

Town of Dover-Foxcroft
Ordinance for Conveyance of Town Owned Real Estate

1.1.1 Authority

This ordinance governs conveyance of Town-owned real estate under Article V, Section 3.4 of the Town Charter. The Board of Selectmen pursuant to Article V, Section 3.4 of the Charter is authorized to sell and dispose of Town-owned real estate in accordance with this ordinance, without a town meeting vote.

Except for conveyance of cemetery lots and property acquired by the foreclosure of mortgages for unpaid taxes or sewer charges approved by the Board of Selectmen under Article V, Section 3.3 of the Town Charter, any conveyance of Town-owned real estate that is not substantially in accordance with this ordinance must be approved by town meeting vote.

1.1.2 Conveyance by Town

Except for conveyance of cemetery lots and property acquired by the foreclosure of mortgages for unpaid taxes or sewer charges approved by the Board of Selectmen under Article V, Section 3.3 of the Town Charter, real estate shall be sold or conveyed by the Town only after the adoption by affirmative vote of a majority of the Board of Selectmen, a resolution calling for said sale or conveyance of the real estate owned by the Town. The resolution shall contain a reasonably accurate description of the property proposed to be conveyed.

1.2 Public Notice

After the Board of Selectmen votes to sell real estate, notices shall be sent by certified mail to each landowner abutting the proposed parcel to be sold. Landowners shall be considered those to whom property taxes are assessed. Notice shall also be given by newspaper at least 10 days prior to the deadline for submitting a bid. Failure to receive a notice of public sale shall not necessitate another sale or invalidate the action of the town.

1.3 Bid Procedure

All bids shall be in writing and shall clearly identify the purchaser and the price bid for the property. In addition, bidders may be required to describe the proposed use of the property and the estimated time frame for the proposed use of the property to be accomplished. The Board of Selectmen shall designate additional procedures to implement the sealed bid process.

1.4 Bid Award/Transfer Agreement

The Board of Selectmen will consider all information requested and provided by the bidder in awarding the bid. In considering bids, preference may be given to an abutter of a property if the Board of Selectmen deems that the abutter has submitted a competitive bid price and suitable proposal for use of said property. After the Selectmen identify a successful bidder, both parties must enter into a formal real estate transfer agreement. After appropriate discussion of the proposal, the Board of Selectmen shall bring the matter to a vote. The Board of Selectmen is under no obligation to accept any bid or proposal. The Board reserves the right to reject any or all bids for any reason and withdraw the offer to convey the property, even if a minimum bid price is selected by the Board and is met by the bidder. If the bid process described above is unable to yield a bid acceptable to the Board of Selectmen, the Board may proceed with re bidding the property or pursue sale of the property through a licensed real estate agent. The Board will provide information in the bid specifications as to potential restrictions or conditions the town may place on the sale of the property including but not limited to limits on the future uses of the property.

1.5 Transfer agreement.

After a bidder is invited to enter into a real estate transfer agreement with the town, the bidder shall submit a non-refundable deposit on the property equal to 5% of the bid price. After the deposit is made and recorded by the treasurer, the Board of Selectmen will proceed to prepare and review the transfer agreement to include any terms referenced in the original bid or other considerations the Board deems appropriate. The Board of Selectmen shall make all substantive conditions of sale to be contained in the transfer agreement known to the buyer prior to the town's acceptance of the 5% deposit.

Alternatively, by mutual agreement of the Board and the successful bidder, the parties may proceed directly to closing on the transfer of title.

1.6 Requests for Proposals

In lieu of the procedures prescribed above, the Board of Selectmen may issue requests for proposals for redevelopment, rehabilitation or re-use of Town-owned real estate, and may establish suitable selection criteria. Requests for proposals will be publicly advertised and kept open for a sufficient period to allow for submission of proposals by multiple qualified proposers. Final conveyance of the property concerned to the selected developer or proposer shall be subject to a written property transfer agreement, option agreement or development agreement to be approved by the Board of Selectmen.

1.7 Property Exchanges

As an alternative to the procedures provided above, the Board of Selectmen may approve the conveyance of Town-owned real estate as part of an exchange or swap of properties, when the Board finds that the properties concerned are of substantially equal value or that

the exchange is otherwise beneficial to the Town. Any such exchange shall be subject to a written agreement to be approved by the Board of Selectmen.

1.8 Form of Conveyance

All conveyances of Town-owned real estate under this ordinance shall be by municipal quitclaim deed, without warranty. Conveyances of Town-owned real estate by warranty deed or by quitclaim deed with covenant must be approved by town meeting vote.

ADOPTED BY TOWN MEETING REFERENDUM JUNE 14, 2011

ATTEST:


LISA A. NILES, TOWN CLERK
TOWN OF DOVER-FOXCROFT

(seal)

