

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

February 2, 2009

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at www.adobe.com.



City Council Meeting and Workshop February 2, 2009

"While your responsibility may
be individual, your authority is
collective" ¹

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- A. Discussion: Tax Acquired Property Policy (Feb 17, 1998)
- B. Discussion: Outstanding Tax Acquired Property
- C. Discussion: Future Land Use – Comprehensive Plan
- D. Update: Minot Avenue Rotary – Pre– Public Hearing
- E. Open

If necessary Workshop will continue following adjournment

7:00 p.m. City Council Meeting

* **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

Minutes

*020209-00 Minutes of January 26, 2009

Reports

Mayor

City Councilors

- **Michael Farrell:** Water Dist., L/A Jt. City Council Planning, Audit and Procurement
- **Bob Hayes:** Railroad, Library, Audit and Procurement
- **Dan Herrick:** MMWAC, Auburn Housing
- **David Young:** A-L Airport, L/A Joint City Council Planning, Cable TV Adv Board
- **Ray Berube:** LAEGC, Planning Board, L/A Joint City/School, ABDC, AVCOG
- **Bob Mennealy:** Sewer District, University of Maine L-A,
- **Ron Potvin:** School Committee, 9-1-1, LATC, L/A Joint City/School

City Manager

Communications, Presentations and Recognitions

*020209-00 Communication from Androscoggin Head Start and Child Care Re: Waive Day Care License Fees

Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not* on this agenda

¹ Denis Culley, Attorney/Planning Board Member, Town of Mercer

Unfinished Business

020209-01 Ordinance – Amendment to the Zoning Map in the Vicinity of Lane Road and South Main St
(Second Reading)

New Business

020209-02 Resolve - Authorize Treasurer to Write Off a 2006 Real Estate Tax

020209-03 Resolve – Amend Policy Regarding the Acquisition and Disposition of Tax Acquired Property

020209-04 Set date for Council Meetings and Workshops in February (Feb. 16 – President’s Day)
Suggested dates: Feb. 17 – Council Meeting; Feb. 9 and 23 – Council Workshops

Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not* on this agenda

Future Agenda/Workshop Items

ADJOURNMENT

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to enforcement matter pending in District Court.

**CITY OF AUBURN
JANUARY 26, 2009
CITY COUNCIL MEETING**

PRESENT

Mayor John T. Jenkins, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, David D. Young, Raymond C. Berube, Ronald W. Potvin and Robert C. Mennealy, City Manager Glenn Aho, Assistant City Manager Laurie Smith and City Clerk Mary Lou Magno. There were 35 people in the audience.

Mayor Jenkins called the meeting to order at 7:00 p.m. in the Council Chambers of the Auburn City Building with a salute to the flag.

CONSENT AGENDA

Councilor Berube moved to accept, approve and place on file the items marked with an asterisk. Seconded by Councilor Herrick. Vote: 7 Yeas.

***MINUTES OF JANUARY 5, 2009**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Jenkins made note of his recent trip to Washington, D.C. to attend the Inauguration of President Barack Obama. Mayor Jenkins also mentioned the following local events: Winter Festival; Technology at the Auburn Public Library; and the ski-a-thon at Lost Valley.

REPORTS OF CITY COUNCILORS

Councilors reported on their respective Council Committee Assignments.

REPORTS OF THE CITY MANAGER

FINANCE REPORT

Councilor Berube moved to accept and place on file the Finance Report for the month of December as presented by Glenn Aho, City Manager. Seconded by Councilor Farrell. Vote: 7 Yeas

COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS

***COMMUNICATION FROM COMMUNITY CONCEPTS RE: GREAT FALLS SCHOOL PROPERTY**

Approved under consent agenda.

OPEN SESSION

No one spoke

CLOSED OPEN SESSION

UNFINISHED BUSINESS

1. RESOLVE – (TABLED 1/26/2009) CONVEYANCE OF 133 HAMPSHIRE STREET

Councilor Potvin moved to remove this item from the table. Seconded by Councilor Mennealy.
Vote: 4 Yeas with Councilors Farrell, Hayes and Berube voting Nay.

