

Blight Busters!



New Orleans
City Attorney's
Guide to

Sale of Adjudicated Vacant Lot to Adjoining Landowner who has been Maintaining the Lot

For questions contact:
Housing Unit
City Attorney's Office
1340 Poydras St., Room 1115
New Orleans, LA 70115
(504) 299-4850
www.blightbusters.com

Definitions

“Adjoining landowners” are any owners of adjoining property to the adjudicated vacant lot that is the subject of sale

“Adjoining property” shall be the parcels of land sharing contiguous boundaries with the adjudicated vacant lot that is the subject of sale

“Adjudicated Vacant Lot” shall include, but not be limited to, any undeveloped immovable property without any buildings thereon, which is not being maintained by its owner or an agent of its owner, and that has been adjudicated [or sold] to a parish or municipality for nonpayment of taxes.

“Immediate vicinity” shall mean any of the following:

- (1) The square within which the adjudicated vacant lot is located.
- (2) Properties located on the street on which the adjudicated vacant lot is located in squares adjoining the square within which the adjudicated vacant lot is located.
- (3) Properties located on the street on which the adjudicated vacant lot is located in the square across the street from the square in which the adjudicated vacant property is located.
- (4) Properties located on the street on which the adjudicated vacant lot is located in the squares adjoining the square across the street from the square in which the vacant property is located.

Sale of Adjudicated Vacant Lot to the Adjoining Landowner who has been Maintaining the Lot

R.S. 33:4720.41, *et seq.*, allows the City of New Orleans to sell an “adjudicated vacant lot” to an “adjoining landowner” who “undertakes open, notorious [generally known and talked of], continuous, uninterrupted, peaceable [not contentious or quarrelsome], public and unequivocal [leaving no doubt] possession of and maintains the adjudicated vacant lot in accordance with all relevant state and local laws for a period of one year.” The terms “adjudicated vacant lot” and “adjoining landowner” are defined in the Definitions section of this Guide.

The City cannot convey an “adjudicated vacant lot” that has not been adjudicated for at least three (3) year subsequent to the filing of the tax sale deed to the City with the Registrar of Conveyances. La. Const. Art. 7, §25(B)(2); R.S. 33:4720.45. The property will be sold privately for 50% of the appraised value, but for not more than the appraised value, less the attorney’s fees and costs necessary to make the title to the property insurable. These acts of sale convey the property free and clear of taxes, interest and penalties and conventional and judicial mortgages.

If you are an “adjoining landowner” who has met these requirements and you are interested in purchasing an “adjudicated vacant lot”, you must submit an application, an “Adjoining Landowner” affidavit and two “Neighbor” affidavits, forms of which are attached. Additionally, you **must** retain an attorney who will work with the City Attorney’s office in meeting the requirements of the statutes.

The City Attorney’s office administers this program.

Return to:
Housing Unit
City Attorney's Office
1340 Poydras St.
Room 1115
New Orleans, LA 70112

**CITY OF NEW ORLEANS
APPLICATION FOR POST-ADJUDICATION SALE
OF ADJUDICATED VACANT LOT**

Received
(Date)

PLEASE TYPE OR PRINT PLAINLY

PROPERTY ADDRESS	CITY AND STATE	ZIP	TAX BILL NUMBER:
	New Orleans, Louisiana		

NAME AND ADDRESS OF APPLICANT:	TELEPHONE NUMBER:
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NAME AND ADDRESS OF OWNER:

Note: Applications will be considered on a "first come-first served" basis. The term "first come-first served" shall mean the first complete application received. The following attachments must be submitted with the application to make it complete:

- NORA No Interest Form
 - Acknowledgment of SAV-a-Lot Policies
 - Tax bill, showing the property to be adjudicated to the City of New Orleans for taxes
 - Tax sale deed to the City of New Orleans, with recordation information thereon, showing that the three-year redemptive period has passed
 - Appraisal of the property
 - "Adjoining landowner" affidavit
 - Two "neighbor" affidavits
-

Note: The following must be submitted within fifteen (15) days after preliminary approval of the application:

- Proposed act of sale
 - Title insurance commitment, showing the parties who have interests in the property and the address of the parties as shown on the public records
 - The name, address and telephone number of my attorney is:
-

Dated: _____

(Name of Proposed Purchaser)

By: _____

(Name)

(Title)

WARNING

The filing or depositing in any public office of any forged document, wrongfully altered document, or any document containing a false statement or false representation of a material fact, is a felony pursuant to La. R.S. 14:133, punishable by imprisonment for not more than five years, with or without hard labor, plus a fine of not more than five thousand dollars, or both.

