

City of Marlborough



POLICY AND PROCEDURES FOR PURCHASE OF CITY-OWNED VACANT PROPERTIES VALUED AT \$35,000 OR LESS

Massachusetts General Laws outline procedures for disposing of property owned by local government. These procedures vary based on the value of the property to be purchased.

One of the frequent requests received by the City of Marlborough (“City”) is to purchase a vacant lot abutting one’s own property. If the lot in question (1) is owned by the City; (2) has an assessed value of \$35,000 or less; (3) is not needed by the City for open space or any other public use; (3) is not part of a larger vacant parcel which can be developed; (4) is located immediately adjacent to the property owner’s lot; and (5) said property owner is current on all property taxes she/he owns, this can be relatively easy process, though the City will need to follow certain procedures. It is very likely it will take at least three (3) months to complete the process. The property must be owned by the City. To find a property owner of record, you may obtain information from the City’s Assessors’ Office either on-line at www.marlborough-ma.gov, or by contacting the City’s Assessors’ Office at 508-460-3779. If the lot is privately owned, the City cannot sell it to you. The City’s Tax Collector’s Office can tell you whether the property is in tax title foreclosure for non-payment of property taxes, however, and can advise you about whether the property is available for purchase.

Please note: Abutters lot acquired through this process may be used only for the following:

- Garden
- Side-yard
- Landscaped open space
- Off-street parking
- Garage
- Septic or sewer improvements
- An addition to an abutter’s existing structure

All lots will be sold “as is”. The City makes no representations or warranties with respect to the suitability of any lot for any particular purpose, or as to the applicability or effect of any local, state, or Federal law. Selection of a proposal and sale of a lot by the City pursuant to these procedures do not ensure that such zoning or other approval will be granted.

If the property owned by the City is to be offered to the abutting owners to the centerline. Each abutting owner(s) shall have twenty-one (21) days from the date of written notification to inform the Chief Procurement Officer in writing of their decision to purchase or not to purchase the subject property regardless of the size of the property. The property shall be divided equally or as mutually agreed upon by affecting abutting property owner(s) and the City. Should the abutting property owner(s) inform the Chief Procurement Officer that they are not interested in purchasing the subject property, or upon expiration of the twenty-one (21) days described above, the original offer to purchase shall be submitted to Council for its consideration for approval or disapproval thereof.

In order for the City to consider your request, please note the following procedures to purchase a vacant abutter lot.

- 1. Complete the attached application, and send, together with a copy of your deed to your abutting property (with book and page number as recorded in Middlesex South Registry of Deeds) to:**

**City of Marlborough
Attention: Chief Procurement Officer
140 Main Street – 3rd Floor
Marlborough, MA 01752**

2. Application will be processed by the Chief Procurement Officer and sent to the Mayor and various City departments for review and recommendations.
3. The City will perform the following functions:
 - Determine which process must be followed for the property of interest based on proposed use(s) for the abutter lot.
 - Determine if an appraisal is required.
 - Determine if applicant is current on property taxes.
 - Inform applicant of minimum amount and any reuse restrictions required for the sale of the property set by the Marlborough City Council (“City Council”), if the City Council declared the abutter lot available for disposition by sale. All sales must be approved by the City Council.
4. Notice sent to abutting property owners, if any.
5. Offers received from interested parties abutting the property.
6. Determination of sale to most appropriate abutting landowner(s) (might not be applicant with initial interest). If more than one abutter applies for the purchase of the same lot and they both submit applications that meet one or more of the use requirements previously outlined above, then the City Council can recommend that the parcel be divided and each abutter will received a portion of the property, or may decide that the property should be sold to one abutter based on the following criteria:
 - Preference will be given to an abutter who is a resident, owner-occupant.

- Preference will be given to an abutter who maintains their property in excellent condition.
- Preference will be given to an abutter who presently has little or no usable open space and/or is in need of off-street parking or additional off-street parking.
- Preference will be given to the abutter who has assisted in maintenance and care of the vacant lot.
- Preference will be given to those uses that will improve the quality of life in the neighborhood as a whole, and/or fulfill a recognized need for that neighborhood.
- Preference will be given to those abutters that have an excellent tax payment history.

In some cases, the City Council may request to meet with both applicants in order to generate a mutually agreeable solution for both parties. The City Council reserves the right to not recommend any abutter as the purchaser of the vacant lot.

7. Purchase Agreement sent by the Legal Department to successful landowner(s) along with any required forms, including a c. 60, § 77B Disclosure Statement, if applicable, a Trustees Certificate Form, if applicable, a Disclosure of Beneficial Interest Form (M.G.L. c. 7C, § 38) and Tax Attestation Form (M.G.L. c. 62C, § 49A, which must be completed and returned to the Legal Department, City Hall, 140 Main Street, 4th Floor, Marlborough, MA 01752. Terms and conditions of the sale are:

- The buyer will be responsible for all legal, recording or other applicable fees that are incurred as part of the sale.
- Included in the sale terms and conditions is an agreement that the buyer must agree to certain restrictions such as the following:
 - The premises shall be combined with the abutting property into the same record ownership for the purposes of future conveyances. If the lot is sold, the lot must always be sold with the original abutter lot.
 - If the lot is used for off-street parking, a legal curb-cut must be constructed for access in compliance with all applicable City of Marlborough Ordinances and City Department regulations.
 - Any improvements to the lot must be completed in accordance with the City of Marlborough’s zoning ordinances.

Restrictions will be placed in the deed at closing to secure these terms.

8. Legal Department prepares deed(s), receives payment from landowner(s) and arranges for recording of deed(s) (M.G.L. c. 183). In addition to the sale price, the buyer is responsible for paying all Middlesex South Registry of Deeds recording fees, costs associated with the survey and ANR plan and pro-rated payment in lieu of taxes calculated by multiplying the tax rate for the fiscal year by the sale price. Disclosure of Beneficial Interest Form shall be filed by the Chief Procurement Officer with the Commonwealth’s Department of Capital Asset Management and Maintenance (DCAMM) required by M.G.L. c. 7C, § 38.