Vote on original motion: 4 Nays with Councilors Farrell, Hayes and Potvin voting Yea.
(This vote was to convey to Patrick and Joanne Luizzo)
MOTION FAILS

RESOLVE - CONVEYANCE OF 133 HAMPSHIRE STREET TO HABITAT FOR HUMANITY

Councilor Berube moved for passage of the resolve. Seconded by Councilor Mennealy.
Vote: 4 Yeas with Councilors Farrell, Hayes and Potvin voting Nay.

2. RESOLVE – (TABLED 1/5/09) AUTHORIZE TREASURER TO WRITE OFF A 2006 REAL ESTATE TAX

No Motion

NEW BUSINESS

3. RESOLVE – REGARDING CITIZENS COMMISSION ON LEWISTON AND AUBURN COOPERATION

Councilor Berube moved for passage of the resolve. Seconded by Councilor Farrell.
The following people made comments regarding the above resolve: Curtis Webber, 163 Whitney Street; Cliff Greim, 48 Longbow Court; Jim Wellehan, 60 Woodlawn Avenue; Mary Lafontaine, 113 Western Avenue; Larry Pelletier, 129 Second Street; Ken Bellefleur, 100 Royal River Road; Jonathan Labonte, 41 Third Street; Georgia Chomas, Nottingham Road; Diane McManus, 19 Coachman Avenue; Betty Swett-Thibeault; Peter Garcia; Francois Bussiere, 9 Winter Street; Bob Cavanagh, 127 Field Avenue; and Gary Baillargeon, 144 Broadview Avenue. Mayor Jenkins read a letter from Peter Traill, Nason Mechanical Systems.

Councilor Hayes moved to table. Seconded by Councilor Mennealy. Vote: 4 Nays with Councilors Hayes, Young and Mennealy voting Yea. MOTION FAILS

Councilor Hayes moved to amend by making the effective date June 30, 2009. Seconded by Councilor Mennealy. Vote: 6 Nays, with Councilor Hayes voting Yea.

Vote on passage of the resolve with an effective date of January 31, 2009: 5 Yeas with Councilors Hayes and Mennealy voting Nay.

Mayor Jenkins called for a five minute recess.

**4. ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE VICINITY OF
LANE ROAD AND SOUTH MAIN STREET (FIRST READING)**

Councilor Potvin moved for acceptance of first reading. Seconded by Councilor Berube. Vote: 7 Yeas.

5. RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

Councilor Farrell moved for passage of the resolve. Seconded by Councilor Berube. Police Chief Crowell explained the above resolve. Vote: 7 Yeas.

6. RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

Councilor Potvin moved for passage of the resolve. Seconded by Councilor Farrell. Vote: 7 Yeas.

7. DELETED FROM THE AGENDA

**8. RESOLVE – AUTHORIZE TREASURER TO SELL AND DISPOSE OF REAL
ESTATE ACQUIRED BY THE CITY FOR NON-PAYMENT OF TAXES**

Councilor Potvin moved for passage of the resolve. Seconded by Councilor Berube. City Manager Aho explained the above resolve. Vote: 7 Yeas.

**9. PUBLIC HEARING – LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT
FOR BABYLON INC., D/B/A BABYLON, 34 COURT STREET**

Mayor Jenkins opened the public hearing. Mary Katende, owner of Babylon spoke in favor of the licenses and answered Councilors questions. Mayor Jenkins closed the public hearing. Councilor Farrell moved to approve both licenses as recommended. Seconded by Councilor Potvin. Vote: 7 Yeas.

**10. RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE LEASE AGREEMENT
WITH MR. NORMAND VALLEE**

Councilor Berube moved for passage of the resolve. Seconded by Councilor Potvin. Councilor Herrick moved to amend by Lease becoming effective when The Village Inn re-opens. Seconded by Councilor Mennealy. Vote on the amendment: 4 Nays, 3 Yeas. MOTION FAILS
Vote on passage of the resolve: 7 Yeas.