**AFFIDAVIT OF
ADJOINING LANDOWNER'S MAINTENANCE
- by the Adjoining Landowner-**

BEFORE ME, the undersigned Notary Public duly commissioned and qualified in and for the Parish of _____, State of Louisiana, therein residing, and in the presence of the undersigned competent witnesses,

PERSONALLY CAME AND APPEARED _____, who, being by me first duly sworn, declared that:

1. He/she is the owner of property described as Lot ____, Square ____, ____ Municipal District, City of New Orleans, Louisiana, bearing the Municipal Address _____, New Orleans, Louisiana (“the Adjoining Property”).
2. The property described as Lot ____, Square ____, ____ Municipal District, City of New Orleans, Louisiana, bearing the Municipal Address _____, New Orleans, Louisiana (“the Adjudicated Vacant Lot”), directly adjoins (lies next to or is in contact with) the Adjoining Property.
3.
 - a. The Adjudicated Vacant Lot is vacant (has no improvements thereon); and
 - b. The Adjudicated Vacant Lot has been adjudicated or sold to the City of New Orleans for nonpayment of taxes; and
 - c. The tax sale deed to the City of New Orleans whereby the City of New Orleans acquired the adjudicated vacant lot has been recorded with the Register of Conveyances for at least three (3) years.
4. He/she has undertaken open, notorious (generally known and talked of), continuous, uninterrupted, peaceable (not contentious or quarrelsome), public, and unequivocal (leaving no doubt) possession of and maintained the Adjudicated Vacant Lot in accordance with all relevant state and local laws for a period of at least one year.

THUS DONE AND PASSED in my office in _____, State of Louisiana, on the _____ day of _____, 20____, in the presence of the undersigned competent witnesses and me, Notary, after reading of the whole.

WITNESSES:

Affiant

NOTARY PUBLIC

**AFFIDAVIT OF
ADJOINING LANDOWNER'S MAINTENANCE
- by the Neighbor-**

BEFORE ME, the undersigned Notary Public duly commissioned and qualified in and for the Parish of _____, State of Louisiana, therein residing, and in the presence of the undersigned competent witnesses,

PERSONALLY CAME AND APPEARED _____, who, being by me first duly sworn, declared that:

1. He/she is the owner or lessee of property described as Lot ____, Square ____, ____ Municipal District, City of New Orleans, Louisiana, bearing the Municipal Address _____, New Orleans, Louisiana (“the Neighboring Property”) and has been in possession thereof for at least one year.
2. The property described as Lot ____, Square ____, ____ Municipal District, City of New Orleans, Louisiana, bearing the Municipal Address _____, New Orleans, Louisiana (“the Adjudicated Vacant Lot”), is in the immediate vicinity of the Neighboring Property. “Immediate vicinity” has the meaning indicated on Exhibit “A”, attached hereto and made a part hereof.
3. _____ (the “Adjoining Landowner”) is the owner of property described as Lot ____, Square ____, ____ Municipal District, City of New Orleans, Louisiana, bearing the Municipal Address _____, New Orleans, Louisiana (“the Adjoining Property”), which property directly adjoins (lies next to or is in contact with) the Adjudicated Vacant Lot.
4. The Adjoining Landowner has undertaken open, notorious (generally known and talked of), continuous, uninterrupted, peaceable (not contentious or quarrelsome), public, and unequivocal (leaving no doubt) possession of and maintained the Adjudicated Vacant Lot in accordance with all relevant state and local laws for a period of at least one year.

THUS DONE AND PASSED in my office in _____, State of Louisiana, on the _____ day of _____, 20____, in the presence of the undersigned competent witnesses and me, Notary, after reading of the whole.

WITNESSES:

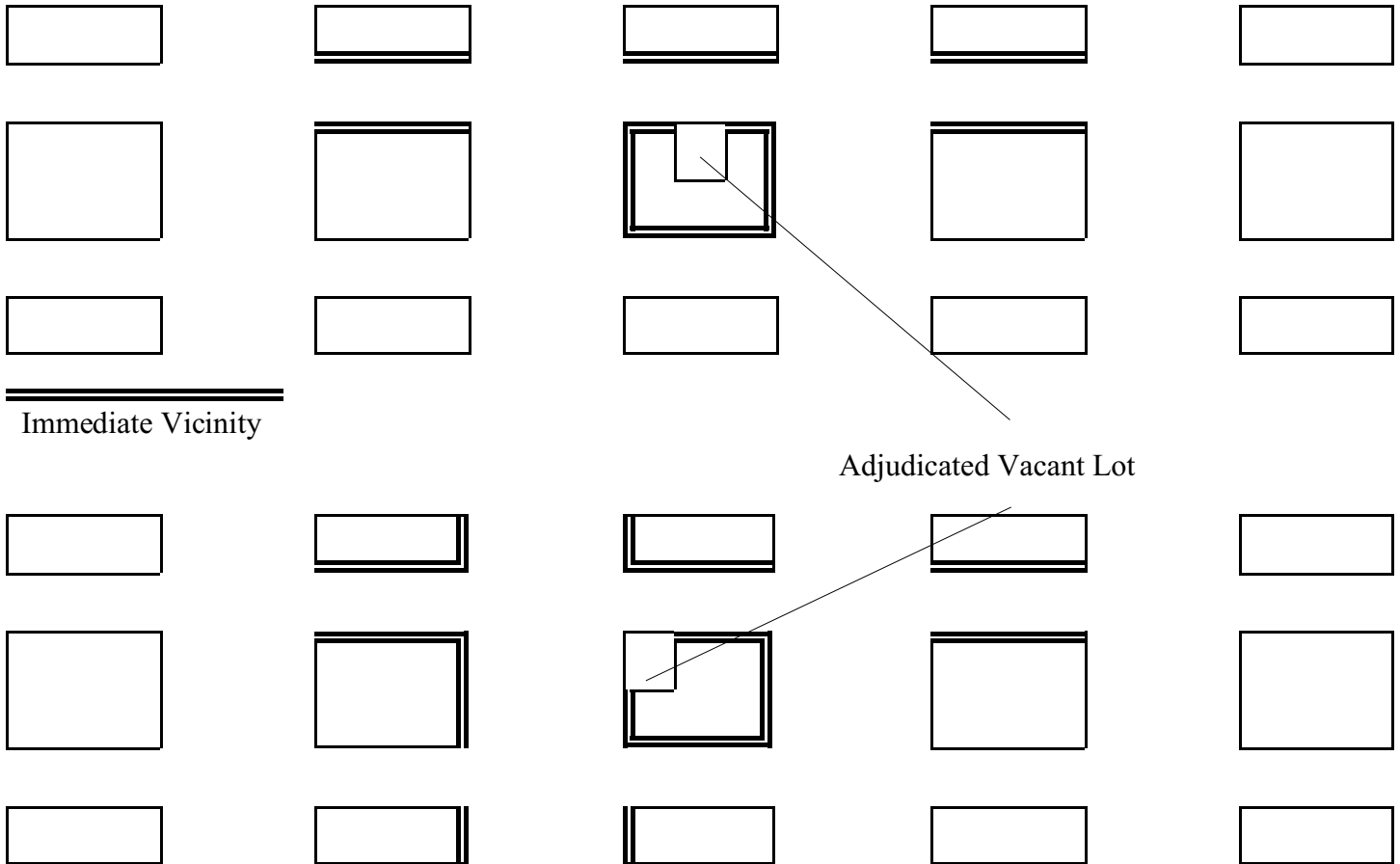
Affiant

NOTARY PUBLIC

Exhibit "A"

"Immediate vicinity" means any of the following:

- (1) The square within which the adjudicated vacant lot is located.
- (2) Properties located on the street on which the adjudicated vacant lot is located in squares adjoining the square within which the adjudicated vacant lot is located.
- (3) Properties located on the street on which the adjudicated vacant lot is located in the square across the street from the square in which the adjudicated vacant property is located.
- (4) Properties located on the street on which the adjudicated vacant lot is located in the squares adjoining the square across the street from the square in which the vacant property is located.



Acknowledgment of SAV-a-Lot Policies

I have read and consent to the following policies and certify that I meet the Conditions of Application.

Date: _____

Applicant for Sale of Adjudicated Vacant Lot

POLICIES CONCERNING THE SALE OF ADJUDICATED VACANT LOTS TO ADJOINING LANDOWNERS WHO HAVE MAINTAINED THE LOTS FOR ONE YEAR

Role of the City Attorney's Office

- The City Attorney's Office represents the City, not the applicant. The City Attorney's Office shall in all decisions concerning the sale of adjudicated vacant lots act in the best interests of the City, not the applicant. The City Attorney's Office cannot and shall not render legal advice to the applicant. Neither the applicant nor the applicant's attorney may rely upon any legal advice rendered by the City Attorney's Office.
- The applicant shall retain his/her/its own attorney to represent the applicant's interests.
- The City is not required to sell adjudicated properties. It may choose, in its own discretion, to do so if it perceives such a sale or sales to be in the City's best interests.
- These policies may be amended at any time without notice to the applicant.

