

## LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNEMENT

### APPLICATION FOR SALE, DONATION, OR ARM'S LENGTH TRANSFER OF ADJUDICATED PROPERTY

Date of Application: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Email: \_\_\_\_\_

- **This application must be accompanied by additional checklists of requirements depending on whether this is an application for sale including adjoining property that you have been maintaining, donation to a non-profit or for an arm's length transfer.**

Application for adjoining property: See appendix A

Application for donation: See appendix B

Application for arm's length transfer: See appendix C

Applications for sale: See appendix D

- **ORDINANCE PREFERENCES AND PRIORITIZATIONS:**  
**If more than one party is interested in the same property, this prioritization, as outlined in the Disposition Ordinance, is applied.**

Description of Preferences and Priorities	Disposition Type	Applicable
1. Redemption by Owner	Redemption	
2. Acquisition by LCG or other political subdivisions to which property has been adjudicated.	Governmental Sale	
3. Sale or Arm's Length Transfer to Adjoining Property Owner (see Appendix A for definition)	Sale	
4. Sale or Arm's Length Transfer to Community or Local Organization	Sale	
5. Sale or Arm's Length Transfer to Intended Owner Occupant	Sale	

6. Donation to a Qualified Non-Profit	Donation	
7. Sale or Arm's Length Transfer to Person(s) domiciled within the boundaries of the traditional or historic neighborhood in which the property is located.		
8. Sale or Arm's Length Transfer to Any non-residential use not listed above.		

**PROPERTY INFORMATION**

Date of Adjudication:

Jurisdiction:

Assessment No.:

Municipal Address:

If available, please complete the following information.

Council District:

Legal Description:

Zoning Designation:

Improved or Unimproved:

\* Street pavement or resurfacing, curbs, gutters, sidewalks, culverts, bridges, street lights, tree plantings, open space, parking, water lines, sewer lines, sanitary and storm sewers, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites (UDC Sec. 89-151 Definitions).

**LAFAYETTE CONSOLIDATED GOVERNMENT  
PLANNING, ZONING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

**APPLICATION FOR ADJUDICATED PROPERTY  
PROPERTY RENOVATION PLAN**

Applicant Name:

Project Address:

Total Number of Sheets:

Zoning Designation:

Condition of Property:

Intended Use:

Land Uses of Adjacent and Vicinity Properties:

Submit three (3) sets of plans.

If your intended use includes potential improvements to the property, it is suggested your Renovation Plan include a site sketch which should include the following:

- All buildings and structures on your current property
- All buildings and structures proposed on adjudicated property

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**RULES FOR SALE, DONATION, OR ARM'S LENGTH TRANSFER  
OF ADJUDICATED PROPERTY  
(November 2017)**

Through the Lafayette Consolidated Government (LCG) Development and Planning Department, Planning Division will make available a list of adjudicated properties throughout Lafayette Parish. You may contact the Administrator's Office at:

**Lafayette Consolidated Government  
Development and Planning Department, Office of the Administrator  
Lafayette, LA 70501  
(337) 291-8007**

Please hand deliver completed copies to the above *or* mail to:

**Lafayette Consolidated Government  
c/o The Development and Planning Department - Planning Division  
P.O. Box 4017-C  
Lafayette, LA 70502**

**Restrictions:**

- An applicant cannot be a tax debtor.
- An applicant may be an employee, contractor, officer, director, elected or appointed official of Lafayette City-Parish Consolidated Government provided a resolution is passed by the LCG Council approving the employee's participation. In addition, any member of the immediate family of any of the above may participate in this disposition process with prior LCG Council approval.
- An applicant shall complete this application fully and in its entirety. All information and signatures requested in application must be completed, including an accurate physical address with an accurate legal description of the property as well as an adequate property/site renovation plan.  
***\*An incomplete application will not be processed.***

**Rules:**

- In the event of a public sale, a minimum bid shall be required. In addition, a deposit shall be required of the initial applicant.
- In the event of a sale to an adjoining property owner, the applicant's property must share at least a portion of at least one boundary with the targeted adjudicated parcel(s). Properties across the street are not considered adjoining.
- The adjoining property owner must sign an affidavit that they have been maintaining the subject adjudicated property for more than a year.
- In the event of a non-profit request for donation, there is a \$500 application fee.
- The applicant shall be responsible for all aspects of the disposition notification process.
- The applicant shall be responsible for the recordation of all relevant forms.
  