11. APPOINTMENT TO PUBLIC HEALTH COMMITTEE

Councilor Hayes moved to appoint Larry Marcoux to the Public Health Committee. Seconded by Councilor Berube. Vote: 7 Yeas.

12. APPOINTMENT TO THE ZONING BOARD OF APPEALS

Councilor Berube moved to appoint Ken Sonagere to the Zoning Board of Appeals until January 2012. Seconded by Councilor Berube. Vote: 7 Yeas.

OPEN SESSION

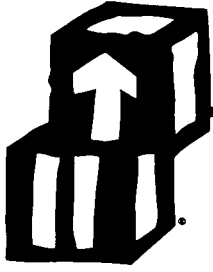
Larry Pelletier, 129 Second Street, questioned Day Care License fees. City Staff responded. Councilor Farrell requested information from staff regarding Day Care Licenses.

ADJOURNMENT – 9:55 P.M.

Councilor Berube moved to adjourn. Seconded by Councilor Herrick. Vote: 6 Yeas. (Councilor Mennealy was out of the room)

A TRUE RECORD

ATTEST: _____
CITY CLERK



ANDROSCOGGIN HEAD START AND CHILD CARE

Estelle Rubinstein, Executive Director
269 Bates Street, Lewiston, ME 04240
(207) 795-4040 ~ Fax (207) 795-4044
www.androkids.com

January 23, 2009

Mayor John Jenkins
City Council Members
60 Court Street, Suite 150
Auburn, Maine 04210

Dear Mayor Jenkins and City Council Members:

I am requesting that Child Care license fees be waived for the Family Development Center, the Washburn Head Start Center and New Auburn Center at Walton School.

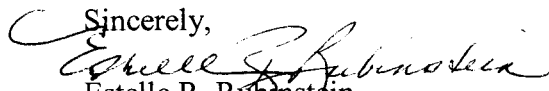
Walton Center – 782-4690
92 Mary Carroll St.
Auburn, ME 04210

Family Development Center- 795-4011
109 Valerie Circle
Auburn, Maine 04011

Washburn Center-783-2174
125 Whitney St.
Auburn, ME 04210

We appreciate our collaboration with the Auburn School Department and the Auburn Housing Authority which assists us in meeting the needs of the families who require childcare services to continue their goals towards self-sufficiency by going to school or working.

Thank you in advance regarding the above-mentioned request which works toward our commitment of serving the low and moderate-income families of Auburn.

Sincerely,

Estelle R. Rubinstein
Executive Director

ERR: vms

Androscoggin Head Start and Child Care promotes the positive growth of children, families, and staff.

Generously supported by the United Way, Lewiston and Auburn Community Development Block Grants, and local, state, and federal funds.

City Council

Agenda Information Sheet

Council Meeting Date: 2/2/09

Agenda Item No. 1

SUBJECT:

ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE VICINITY OF LANE ROAD AND SOUTH MAIN STREET FROM LOW DENSITY COUNTRY RESIDENTIAL TO RURAL RESIDENTIAL (SECOND READING)

INFORMATION:

This is a request from the property owner by petition from at least 25 registered voters. The Planning Board considered this item at their December 9, 2008 meeting and voted unanimously to forward a positive recommendation to the City Council on this matter. At the request of the property owner, Wayne Gendreau, the petition was not scheduled for the December Council meeting due to his work schedule. A copy of the Planning Board Report is attached for further information.

STAFF COMMENTS/RECOMMENDATION:

At the Planning Board meeting there were no citizens present in favor of nor opposed to the proposed rezoning and the applicant spoke in favor of the petition. The Planning Board based their recommendation on the following findings:

- A. The City's Future Land Use Map shows the area as "Residential – Low Density". The Rural Residential zoning designation is consistent with the future land use map.
- B. The surrounding area has been changing from LDCR to RR and this continues that trend towards conformance with the Comprehensive Plan.

