjoining property owner rather than to the city or town in which the property is located.

ALL OF WHICH IS RESOLVED by the Board of County Commissioners of DeKalb County, Indiana, on this 9th day of February, 2015.

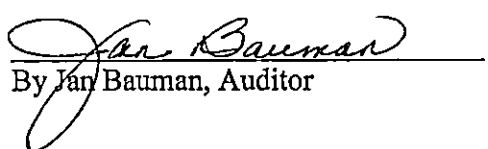
DEKALB COUNTY COMMISSIONERS:


Donald D. Grogg - President


Randall J. Deetz - Vice President


Jacqueline Rowan - Member

Attested:


By Jan Bauman, Auditor