

## **Appendix III-1 Land Bank Purchaser Application**

# **Purchaser Application**

### **Section 1. Policy**

These policies and procedures of the Augusta, Georgia Land Bank Authority have been adopted by the Board of Directors of the AGLBA in accordance with and pursuant to Section 48-4-100 et seq. of the Official Code of Georgia Annotated (hereinafter the “Land Bank Act”) and the Intergovernmental Agreement dated February 6, 2007 and corresponding Resolution dated August 7, 2007.

### **Section 2. Definitions**

As used in these policies and procedures the following terms shall have the definitions set forth:

- (a) “Purchaser Application” shall mean a written agreement between a Grantee and the Augusta, Georgia Land Bank Authority which identifies the Property, the identified permissible uses of the Property following transfer by the Augusta, Georgia Land Bank Authority, any encumbrances on the Property, and the rights and duties of the parties.
- (b) “Grantee” shall mean the party or parties identified in a Purchaser Application as the party to whom the Property is to be transferred from the Augusta, Georgia Land Bank Authority.
- (d) “Property” shall mean the real property and improvements (if any) located thereon identified in a Purchaser Application and transferred from the Augusta, Georgia Land Bank Authority pursuant to a Purchaser Application, together with all right, title and interest in appurtenances, benefits and easements related thereto.

### **Section 3. Disposition Procedures**

- The Augusta, Georgia Land Bank Authority will make available for interested parties the Purchaser Application and policies. The Application shall request information on the use of the property, the budget for any development, personal or organizational information (experience, capacity, history, etc.) and timeline.
- Purchaser Application and supporting documents will be received by the Augusta, Georgia Land Bank Authority.
- The Augusta, Georgia Land Bank Authority will process the Purchaser Application; provide a review and initial evaluation of the proposals, as compared to the policies and priorities established by the Augusta, Georgia Land Bank Authority.
- All Purchaser Application requests for property require Augusta, Georgia Land Bank Authority Board of Directors approval. Staff will initially recommend Purchaser Applications, with terms, and invite applicant(s) to the Augusta, Georgia Land Bank Authority Board meeting.

- The Augusta, Georgia Land Bank Authority staff will communicate all outcomes to applicant.
- The Augusta, Georgia Land Bank Authority will implement the closing process.
- The Grantee must submit the following documents to the Augusta, Georgia Land Bank Authority, in accordance with the Developer Requirement specifications for Property purchase:
  - List of property address(es)
  - Description of end use
  - Rehabilitation / Improvement Specifications
  - Time Line for Rehabilitation / Improvement Completion (if applicable)
  - Project Financing (Pre-Qualification Letter for Lender)
  - Development and operating budget (Proforma)
  - Development / Project schedule for completion (Gantt Chart)
  - Development Team Description, including complete information on the following parties:
    - Developer
    - Co-developer/Partner
    - Owner
    - General Contractor
    - Consultants
    - Architect
    - Project Manager (during construction)
    - Lead Construction Lender
    - Marketing Agent
    - Project Management (post-construction)
  - All Rental Transactions Must Attach an Operating Budget
  - Most Recent Audited Financial Statement
  - Evidence of compliance with all applicable Land Bank policies

#### **Section 4. Agreement Document**

In an effort to ensure that the development which occurs on property transferred by the Augusta, Georgia Land Bank Authority is consistent with the agreed upon development, and on a reasonable schedule, the Augusta, Georgia Land Bank Authority will require that each property transfer is subject to a Purchaser Application.

Each Purchaser Agreement will consists of the following components:

- Project Description
- Development Scheduled
- Financing Structure
- Enforcement Mechanism

Each Purchaser Application will be drafted by the Augusta, Georgia Land Bank Authority and signed by both the Augusta, Georgia Land Bank Authority staff and the Grantee prior to Board of Directors approval.

**This Section Intentionally Left Blank**

The purpose of this document is to declare the intent of the identified developer/organization to purchase the 'Property of Interest' from the Augusta Georgia Land Bank upon possession of the property.

- Prepaid Expenses of **\$3,500** must accompany this agreement for properties you wish for us to initiate foreclosure procedures.
- Prepaid Expenses of **\$1400** must accompany this agreement for properties already in AGLBA inventory.
- Prepaid Expenses of **\$7500** must accompany this agreement for non-judicial properties and properties without clear title.