The Planning Board reviewed the application, Staff's report and the testimony and voted 6-0-0 in favor of sending a recommendation to the City Council to approve the proposed rezoning request.

REQUESTED ACTION:

Motion for acceptance of second reading and final passage.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 26, 2009

TITLE: ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE VICINITY OF LANE ROAD AND SOUTH MAIN STREET FROM LOW DENSITY COUNTRY RESIDENTIAL TO RURAL RESIDENTIAL (SECOND READING)

Be It Ordained by the Auburn City Council that the zoning map is hereby amended in the vicinity of Lane Road and South Main Street from Low Density Country Residential to Rural Residential as shown on the attached map.

Motion for acceptance of first reading: Ronald Potvin

Seconded by: Raymond Berube

Vote: 7 Yeas

Motion for acceptance of second reading and final passage:

Seconded by:

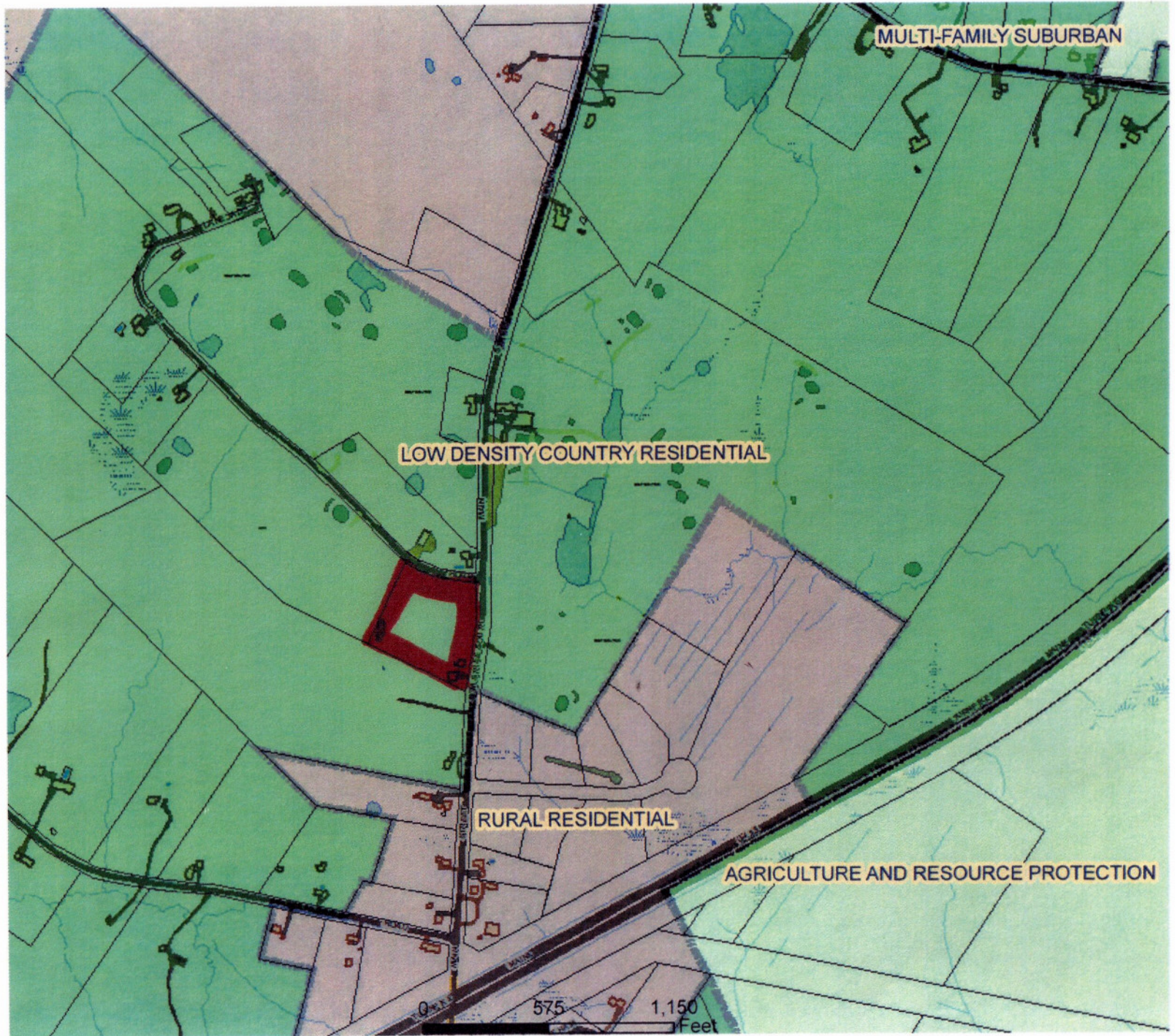
Vote:

Action by the City Council:

Date:

Attest:

City Clerk



Gendreau Property Rezoning
 787 S. Main Street (PID 127-002)

Subject Property is outlined
 in red and located at the South
 side of Lane Rd., West of S. Main
 Street.

DISCLAIMER

The City of Auburn
 offers no warranties or
 guarantees as to the
 accuracy or fitness of
 purpose of this data.
 Use at your own risk.



City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

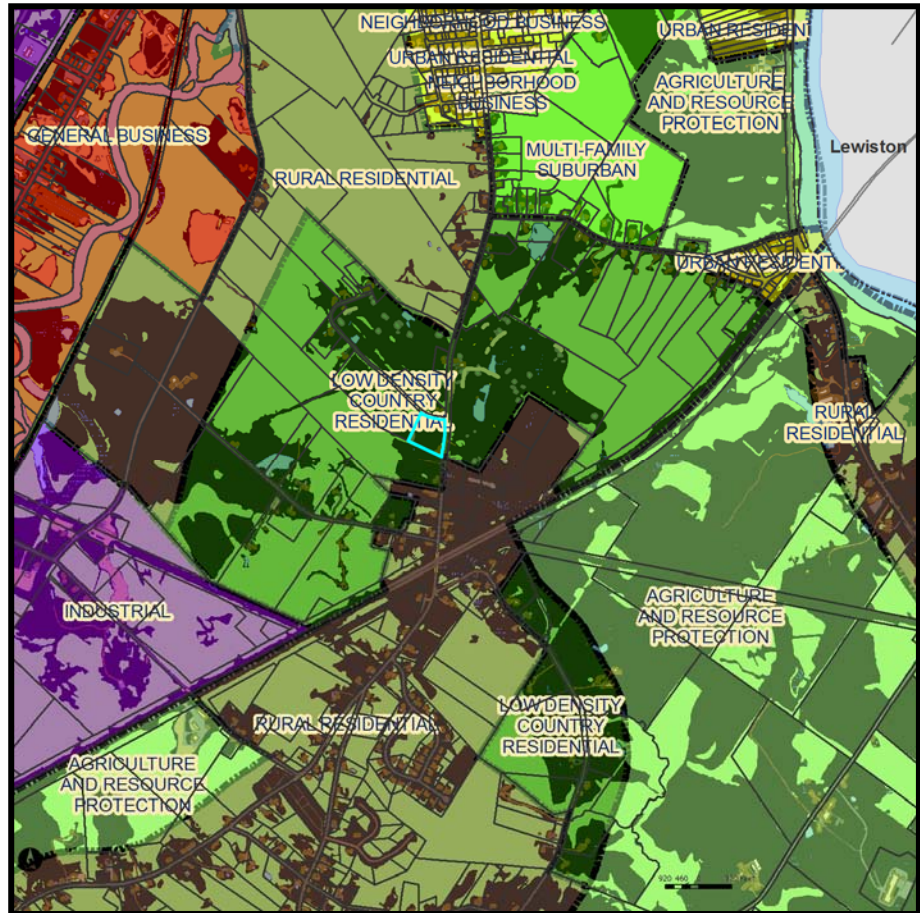
From: Eric J. Cousens, City Planner

Re: Petition to rezone the property at 787 South Main Street (PID #172-002) as illustrated on the attached map from Low Density Country Residential (LDCR) to Rural Residential (RR). The subject area is generally located on the south side of Lane Road, west of South Main Street. The Comprehensive Plan, Auburn Tomorrow, supports this proposal.