Conditions of Application

- Applicants may not apply for the sale of adjudicated vacant lots owned in whole or in part by the applicant.
- Unless otherwise permitted in writing by the Mayor or the Executive Assistant to the Mayor for Housing and Neighborhood Development, applicants may not apply for the sale of adjudicated vacant lots owned in whole or in part by:
 - a member of the applicant's immediate family, or
 - any entity in which the applicant or a member of the applicant's immediate family has an interest, or
 - any entity of which the applicant or a member of the applicant's immediate family is an officer, director, trustee, partner, employee or member, or
 - any person or a member of the person's immediate family who has an interest in the applicant or is an officer, director, trustee, partner, employee or member in or of the applicant.
- The Mayor, the Executive Assistant to the Mayor for Housing and Neighborhood Development or the City Attorney may, in any of those officials' sole discretion, debar any person or entity, temporarily or permanently, from participation in the Sale of Adjudicated Vacant Lot Program for any cause, including, but not limited to, contributing to the abandoned or blighted status of any property or having an interest in any person or entity

owning a blighted or abandoned property or being an entity in which any person or entity owning a blighted or abandoned property has an interest, or for filing or depositing with the City Attorney's Office any forged document, wrongfully altered document, or any document containing a false statement or false representation of a material fact.

Conditions of Sale

- Sales of adjudicated vacant lots shall be at 50% of the appraised value as established by a licensed Louisiana appraiser. After review of the appraisal, the City Attorney's Office, in its sole discretion, may reject the appraisal and require another appraisal.
- The sales shall be without warranty of title and "as is".

Acceptance of Applications and Preliminary Approval

- In order to be complete, applications must be accompanied by:
 - New Orleans Redevelopment Authority ("NORA") No Interest Form showing that NORA is not expropriating the property and that the property is not a REALM property. In the sole discretion of the Executive Assistant to the Mayor for Housing and Neighborhood Development, an application for the sale of an adjudicated property that is a REALM property, but not subject to a letter of interest, may be accepted.
 - Acknowledgment of SAV-a-Lot Policies
 - Tax bill, showing the property to be adjudicated to the City of New Orleans for taxes
 - Tax sale deed to the City of New Orleans, with recordation information thereon, showing that the three (3) year redemptive period has passed
 - Appraisal of the property (commercial properties must have a commercial appraisal)
 - "Adjoining Landowner" Affidavit
 - Two "Neighbor" Affidavits
 - Name, address and telephone number of the applicant's attorney.
- Incomplete applications may be supplemented by the applicant within five (5) days of verbal or written notice that the application is incomplete.
- Incomplete applications that are not completed on a timely basis shall be rejected.
- Complete applications shall be accepted only from an applicant who has "undertake[n] open, notorious [generally known and talked of], continuous, uninterrupted, peaceable [not contentious or quarrelsome], public and unequivocal [leaving no doubt] possession of and maintain[ed] the adjudicated vacant lot in accordance with all relevant state and local laws for a period of one year." However, an application may be rejected if, in the sole discretion of the City Attorney's Office, it may cause a diminution in benefits to the City or cause undue delay or a risk of litigation.

Routing after Preliminary Approval

- Prior to the act of sale, the applicant must submit the following:
 - Proposed act of sale, and
 - Title insurance commitment, showing the parties who have interests in the property and the address of the parties as shown on the public records

- The applicant or the applicant's attorney shall serve as the city's representative by providing and recording the notices required by La.-R.S. 33:4720.47. Such notices must be provided to the owner and all interested parties sixty (60) days prior to the act of sale. The applicant must submit to the City Attorney's Office a copy of the recorded notices indicating that the sixty (60) days have passed.
- The City of New Orleans reserves the right, in its sole discretion, to reject any application, whether complete or incomplete. The decision to reject a complete application may be made by the Mayor, the Executive Assistant to the Mayor for Housing and Neighborhood Development, the City Attorney, the Director of Finance, the City Planning Commission, the City Council member for the councilmanic district in which the property is located, or the City Council. Any of the foregoing shall be deemed to have rejected an application if he, she or it does not approve the application within a reasonable period of time.
- Applications may be rejected if the legal requirements for the sale of adjudicated vacant lots no longer exist, e.g., the property has been redeemed.
- Applications may be converted to an application for a public sale of adjudicated property in the sole discretion of the Mayor, the Executive Assistant to the Mayor for Housing and Neighborhood Development or the City Attorney.