

**Chapter 183**  
**REAL PROPERTY, SALE OF**

**ARTICLE I**  
**Sale of Tax Deeded Property**

- § 183-1. Applicability.
- § 183-2. Acquisition and sale of property taken for unpaid real estate taxes.
- § 183-3. Procedures for sale.
- § 183-4. Circumstances in which procedures for sale shall not be followed.
- § 183-5. Sale of unique properties.

- § 183-6. Authority to execute quitclaim deeds to third parties.

**ARTICLE II**  
**Sale of Property Obtained by Means Other Than Tax Deed**

- § 183-7. Sale of surplus real property.
- § 183-8. Sale of surplus property through a written offer from a private party.

**[HISTORY: Adopted by the City Council of the City of Laconia 5-31-1994 by Ord. No. 253-94.11. Amendments noted where applicable.]**

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**ARTICLE I**  
**Sale of Tax Deeded Property**

- § 183-1. Applicability.

This chapter establishes procedures that shall apply to each and every parcel of real property that the city has obtained through the execution of a tax deed.

- § 183-2. Acquisition and sale of property taken for unpaid real estate taxes.

- A. If, after the execution of any real estate tax lien, the subject property is not redeemed within the time period prescribed by applicable statutory law, the Tax Collector shall deed the unredeemed property interest to the city in accordance with that statutory law.
- B. At any time prior to the Tax Collector's conveyance to the city, whether before or after receipt of the Tax Collector's notice of intent to convey, the City Manager may certify to the Tax Collector that the city will not, under any circumstances, accept a deed to the property. This certification shall be subject to the following provisions:
  - (1) A certification shall be issued in every case if the City Manager has reason to believe that acceptance of a deed to the subject parcel will expose the city to liability for environmental impairment under the provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., RSA 147-A and 147-B or any other federal or state environmental statute.

- (2) A certification may be issued in any case for other reasons, unless the applicable statutory law imposes a limitation.
  - (3) All certifications shall state the reason or reasons why the city will not accept a deed and the City Manager shall provide copies to the Mayor and the City Council in every case.
- C. The City Council may, after receipt of the City Manager's certification that the city will not accept a particular deed, vote to reverse the City Manager's decision. In the event of any such reversal, the Tax Collector shall proceed to execute and deliver a deed to the city following the procedures outlined in the applicable statutory law.
- D. Every deed from the Tax Collector to the city shall be in the form prescribed by applicable statutory law, as it may be amended from time to time, and shall be executed and recorded only after the Tax Collector has complied with this chapter and with the procedures and notice provisions prescribed by applicable statutory law.
- E. The city shall at all times maintain a current list of property deeded to the city in satisfaction of unpaid real estate taxes and remaining in the city's ownership. This list shall show, with respect to each piece of property, the following information:
- (1) The Assessor's street, map and plat numbers.
  - (2) The location by street and number or other appropriate description.
  - (3) The name of the former owner or owners together with his/her/their last known address.
  - (4) The book and page where the deed to the city is recorded in the Belknap County Registry of Deeds.
  - (5) The date of delivery of the tax deed to the city.
  - (6) The total consideration paid for the deed, including taxes, interest, fees and costs.
  - (7) The assessed valuation of the real property.
- F. After any conveyance to the city, the city shall annually update the list.

**§ 183-3. Procedures for sale.**

- A. Unless the City Council shall, in accordance with § 183-2 of this chapter, make a determination to the contrary, the City Manager is authorized to sell the property obtained through the execution of a tax deed according to the following procedure:
- (1) All such property shall be sold through sealed competitive bids.
  - (2) In every case, the advertising required by this subsection shall, at a minimum, consist of the publication of all of the following information in a newspaper of general circulation in the City of Laconia at least ten (10) calendar days in advance of the deadline for the city's receipt of sealed bids.
    - (a) The nature and location of each property to be sold.

- (b) The deadline for the city's receipt of sealed bids, the place where the bids shall be mailed or delivered and the date, time and place of the bid opening.
  - (c) The terms, conditions, rules and procedures that will govern the bidding and sale of each property.
  - (d) The map, street and lot number shall be listed for each property, as will the actual street address and type of property (single-family dwelling, land, industrial land and square footage of any building, etc.) as well as the Registry of Deeds book and page number.
- B. The city shall determine the form, time, date and conduct of any sale, except that all sales must be open to the public and provide for sealed competitive bidding.
- C. No property shall be sold for less than a total of the following: all unpaid taxes, all interest on all unpaid taxes, all fees charged against said property after its conveyance to the city and all reasonable attorney's fees, recording costs, advertising fees, publication costs and other administrative fees and costs incurred in preparation for the conduct of the sale.
- D. If no bid is received that totals these taxes, interest, fees and charges, the City Council shall (following the completion of the sealed competitive bidding) have the discretion to accept the highest bid received, decline all bids and retain the property for the use and benefit of the city or again market the property and offer it for sale in accordance with the procedures set forth in § 183-3 of this chapter.
- E. Any deed of transfer resulting from the city's sale to a third party may contain:
- (1) A condition stating that the deed will not be effective to transfer title and that there shall be no use or occupancy of the subject property until the deed is duly recorded in the Belknap County Registry of Deeds;
  - (2) Such restrictions or covenants as the city may consider necessary to ensure the grantee's compliance with all city ordinances, regulations and the Master Plan;
  - (3) Such restrictions or covenants as the city may consider necessary to protect the health, safety and general welfare of the residents of the city or the grantees; and/or
  - (4) Such reservations, easements or other rights as the city may consider reasonable or necessary to protect the health, safety and general welfare of the residents of the city or the grantees.