Date: December 4, 2008

I. PROPOSAL

The City of Auburn has received a petition from at least twenty-five (25) registered voters to rezone the property at 787 South Main Street (PID #172-002), as illustrated on the zoning map to the right, from Low Density Country Residential (LDCR) to Rural Residential (RR). The subject area is generally located on the south side of Lane Road, west of South Main Street and is shown with a blue outline at the center of the map. As the petition indicates, the lot is currently zoned LDCR, it is 4.2 +/- acres in area and there is an existing single-family home on the lot. The minimum lot size for the parcel would



change from the 3 acre LDCR minimum to a 1 acre RR minimum. This would allow the parcel to be split into as many as 2 or 3 lots at some point in the future. The City's Comprehensive Plan illustrates the subject area as "Residential – Low Density" as shown on the future land use map. The RR zoning district conforms to the "Residential – Low Density" classification. The lots immediately abutting this parcel are currently zoned Low Density Country Residential (LDCR), however, much of the surrounding area has been changed to RR in the past 5-10 years. Based on the Comprehensive Plan - Auburn Tomorrow, the proximity to downtown New Auburn and the changes that have been happening in this area, staff is supportive of the proposal.

II. PLANNING FINDINGS / CONSIDERATIONS:

Staff has evaluated the proposed rezoning and suggests the following findings:

- A. The City's Future Land Use Map shows the area as "Residential – Low Density". The Rural Residential zoning designation is consistent with the future land use map.
- B. The surrounding area has been changing from LDCR to RR and this continues that trend towards conformance with the Comprehensive Plan.

III. RECOMMENDATION:

Staff recommends that the Planning Board forward a favorable recommendation to the City Council to rezone the property at 787 South Main Street (PID #172-002) as illustrated on the above map from Low Density Country Residential (LDCR) to Rural Residential (RR) based on the above findings.

Eric Cousens
City Planner

City Council

Agenda Information Sheet

Council Meeting Date Feb 2, 2009 **Agenda Item No.** 2

SUBJECT:

RESOLVE –AUTHORIZE TREASURER TO WRITE OFF A 2006 REAL ESTATE TAX

INFORMATION:

The City Council is being requested to take this action because this older mobile home was removed from the City of Auburn sometime after April 2006. Staff has exhausted all resources in order to collect these funds and therefore is requesting that the City Council authorize the Treasurer to take this action.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends passage of this order.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: February 2, 2009

TITLE: RESOLVE –AUTHORIZE TREASURER TO WRITE OFF A 2006
REAL ESTATE TAX

Be It Resolved by the Auburn City Council that the Treasurer is hereby
authorized to write off the following 2006 real estate tax:

Property ID #312-002-000-360 \$153.30

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 2/2/2009 **Agenda Item No.** 3

SUBJECT:

**RESOLVE – AMENDMENT TO POLICY REGARDING THE ACQUISITION
AND DISPOSITION OF TAX ACQUIRED PROPERTY**

INFORMATION:

At the request of the City Council, Article 4 of the Policy regarding the disposition of Tax Acquired Property has been amended by staff for Councilors to review. These changes will be discussed during the Workshop portion of the meeting. If the Council is satisfied with the changes this resolve would implement the amendments.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: February 2, 2009

TITLE: RESOLVE - AMEND POLICY REGARDING THE ACQUISITION
AND DISPOSITION OF TAX ACQUIRED PROPERTY

Be It Resolved by the Auburn City Council, That the Policy Regarding the Acquisition and Disposition of Tax Acquired Property be amended as shown on the attached document.

