



BENTON CO IA- LEXA S SPEIDEL, RECORDER
Book: 13 Page: 1889
05/14/2013 @11:56AM # Pages 3
ETC MISCELLANEOUS
Total Fees: \$0.00

ORDINANCE #69 ALLOWING THE COUNTY AND CITIES TO BID FOR AND PURCHASE TAX SALES CERTIFICATES ON ABANDONED PROPERTY

Be it enacted by the Board of Supervisors of Benton County, Iowa:

PART 1 INTRODUCTION

1.1 Purpose.

The purpose of this ordinance is to allow the county and the cities within the county the opportunity to utilize Iowa Code §446.19A, as amended. Iowa Code §446.19A authorizes counties and cities to bid for and purchase tax sale certificates on abandoned property.

PART 2 DEFINITIONS

For the purposes of this ordinance, the following terms shall be defined:

2.1 Abandoned property per Iowa Code 446.19A, means a lot or parcel containing a building which is used or intended to be used for residential purposes and which has remained vacant and has been in violation of the housing code of the city in which the property is located or the housing code in the county in which the property is located if outside the limits of a city, for a period of six consecutive months. Any amendments to the definition contained in Iowa Code 446.19A, amends the definition contained herein.

2.2 Vacant lot per Iowa Code 446.19A, means a lot or parcel located in a city or outside the limits of a city in a county that contains no buildings or structures and that is zoned to allow for residential structures. Any amendments to the definition contained in Iowa Code 446.19A, amends the definition contained herein.

PART 3 GENERAL PROVISIONS

3.1 Authority.

Pursuant to Iowa Code §446.19A, as amended, the county and each city in the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates of abandoned property or vacant lots acquired under Iowa Code §446.19A.

3.2 Procedure.

On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county or a city, may bid for and purchase tax sale certificates on abandoned property assessed as residential property or as commercial multifamily housing property or for a vacant lot a sum equal to the total amount due. The county or city shall not pay money for the purchase, but each of the tax-levying and tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the tax-levying or tax-certifying body as its just share of the purchase price.

3.3 Verified Statement.

Prior to the purchase, the county or city shall file with the county treasurer a verified statement, via resolution, that a parcel to be purchased is abandoned, and that the parcel is suitable for use for housing following rehabilitation or that a parcel to be purchased is a vacant lot.

3.4 Assignment of Tax Sale Certificates.

After the date that a parcel is sold pursuant to Iowa Code §446.18, §446.19A or this ordinance, if the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned or as a vacant lot pursuant to a verified statement filed pursuant to Paragraph 3.3, a county or city may require the assignment of the tax sale certificate that had been issued for such parcel by paying to the holder of such certificate the total amount due on the date the assignment of the certificate is made to the county or city and recorded with the county treasurer. If the certificate holder fails to assign the certificate of purchase to the city or county, the county treasurer is authorized to issue a duplicate certificate of purchase, which shall take the place of the original certificate, and assign the duplicate certificate to the city or county. If the certificate is not reassigned by the county or city, the county or city, whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to Iowa Code §447.1, as of the date of reassignment.

3.5 Purchase of Tax Sale Certificates.

The county or city may assign or reassign the tax sale certificate obtained pursuant to this ordinance. Persons who purchase certificates from the county or city pursuant to this ordinance are liable for the total amount due the certificate holder pursuant to Iowa Code §447.1.

3.6 Intent to Rehabilitate the Property.

All persons who purchase certificates from the county or city under this ordinance shall demonstrate the intent to rehabilitate the abandoned property for habitation or build a residential structure on the vacant lot, if the property is not redeemed. In the alternative, the county or city may, if title to the property has vested in the county or city under Iowa Code §448.1, dispose of the property in accordance with Iowa Code §331.361 or §364.7, as applicable.

**PART 4
REPEALER AND SEVERABILITY**

4.1 Repealer.

Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

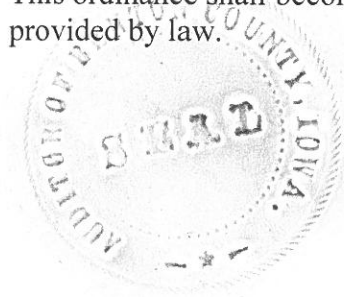
4.2 Severability.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**PART 5
EFFECTIVE DATE**

5.1 Effective Date.

This ordinance shall become effective upon its final passage, approval and publication as provided by law.



BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders
Jason Sanders, Chairman

Donald H. Frese
Donald H. Frese

Terry L. Hertle
Terry L. Hertle

ATTEST: *Hayley Rippel* Deputy
Jill MacLowe
Benton County Auditor

April 23, 2013 – Approved 1st Consideration of Ordinance #69
April 26, 2013 – Approved 2nd Consideration of Ordinance #69
April 30, 2013 - Approved 3rd Consideration of Ordinance #69
April 30, 2013 - Adopted Ordinance #69
May 7, 2013 (The Vinton Eagle), May 8, 2013 (The Star Press Union), and May 10, 2013 (Cedar Valley Times) –
Published Ordinance #69

I, Hayley Rippel, do hereby certify the above to be a true and correct copy of Ordinance #69 and the dates of consideration and publication are correct.

Hayley Rippel
Hayley Rippel, Deputy Benton County Auditor