

CHAPTER 60

REAL ESTATE ACQUIRED BY TAX FORECLOSURE

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 [Added 6-17-1993 as L.L. #11-1993; Amended 6-19-1996 as L.L. #8 (Intro No. 9) 1996]

§ 60-12. **Backup Bidder** 6004
 [Added 6-17-1993 by L.L. #11-1993; Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

[HISTORY: Adopted by the Common Council of the City of Dunkirk 5-21-1992 as L.L. #5-1992. **Editor’s Note: This local also repealed former Chapter 60, Real Estate Acquired by Tax Foreclosure, Sale of, adopted 9-16-1967 as Chapter V of the Ordinance of the City of Dunkirk;** Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation -	See Ch. 68.
Tax exemption for Senior Citizens -	See Ch. 69.
Tax on Utilities-	See Ch. 70.

§ 60-1. Review by Assessor.

The City Assessor shall annually prepare a written property evaluation description sheet for each parcel pursuant to its in rem foreclosure proceedings under Article 11, Title 3 of the Real Property Tax Law.

§ 60-2. Public Auction. [Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

The properties acquired by the City through its in rem foreclosure proceeding may be sold at public auction, or by any other means that complies with the law, including by the passage of a local law by the Common Council providing for such sale. Such property may also be retained by the City.

§ 60-3. Advertisement of Auction. [Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, the public auction will be advertised in the official newspaper of the City and such other newspapers as the Common Council deems advantageous, at least once in two (2) successive weeks. The City Treasurer shall advertise such properties in a timely manner, so that the date of the auction shall be not less than three (3) days after the date of the second publication in the official newspaper.

§ 60-4. Bid Deposit. [Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, the City requires a deposit of ten percent (10%) of the bid price, in the form of cash, money order or certified check, to be applied to the purchase price. If, at public auction, the highest bidder tenders a certified check or money order in excess of ten percent (10%) of the high bid, and then fails to complete the purchase, the City shall retain ten percent (10%) of the bid price. The excess shall be returned to the highest bidder within a reasonable time after the public auction.

§ 60-5. Auctioneer. [Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, the public auctions shall be conducted by such individual or individuals as the Common Council deems appropriate.

§ 60-6. Sale of Property. [Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, all property shall be sold to the highest bidder upon adoption of a resolution by the Common Council. However, the Common Council reserves the right to reject any and all bids.

§ 60-7. Sale to Former Owner. [Amended 12-15-1992 by L.L. #16-1992; Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, no property shall be sold to the former owner at the public auction for less than the amount of any taxes, penalties, interest and other charges due on the property, including those which may have been extinguished by the judgment of foreclosure.

§ 60-8. Time Limitations. [Amended 12-15-1992 by L.L. #16-1992; Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, no property shall be sold to the former owner without competitive bidding if tender of payment of taxes, penalties, interest and other charges due on the property, including those City charges, liens or mortgages which may have been extinguished by the judgment of foreclosure, is made less than 15 business days prior to the date of the public auction.

§ 60-9. Processing Fee. [Amended 12-15-1992 by L.L. #16-1992; Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, sale of tax title property to a former owner in accordance with the preceding paragraph shall be subject to a per parcel processing fee of \$150.00.

§ 60-10. Sale to City Employee. [Amended 12-15-1992 by L.L. #16-1992]

No sale of tax title property shall be made to any officer, employee or agent of the government of the City of Dunkirk.

§ 60-11. Failure to Complete Purchase. [Added 6-17-1993 by L.L. #11-1993; Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, failure to tender the balance due to the City within thirty (30) days from the date of bid acceptance by the Common Council will result in the forfeiture of the bid deposit by the highest bidder.

§ 60-12. Backup Bidder. [Added 6-17-1993 by L.L. #11-1993; Amended 6-18-1996 as L.L. #8 (Intro No. 9) 1996]

If the property is to be sold at public auction, the following apply:

- A. If the highest bidder fails to tender the balance due to the City within thirty (30) days from the date of bid acceptance by the Common Council, the second highest bidder shall be notified that the Common Council will consider sale of the property to the second highest bidder at the high bid price.
- B. The second highest bidder shall notify the City within thirty (30) days after notification by the City as to whether the second highest bidder will tender the high bid price to the City.
- C. Failure of the second highest bidder to tender the entire bid price within thirty (30) days after notification by the City shall result in the property being placed on the next auction list.