Motion for acceptance:

Seconded by:

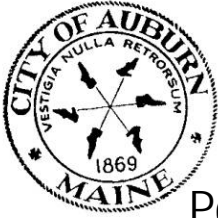
Vote:

Action by the City Council:

Date:

Attest:

City Clerk



City of Auburn

Policy Regarding the Acquisition and Disposition of Tax Acquired Property

Article 1. Purpose

The purpose of this policy is to establish a procedure for the management, administration and disposition of real property acquired due to non-payment of taxes in accordance with Title 36 MRSA Sections 942 and 943 as amended. It is in the City's and the residents' best interest to have a clear policy with respect to the disposal of tax acquired property and to have that property disposed of efficiently as possible in order to:

- Return properties to the tax rolls;
- Reduce the opportunity for neighborhood blight by not having buildings or lots sit vacant and untended, thus potentially becoming an eyesore and a target for vandalism;
- Preserve neighborhoods by having properties sold in a timely manner, thus reducing the likelihood of deterioration or becoming dilapidated.

Article 2. Administration – "Tax Acquired Property Management Committee"

Section 2.1 Committee Established. The City Manager will appoint a staff committee which will be called the "Tax Acquired Property Management Committee".

Section 2.2 Committee Composition. The committee will have representation from those departments as determined by the City Manager which have a direct relationship to property administration in the City of Auburn. Permanent members of the committee will be the Finance Director, Tax Collector, Purchasing Agent and a representative of the City Manager's Office. The City Manager will name the committee chairperson.

Section 2.3 Meetings. The Committee will meet as often as necessary to carry out the duties and responsibilities set forth in this policy.

Article 3. Duties and Responsibilities of the City Tax Collector and the Committee

Section 3.1 Review of Properties. At least forty five (45) days prior to the foreclosure date, the City Tax Collector shall identify each property on the list and notify all members of the committee of the impending foreclosure. The identification shall include, but is not limited to, the following: property tax map and lot number, property owner name, property location by street address, current property use if improved with buildings, and any other information available that the Tax Collector feels will be helpful to the committee.

Section 3.2 Notice to Departments. The Tax Collector shall notify the following departments of the impending foreclosure, and provide the list of properties and the same information as provided to the committee: the City Manager, Community Development, Assessing Department, Public Works Department, Engineering Division, Fire Department, Police Department, and City Clerk. In addition to the above named City departments, the Tax Collector will notify the Auburn Water District, the Auburn Sewer District and any other persons requesting such notification.

Section 3.3 Request for Department Review. At the time of the notice, the Tax Collector will request the departments to review the property list for the purpose of advising the committee of any properties which the City should not acquire through the lien foreclosure process. When appropriate, the department should perform a field visit to the property. In reviewing the list, each department will consider the criteria and guidelines established in this policy and by the Committee.

In order for the Committee to perform its work, each department must conduct its review and return its written findings and recommendations to the Tax Collector within five (5) business days.

Section 3.4 Guidelines Regarding the Sale or Disposition of Tax Acquired Property. All tax acquired properties will automatically be eligible for disposition immediately following foreclosure by the City with the following exceptions:

- In cases where the City has negotiated a payment plan with the owner for back taxes - prior to foreclosure, and payments are being made accordingly; and
- In cases where the City wishes to retain ownership for municipal purposes, such as open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation, education, right of ways, storage areas, etc., or the City wishes to convey the property for a use which serves the City's interests.

When reviewing properties that may be subject to foreclosure, the Committee and the affected departments will, at a minimum, consider the following guidelines and criteria in determining whether the City should: (1) retain the property for public use, (2) sell the property, or (3) waive foreclosure:

- the property is either unfit or unnecessary for City use;
- the City wishes to retain ownership for municipal purposes;
- the property is adjacent to publicly owned land;
- there are buildings on the property that should be demolished;
- there are environmental liabilities or hazards present on the site
- the property has investment or marketable value;
- there are uses that the property is suited for which meet the requirements of the City's zoning and land use ordinance;
- the property has value only to an abutter (provides additional set back, off street parking, etc.).

The Committee may consider additional criteria in formulating its recommendation to the Manager and City Council regarding disposition of the property.