- ***Redemption of adjudicated property shall be favored and may be accomplished at any time prior to recordation of transfer in the conveyance records in the Clerk of Court's Office.***
- ***The information contained herein is not intended as legal advice. While the information provided is believed to be accurate, applicants are strongly advised to obtain legal counsel prior to making an application to acquire adjudicated property and to have counsel review the application for purchase of adjudicated property.***

**Disclaimers:**

**Lafayette Consolidated Government makes no warranties or guarantees of any kind whatsoever, express or implied with respect to the constitutionality of the acquisition of adjudicated property. Any implied warranties of merchantability and fitness for any particular purpose are hereby disclaimed and excluded.**

**Lafayette Consolidated Government shall not be liable to any applicant, purchaser, owner or any third party for any special, punitive, incidental or consequential damages resulting from the disposition of adjudicated property.**

**The disposition of adjudicated property is authorized under Act 819, effective January 1, 2009, as amended. All applicants are strongly advised to obtain legal counsel prior to making an application to acquire adjudicated property and to ensure legal review of the application.**

**The use of adjudicated property as collateral and the ability to insure, resell or reconvey adjudicated property is not warranted or guaranteed. If property is encumbered with Federal tax liens, the Internal Revenue Service has the right to redeem said property beyond the date of disposition. The applicant shall not have any recourse against Lafayette Consolidated Government or the City-Parish Council or any of its officers, administrators, employees, attorneys, or any other agent for any defect of title or any defects in the property.**

**The undersigned hereby agrees and certifies that i have read and understand the application and general conditions for disposition of adjudicated property, i fully understand and agree that in accordance with said conditions, i am not the original owner of record or an immediate family member of the original owner of record, nor do i hold a financial interest in the adjudicated property noted in this application for disposition of adjudicated property.**

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator (Documenting Receipt of Application)

\_\_\_\_\_  
Date

**\*Request for Arm’s Length Transfer and Waiver of Taxes, Penalties, Interest and Other Charges**

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator (Documenting Receipt of Application)

\_\_\_\_\_  
Date

**GENERAL APPLICANT OBLIGATIONS****(For Administrator use only)**

<b>REQUIREMENTS</b>	<b><u>Date Submitted</u></b>
<ul style="list-style-type: none"> <li>An interested party will submit an application initiating the sale or donation of the adjudicated property, filled out in its entirety, to the Administrator.</li> </ul>	To be submitted with application.
<ul style="list-style-type: none"> <li>Applicant must submit an affidavit stating they are not a tax debtor or an employee, contractor, officer, director, elected or appointed official of any taxing body; in addition, no member of the immediate family of any of the above may participate in this disposition process.</li> </ul>	To be submitted with the application.
<ul style="list-style-type: none"> <li>Applicant must submit a proposed intended use for the property utilizing the Property Renovation Plan as found in this application. The renovation plan must, at a minimum, explicitly incorporate all provisions under this article, all provisions established by an LCG ordinance or resolution approving the sale, donation, or arm's length transfer, and provisions of the LCG Unified Development Code (UDC).</li> </ul>	To be submitted with the application.
<ul style="list-style-type: none"> <li>Applicant must comply with any and all provisions established by the Administrator or by City-Parish Council Ordinance or Resolution.</li> </ul>	
<ul style="list-style-type: none"> <li>Applicants for sale or donation must fulfill requirements for satisfaction of the "Notice of Sale" or Donation of Adjudicated Property in the following manner: (72-15 a, b, c)</li> </ul> <p><b>NOTICE STANDARDS</b></p> <ul style="list-style-type: none"> <li>For properties adjudicated for more than 2 years and 6 months but less than 5 years, the notice shall indicate tax sale parties have six (6) months from the date of notice to preserve their rights; and</li> <li>For properties adjudicated for more than 5 years, the notice shall indicate tax sale parties have sixty (60) days from the date of notice to preserve their rights.</li> </ul> <p><b>NOTICE METHODS</b></p> <ul style="list-style-type: none"> <li>The acquiring person(s) shall notify by U.S. Mail any tax sale party whose interest vendee intends to terminate (72-15 a).</li> <li>The acquiring person(s) shall publish notice using the statutory safe harbor form (72-15 b).</li> <li>The acquiring person(s) shall place upon the property no less than 60 days prior to the transfer of the property one or more signs on the street right-of-way nearest the property, no fewer than every 500 linear feet of property frontage that the property has been adjudicated and transfer of ownership is pending, and the property may be redeemed by the tax debtor prior to transfer (72-15 C).</li> <li>Applicant must record with the Lafayette Parish Clerk of Court's office a copy of the notice mailed to the property owner(s) or tax debtor(s) (72-16 b).</li> <li>If the required notification period is 60 days (2 months), the applicant</li> </ul>	

<p>shall complete the notifications within 120 days (4 months) of the sale date or all funds will be forfeited.</p> <ul style="list-style-type: none"> <li>• If the required notification period is 180 days (6 months), the applicant shall complete the notifications within 240 days (8 months) of the sale date or all funds will be forfeited.</li> <li>• Upon completion of the bidding process preceding the sale of an adjudicated property, or upon approval of a resolution adopting the anticipated costs of the sale of an adjoining property to an applicant, or upon approval of an ordinance authorizing the donation of an adjudicated property, the acquiring person shall have thirty (30) days to commence with the "Notice of Sale" or Donation of Adjudicated Property process.</li> <li>• Applicants for Arm's Length Transfers are not subject to the Notice provision.</li> </ul>	
<ul style="list-style-type: none"> <li>• Applicant must submit to LCG all pertinent documentation (to include but not be limited to acts of sale or donation and statutory safe-harbor forms) necessary to finalize the subsequent transaction, as well as provide for the recordation of these documents at the Lafayette Parish Clerk of Court's Office.</li> </ul>	
<ul style="list-style-type: none"> <li>• To verify compliance with all conditions of the donation or sale, transferee must agree to allow re-entry and/or inspection by agents of LCG and the administrator (this provision shall be written into act of donation or sale recorded with the Clerk of Court's Office.</li> </ul>	

**APPENDIX A****APPLICANT OBLIGATION – ADJOINING PROPERTY OWNER**

<b><u>REQUIREMENT</u></b>	<b><u>Date Submitted</u></b>
<ul style="list-style-type: none"> <li>• Applicant will provide notarized documentation, for approval by the Administrator, affirming his/her maintenance of this property for at least one (1) year in manners that may include but not be limited to:               <ul style="list-style-type: none"> <li>• Regularly mowing of the property; and,</li> <li>• Should regularly be trimming/pruning bushes, plants/flowers, and trees; and,</li> <li>• Cleaning and appropriately disposal of any litter or debris; and,</li> <li>• Securing the property to the best of their ability. This may include contacting law enforcement to report any troublesome activities; and,</li> <li>• Maintaining any fencing around the perimeter of the property.</li> </ul> </li> </ul>	To be submitted with the application.
<ul style="list-style-type: none"> <li>• Applicant will provide documentation confirming the applicant's property shares at least a portion of one boundary with the adjudicated parcel(s).</li> </ul>	To be submitted with the application.
<ul style="list-style-type: none"> <li>• Upon application approval, the Administrator shall submit a resolution for approval by the LCG City-Parish Council adopting the anticipated costs of the sale as the sale price.</li> </ul>	
<ul style="list-style-type: none"> <li>• Assuming adoption of the resolution setting the sale price, the purchaser must submit, in full, payment for the costs of the sale established in the council resolution to the Administrator.</li> </ul>	
<ul style="list-style-type: none"> <li>• Within thirty (30) days of the adoption of the sale to the adjoining property owner by resolution, the purchaser shall proceed with the "Tax Sale Party Notification" process outlined in the General Applicant Obligations found on page 6 of this application.</li> </ul>	
<ul style="list-style-type: none"> <li>• Purchaser shall be responsible for the cost, submission, and recordation of all filings, to include an Act of Sale as well as statutory safe-harbor forms, necessary to finalize the sale.</li> </ul>	



**APPENDIX B**  
**APPLICANT OBLIGATIONS - DONATION**

<b><u>REQUIREMENT</u></b>	<b><u>Date Submitted</u></b>
<ul style="list-style-type: none"> <li>Upon approval of the donation by LCG Council, the applicant shall pay a \$500 fee to LCG.</li> </ul>	To be submitted with application.
<ul style="list-style-type: none"> <li>The applicant shall submit a proposed Act of Donation which specifically incorporates all terms and conditions required by LCG as well as it commits the applicant to maintenance of the property until conveyance.</li> </ul>	
<ul style="list-style-type: none"> <li>The Administrator will assess and determine if the Applicant meets all the terms and conditions imposed on the donated property as well as whether the applicant's intent comports with the neighborhood stabilization and/or revitalization.</li> </ul>	
<ul style="list-style-type: none"> <li>Upon the Administrators preliminary approval of the application, the Administrator will recommend the donation to the LCG City-Parish Council for adoption by ordinance, and subsequent execution by the LCG Mayor-President.</li> </ul>	
<ul style="list-style-type: none"> <li>Within thirty (30) days of the approval of the ordinance authorizing the donation of the adjudicated property, the donee shall proceed with the "Tax Sale Party Notification" process outlined in the General Applicant Obligations found on page 6 of this application.</li> </ul>	
<ul style="list-style-type: none"> <li>Acquiring applicant shall be responsible for the cost and submission of all filings, to include an Act of Sale as well as statutory safe-harbor forms, necessary to finalize the donation.</li> </ul>	

## APPENDIX C

### APPLICANT OBLIGATIONS - SALE

<u>REQUIREMENT</u>	<u>Date Submitted</u>
<ul style="list-style-type: none"> <li>The Administrator will assess and determine if the Applicant meets all the terms and conditions imposed on the property as well as whether the applicant's intent comports with the neighborhood stabilization and/or revitalization.</li> </ul>	
<ul style="list-style-type: none"> <li>Upon the Administrator's preliminary approval of the application, the Administrator will adopt a minimum bid price of 75% of the property's fair market value.</li> </ul>	
<ul style="list-style-type: none"> <li>The Applicant will deposit with LCG the amount the Administrator deems necessary to pay the anticipated costs of the sale.</li> </ul>	
<ul style="list-style-type: none"> <li>Upon receipt of these funds, the Administrator will submit to the LCG City-Parish Council a resolution for adoption initiating the sale of the property by public bid.</li> </ul>	
<ul style="list-style-type: none"> <li>The Administrator will cause the advertisement of the public sale (to include a bid package) in the official daily journal of LCG; once 30 days in advance of the sale, and a second time 7 days in advance of the sale.</li> </ul>	
<ul style="list-style-type: none"> <li>Upon completion of the advertisement period, the Administrator will receive public bids for a two-week period for the specific property. Bid packets will only be taken in person at the Administrator's office.</li> </ul>	
<ul style="list-style-type: none"> <li>If the property should fail to sell at the initial minimum bid price, a second public bid process, setting the minimum bid price at one third of fair market value, will be held. If the property again fails to sell, no subsequent sale will be held.</li> </ul>	
<ul style="list-style-type: none"> <li>Upon establishing a winning bid for the sale, the purchaser must submit, in full, payment for the adopted sale price established by the Administrator.</li> </ul>	
<ul style="list-style-type: none"> <li>Should the Applicant who has initiated the sale and deposited the sums required with the Administrator fail to be the highest bidder at a public sale, the money deposited shall be returned. However, if no one bids the minimum amount adopted by the Administrator, any money deposited shall be retained to pay the expenses of the sale. Any money remaining after the expenses are paid shall be returned to the depositor.</li> </ul>	

<ul style="list-style-type: none"><li>• Within thirty (30) days of completion of the public sale awarding the specific property to the winning bidder, the winning bidder shall proceed with the "Tax Sale Party Notification" process outlined in the General Applicant Obligations found on page 6 of this application.</li></ul>	
<ul style="list-style-type: none"><li>• Acquiring person shall be responsible for the cost and submission all filings, to include an Act of Sale and statutory safe-harbor forms, necessary to finalize the sale.</li></ul>	

**APPENDIX D**  
**APPLICANT OBLIGATIONS – ARM’S LENGTH TRANSFER**

<b><u>REQUIREMENT</u></b>	Date Submitted
<ul style="list-style-type: none"> <li>• As part of this application, the Applicant shall request a waiver of all taxes, penalties, interest, and other charges on the specific adjudicated property.</li> </ul>	
<ul style="list-style-type: none"> <li>• The applicant, as confirmed by affidavit, shall include all involved parties, including all owners and at least one transferee.</li> </ul>	
<ul style="list-style-type: none"> <li>• The applicant shall be responsible for contacting all involved parties to include property owners, other involved parties, political subdivisions, or taxing bodies.</li> </ul>	
<ul style="list-style-type: none"> <li>• The Administrator shall determine if the application conforms with all terms and conditions required as well as whether all potential transferees are arms-length-transferees.</li> </ul>	
<ul style="list-style-type: none"> <li>• Upon preliminary approval, the Administrator shall submit to the LCG City-Parish Council a resolution approving the waiver of taxes, penalties, interest, and other charges against the adjudicated property.</li> </ul>	
<ul style="list-style-type: none"> <li>• Acquiring person shall be responsible for the cost and submission all filings, to include an Act of Sale and statutory safe-harbor forms, necessary to finalize the sale.</li> </ul>	
<ul style="list-style-type: none"> <li>• The Administrator shall document and record with the Clerk of Court’s Office the waiver of taxes, penalties, interest, and other charges owed to the city of Lafayette and the parish of Lafayette.</li> </ul>	