**§ 183-4. Circumstances in which procedures for sale shall not be followed.**

- A. The City Manager may, at any time between the city's acceptance of the Tax Collector's deed and the scheduled date of the opening of the sealed bids, certify, in writing, to the City Council that the city has a present and reasonably foreseeable use for the property. Delivery of such certification shall result in:
- (1) The discontinuation of any procedures leading to sale of the subject property or the cancellation of any scheduled sale; and
  - (2) The city's continued ownership of the subject property.

- B. The City Council may, at any time after receipt of the City Manager's written certification of the city's present or foreseeable use of a parcel, vote to reverse the City Manager's determination. In the event of any such reversal, the city shall thereafter proceed to sell the subject parcel in accordance with § 183-3 of this chapter.
- C. In the event that the city uses a property for a public purpose for a period of time and the City Council later votes that the property is now surplus, the property shall be sold in accordance with § 183-3 of this chapter.

**§ 183-5. Sale of unique properties.**

- A. The City Manager may, at the time between the city's acceptance of the Tax Collector's deed and the scheduled date for the opening of sealed bids, certify in writing to the City Council that a specific property has certain characteristics and, that in the City Manager's opinion, because of these characteristics, the property should not be sold according to the procedures identified in § 185-3. Delivery of such certification shall result in:
  - (1) The discontinuation of any procedures leading to sale of the subject property or the cancellation of any scheduled bid opening; and
  - (2) The city's continued ownership of the subject property pending further action by the City Council.
- B. The City Council may, at any time after receipt of the City Manager's certification of the property's special characteristics, vote to reverse the City Manager's determination. In the event of any such reversal, the city shall thereafter proceed to sell the subject property in accordance with § 185-3.
- C. In the event that the City Council agrees with the City Manager's determination, the City Council may authorize the City Manager to obtain an appraisal and sell the property by such means as are consistent with the character of the property, including but not limited to public auction or negotiated sale to a single, private purchaser.
- D. The City Council may further authorize the City Manager to advertise the property in a manner consistent with the chosen method of sale, including but not limited to placement with a real estate or commercial property broker. In the case of a negotiated sale to a single private purchaser, a two-thirds vote is required for the sale of the property.

**§ 183-6. Authority to execute quitclaim deeds to third parties.**

The City Manager is hereby authorized and empowered in the name and on behalf of the City of Laconia to execute and deliver quitclaim deeds, subject to the foregoing provisions, to purchasers of real estate sold under this chapter.

ARTICLE II  
Sale of Property Obtained by Means Other Than Tax Deed

**§ 183-7. Sale of surplus real property.**

- A. The City Manager may at any time, with respect to any tract or parcel of real property that the city owns and has acquired by means other than a tax deed, make a written certification to the City Council that the city has no present or reasonably foreseeable use for the property and that it is surplus.
- B. Following the determination that a certain property owned by the city is surplus and available for sale, the City Council shall hold a public hearing in accordance with § 183-6B(1).
- (1) Following a determination that a certain property is surplus, the City Council shall hold a public hearing to obtain citizen comment. The advertisement for public hearing shall, at a minimum, list the street address, Tax Map-street-lot number, a brief description of the property and shall be advertised for a period of no less than seven (7) days prior to the public hearing.
- C. Following a public hearing and unless the City Council votes to remove a parcel from consideration for sale, the city may proceed with the sale of this property according to the following procedure:
- (1) Except for property sold according to Article I of this chapter, all property shall be sold through sealed competitive bids.
- (2) In every case, the advertising required by this section shall, at a minimum, consist of the publication of all the following information in a newspaper of general circulation in the City of Laconia at least ten (10) calendar days in advance of the deadline for the city's receipt of sealed bids:
- (a) The nature and location of each property to be sold.
- (b) The deadline for the city's receipt of sealed bids, the place where the bids shall be mailed or delivered and the date, time and place of the bid opening.
- (c) The terms, conditions, rules and procedures that will govern the bidding and sale of each property.
- (d) The map, street and lot number shall be listed for each property, as will the actual street address and type of property (single-family dwelling, land, industrial land and square footage of any building, etc.), as well as the Registry of Deeds book and page number.
- (3) The city shall determine the form, time, date and conduct of any sale, except that all sales must be by sealed competitive bidding.
- D. The City Council shall retain the right to reject any and all offers made on such property.

**§ 183-8. Sale of surplus property through a written offer from a private party.**

- A. The City Manager may at any time, with respect to any tract or parcel of real property that the city owns and has acquired by means other than tax deed, receive a written offer to purchase the property from any private party. Upon receipt of any such offer, the City Manager shall provide a copy of the offer to the Mayor and City Council and evidence that the property is eligible for sale according to § 183-7 of this chapter.
- B. Once the City Council has received a proposal and determines it is eligible for sale, the City Manager may be authorized to obtain an appraisal on the subject property from a State of New Hampshire licensed/approved and qualified appraiser.
- C. Following receipt of the appraisal, the Mayor and Council may, at their option, either control the negotiations with the offeror acting through the City Manager or authorize the City Manager to finalize the negotiations, subject to the approval of the Mayor and City Council.
- D. Any Council vote authorizing the sale of City-owned real estate according to this section shall be by a margin of two-thirds vote.
- E. The City Council retains the right to reject any and all offers made on such property.