

**SHELBY COUNTY LAND BANK
DELINQUENT TAX PROPERTY
GOVERNMENTAL ENTITY CONVEYANCE PROCEDURE**

- A. **CRITERIA.** A governmental entity may request the conveyance of one or more delinquent tax parcels (“Property”) from the Shelby County Land Bank (“SCLB”). The written request must:
1. State the proposed public use of the Property;
 2. Explain why the proposed public use would make the Property subject to condemnation by the governmental entity under its powers of eminent domain as defined by Tennessee Code Annotate § 29-17-102;
 3. Certify that the Property is to be used for purposes that would make the Property subject to condemnation by the governmental entity under its powers of eminent domain;
 4. Provide the name, address, and telephone number of the governmental entity’s point of contact (“POC”) for the request;
 5. Bear the signature of the person with the authority to contract and acquire the Property for the governmental entity.
- B. **PROPERTY.** A multiple property conveyance may be comprised of contiguous and/or noncontiguous parcels of land that were placed in the SCLB at different times.
- C. **CONVEYANCE CONDITIONS.** The governmental entity shall receive the Property under the following conditions:
1. **TERMS.** In addition to the terms set forth in this procedure, the SCLB may set forth terms it deems appropriate for the conveyance of the Property per Tennessee Code Annotated §67-5-2509(c)(1).
 2. **NO WARRANTIES.** The governmental entity shall take title to the Property in the “AS IS and WHERE IS” condition, with no warranties or representations of any kind, either expressed or implied as to the title, physical or environmental condition, code and/or housing violations, merchantability, or fitness for any use or purpose or any other representation of any kind whatsoever.
 3. **TITLE.** The governmental entity shall take title to the Property by quit claim deed.
 4. **FEES.** On terms agreed to by the SCLB and the governmental entity, the SCLB may assess an administrative fee of \$1,300 for the Property or per each parcel that comprises the Property and a processing fee of \$200 for the Property or per each parcel that comprises the Property to the governmental entity and may require the governmental entity to cover the costs of the transfer, including the preparation of the quit claim deed(s) and the recording of the deed(s).
 5. **RIGHT OF FIRST REFUSAL.** The quit claim deed(s) of the Property will be in a form prescribed by the Shelby County Trustee, and Shelby County shall retain a right of first refusal on the Property for a ten-year period from the date that the quit claim deed is executed.
 6. **COUNTY COMMISSION MEETING.** Once the matters in the previous paragraphs are complete, SCLB staff shall prepare, schedule, and present a

resolution to the Shelby County Board of Commissioners for approval of the conveyance. A representative of the governmental entity may be required to attend the Shelby County Board of Commissioners meeting(s) to answer questions concerning the proposed use and development of the Property. In the event no representative of the governmental entity is able to attend the scheduled the Shelby County Board of Commissioners meeting(s), SCLB may request deferral of the conveyance approval. If a representative of the governmental entity is unable to attend a meeting within sixty days of the initial meeting, SCLB staff may declare the conveyance canceled.

7. CLOSING. Upon the County Commission's approval of the conveyance, SCLB staff will notify the POC by telephone if a representative of the governmental entity was not present at the County Commission meeting. The closing must occur within thirty days of the County Commission's approval. At the closing, the governmental entity must submit any remaining balance of fees owed to the Shelby County Trustee.
 8. RECORDATION. Upon the County Commission's approval of the conveyance, the SCLB staff shall forward any final payment covering the balance of fees owed, estimated transfer tax, and/or recording fee, to the Shelby County Trustee for immediate deposit and upon receipt request that the Trustee complete the execution of the quit claim deed and record it with the Shelby County Register and thereafter mail the original recorded quit claim deed to the POC.
- D. GOVERNING LAW. The conveyance and all related agreements shall be governed by and construed under the laws of the State of Tennessee, in a court in Shelby County, Tennessee.