### CONTACT INFORMATION

Name of Applicant: \_\_\_\_\_

Individual  Corporation or other entity

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Alternative Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Non-Profit ( ) For-Profit ( )

Signature: \_\_\_\_\_

### PROPERTY INFORMATION

Owner of Property: Land Bank Authority ( ) City of Augusta ( ) Private Owner ( )

Address: \_\_\_\_\_

Tax Map & Parcel #: \_\_\_\_\_

### INTENDED USE OF PROPERTY

Occupy  Sell  Rent  Other: \_\_\_\_\_

If redevelopment is for rental purposes, how much will the monthly rent be: \$ \_\_\_\_\_

Based on the total property value appraised by the Richmond County Tax Assessor Office (see Amounts Due Spreadsheet), the client intends to offer: \$ \_\_\_\_\_

### These requirements MUST BE MET to acquire properties through the Land Bank Authority:

The property requested is vacant and unoccupied

The Applicant has no fines or delinquent taxes owed to the local government

All properties owned by the Applicant are in good standing and have no violations of city code or open property maintenance cases with Augusta Richmond County

The Applicant has not had a property foreclosure filed against them within the past seven (7) years (extenuating circumstances may be considered)

☐ All business entities are active and in good standing with the Secretary of State and Planning & Development (active business licensure)

☐ All Applicants are in good standing with the Department of Revenue and IRS

**Please read the following, sign and date that you have read and understand the information:**

- An application will not be approved unless the applicant has sufficient funds to purchase the property and to perform all proposed improvements. Evidence of funding is required. The Augusta Georgia Land Bank Authority will only accept a bank check or other type of payment with guaranteed funds such as a cashier's check, certified check from a title company escrow account, or money order.
- The Augusta Georgia Land Bank Authority reserves the right to condition the sale on the buyer's acceptance of deed restrictions and/or other agreements. The Augusta Georgia Land Bank Authority reserves the right to accept or reject all land use/development proposals and offers for purchase.
- The Augusta Georgia Land Bank Authority Board of Directors must authorize all transactions.
- The potential Grantee must obtain the necessary building permits and meet zoning requirements established for the proposed property for which they plan to develop.
- Lead Warning Statement: Every Grantee of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspection in the seller's possession and notifies the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

O <https://www.epa.gov/lead/renovate-right-important-lead-hazard-information-families-child-careproviders-and-schools>

O <https://www.epa.gov/lead/protect-your-family-lead-your-home-real-estate-disclosure>

- Grantee agrees to accept title "as-is", without any warranties or representations by the Augusta Georgia Land Bank Authority including, without limitation, the property's suitability; habitability; fitness of buyers intended purposes of the property; environmental site conditions; zoning; adequacy of utility services; warranties of merchantability; or defects in the property's title. Grantee agrees to hold harmless and release the Augusta Georgia Land Bank Authority for all conditions known and unknown to the property.
- Grantee agrees to indemnify, protect, hold harmless, defend, and release the Augusta Georgia Land Bank Authority from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorney's fees asserted against, incurred, or suffered by the Augusta Georgia Land Bank Authority resulting from any contract breaches, personal injuries, or property damages occurring in, on,

about, or related to the property resulting from any causes, except resulting from the acts or omissions of the Augusta Georgia Land Bank Authority or its agents, employees, or contractors. Nothing in this article restricts the Augusta Georgia Land Bank Authority's rights and remedies available at law or in equity.

**Applicant Signature Page**

Applicant understands that Augusta Georgia Land Bank Authority will dispose of the property in accordance with the Augusta Georgia Land Bank Authority's Acquisition & Disposition of Real Property Policies and Procedures, as determined by the Board of Directors and in consideration of the highest and best use of the property.

Applicant understands that application fee (\$500) is nonrefundable at the time of item being presented on board meeting agenda.

Applicant understands that administrative fee (\$500) is nonrefundable upon acceptance of motion by the board of directors.

Applicant understands that for non-judicial properties without marketable title that the Augusta, Georgia Land Bank Authority is responsible for attorneys' fees for debarment (\$1500) and that applicant is responsible for attorneys' fees for quiet title (\$5000)

Applicant understands that quiet title is a legal process in which the attorney must remove all heirs and can be prolonged. Closing is not possible until quiet title process is completed.

However, 18-month private development start deadline is not instituted until closing. Likewise, 24-month nonprofit development timeline is not instituted until closing.

**Signature (Required)**

I have read and understand the information provided in enclosed.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_ Printed

Name: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_