Section 3.5 Committee Action/Recommendations. The committee will meet to review the comments received from each department. The Committee will then forward a recommendation to the City Manager for appropriate action. The Committee will meet in sufficient time before the foreclosure deadline in order for the City Manager and City Council to have sufficient time to take any action that may be necessary, including waiver of foreclosure.

Article 4. Sale and Marketing of Tax Acquired Properties

The City of Auburn will dispose of tax acquired properties by the following method.

Section 4.1 Sale to the Prior Owner. The City will first offer tax acquired property to the prior owner, it shall be offered upon the following conditions: Upon acquiring a property, the Tax Collector shall notify the prior owner that they have thirty (30) days within which to inform the City if they intend to redeem the foreclosed property. To redeem the property, the prior owner must pay all taxes assessed and unpaid, all interest on those unpaid taxes, all costs associated with the lien and foreclosure process and the estimated next fiscal year's property taxes if the redemption occurs after April 1st. If the prior owner has not entered into a payment plan or has not redeemed the property within sixty (60) days of the date of notification by the City, the City will proceed with the disposition in accordance with this policy. Nothing in this policy shall be construed to create any entitlement of reconveyance.

Section 4.2 Sale to Abutters. In the event the prior owner has declined or is unable to buy the property within the timeframe specified in Section 4.1, the property will be offered to all abutters requesting a bid for the assessed value. If there is more than one acceptable proposal, and unless the City chooses to withdraw the property from the market, the highest offer will be accepted. The City will provide tax title only through a quit claim deed.

Section 4.3 Public Sales. Depending on the type of property and its value, the City may use a variety of marketing methods, as indicated below. Regardless of the method, the City reserves the right to accept or reject any proposal it receives. The Finance Department will maintain an updated list of all tax acquired properties which are available for sale and which will be provided to the public upon request.

i. Sealed Bids. The City may offer properties for sale by sealed bid in conformance with the City charter and applicable statutes. This sale will be conducted by the City's Purchasing Agent within 90 days of the date of foreclosure. The City retains the sole discretion to accept or reject any bid depending on whether the City determines a bid proposal meets the City's objectives.

ii. Request for Proposals. The City may solicit proposals using an RFP process.

iii. Real Estate Broker Contract. Vacant land, commercial, industrial,

residential and multi-family residential properties which are determined to have investment or high sale value will be identified with a disclosure statement describing all property attributes. This disclosure statement will be obtained from the Assessing Department based on the available record and a field inspection when entry to the property can be obtained. The City may place these properties with a professional real estate broker to be marketed. If the properties are placed with a professional broker, they will be given a deadline within which to sell the property. If the property is not sold within that timeframe, thereafter if any broker produces a purchaser, which results in a sale, the broker will receive a commission.

Section 4.3. Rejection of Bid or Purchase Offer. All properties will be sold at a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value, the property's current condition, and potential use. Nothing in this policy shall limit or modify the discretion of the City Manager or the City Council to reject any bid offer to purchase, should they deem it in the best interests of the City to do so. All properties must be sold for uses in keeping with the City's zoning ordinance. The City may place criteria on the disposition of any property that meet or further the City's objectives including: the density of development, design standards, the intended use (even when the particular use is allowed in that zone), and evidence of the buyer's financial ability to develop the property.

Article 5. Occupied Residential Properties. Prior to the conveyance by the City of a foreclosed residential property, the City will manage the property in accordance with the provisions of Title 14 MRSA Section 8104-A. The purpose for this provision is to avoid any liability, or management responsibility with regard to ownership of the property.

The City may notify the occupants that the property has been foreclosed and is in the possession of the City of Auburn. The City may choose to evict the occupants in accordance with the law. If the City allows the occupants to continue to reside in the building, the City will notify the occupants that it will perform no maintenance on the property or buildings, that the City will accept no financial obligations or responsibilities to operate the buildings and that the continued occupancy of the property is at the sole discretion and risk of the tenant or leasee.

Adopted by the Auburn City Council February 17, 1998
Amended by the Auburn City Council: