



Land Reutilization Public Educational Series

Land Reutilization Law Part III Acquisition Process

Acquisition Request

- Adjoining Property Owner
 - Unmaintained Vacant Lot
 - Maintaining Vacant Lot
- Property Owner
 - Donate Property
 - Gift of Deed in Lieu of Foreclosure
- County Prosecutor
 - Foreclosure
 - Forfeiture
- City
 - Historic Maintenance
 - Acquisition Zone

Qualification Process

- Property
- Property Owner
- Adjoining Property Owner(s)
- Best Use for the Property
- Purchaser/Developer
- Historic Maintenance
- Acquisition Zones

Land Bank Committee

- Appointed by the City Manager
- At least five (5) voting City staff members who are involved in the administrative functions of the Land Reutilization Program, including an advisory member from the Law Department
- Meetings held as necessary

Land Bank Committee

- Director of Engineering, Todd Roth
- Chief Planner, Carrie Handy
- Assistant Chief of Police, Charlie Sams
- Director of General Services, Scott Miller
- Finance Director, Hank Solowiej
- City Commissioner, Julie Farrar
- Law Dept., Paralegal, Amanda Meyers

Land Bank Committee

- Agenda Preparation
- Schedule Meeting
- Present Research
- Discussion
- Committee Votes
 - Letter of Acceptance or Denial
 - Recommendation to City Commission

City Commission

- Communication and Legislation Prepared
- Deadlines for Agenda
 - Law Dept.: 1 ½ weeks prior to C.C. meeting
 - Commission Office: 1 week prior to C.C. meeting
 - Transmitted to C.C. the Friday before meeting is held
- City Commission Meeting
 - Held on the 2nd and 4th Mondays of every month
- Legislation Enacted
 - Resolution
 - Emergency Legislation

Gift of Deed

- Preferred Method of Acquisition
 - Less complicated and quicker
 - Cheaper than the cost of foreclosure
- Consult with Erie County Treasurer
 - Review taxes and assessments
- Consult with Erie County Auditor
 - Obtain permission
- Contact Title Company
 - Title search / Resolve any title issues
 - Contact property owner / Closing
 - Record deed

Foreclosure

- Foreclosure Pursuant to ORC Chapter 5722
 - County institutes proceedings for nonpayment of delinquent real estate taxes, notifies City of proceedings, City selects property
 - Advertised separately, minimum bid without appraisal, amount of taxes, assessments, interest, penalties, charges, and costs that will be payable at the time the deed is transferred to the purchaser
 - 2 sheriff's sales, no minimum bid, City deemed the winning bidder for no consideration other than the cost of recording the deed

Foreclosure

- By Request of Adjoining Property Owner
 - List of property requested
 - Consultation with Erie County Officials
Treasurer/Auditor/Assistant Prosecutor
 - Develop plan
 - Staff
 - Nonproductive land
 - Legal process is slow and costly
 - Represent all of Erie County

Forfeiture

- County has concluded delinquent real estate foreclosure proceedings in which property has been to at least 2 sheriff's sales with no bidders, no sale.
 - Not ORC Chapter 5722 Foreclosure
 - Determination of Sheriff's Sale vs. Land Reutilization Program
- City gets notice that property did not sell at sheriff's sale.

Forfeiture / Common Pleas Court

- Application to Forfeit Land with Certification and Affidavit of Auditor
 - Parcel did not sell at sheriff's sale
 - Offered to City pursuant to ORC 5723.01(A)(3)
- Judgment Entry of Notification and Offer Pursuant to ORC 5723.01(A)(3)
 - Formal offer to City
 - City has 10 days to petition Court or the parcel will be forfeited to the State of Ohio

Forfeiture / Common Pleas Court

- City Files Answer / Petition
- Judgment Entry
 - Places parcel in the City's Land Reutilization Program
 - Releases delinquent taxes, liens and encumbrances
- Judgment Entry is Recorded

How Long Does Acquisition Take?

- Qualification Process
 - 2-4 Weeks
- Land Bank Committee
 - 2-4 Weeks
- City Commission
 - 2-4 Weeks
- Legislation
 - Up to 45 days to become effective
- Total Time From Qualification to Legislation
 - 6 Weeks to 4 ½ Months

How Long Does Acquisition Take?

- Gift of Deed
 - Depends on Property Owner / Title Issues
 - Additional 2-4 Weeks (If able to obtain clear title)
- Foreclosure
 - Pursuant to ORC Chapter 5722
 - Additional 6-18 Months
 - By Request of Adjoining Property Owner
 - Undeterminable
- Forfeiture
 - Statutory Provision (10 Days to File Petition with Court)
 - Additional 4-6 Weeks