

RESOLUTION

97-R-344

Sponsored by

THE HONORABLE JOHN H. STROGER, JR.

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

Co-Sponsored by

THE HONORABLE DEBORAH SIMS, COUNTY COMMISSIONER

**RESOLUTION IMPLEMENTING THE
"NO-CASH BID PROGRAM ORDINANCE"
AT THE COOK COUNTY SCAVENGER SALE**

WHEREAS, pursuant to Section 21-90 and related provisions of the Illinois Property Tax Code, 35 ILCS 200/21-90, the County Board of Commissioners has the authority; whenever any property is delinquent or forfeited for non-payment of taxes for all or part of each of two years and is offered for sale under any of the provisions of the Property Tax Code, to submit a "no-cash bid" for such property and to receive a tax sale certificate of purchase therefor, to pursue title to such property, or to assign the property or the certificate of purchase to any party;

WHEREAS, the County Board of Commissioners may specify such procedures, rules, and conditions as it may deem appropriate regarding the submission of no-cash bids and the acquisition and disposition of tax sale certificates or properties;

WHEREAS, the County Board of Commissioners has implemented its authority under Section 21-90 and related provisions of the Property Tax Code by creating the "No-Cash Bid Program" through its enactment of the "No-Cash Bid Program Ordinance," No. 91-O-41, approved and adopted on September 4, 1991;

WHEREAS, pursuant to the No-Cash Bid Program Ordinance, the County Board of Commissioners may receive and act upon requests for no-cash bids by municipalities at the various tax sales conducted under the Property Tax Code, including the annual tax sale, forfeiture sales, and the scavenger sale, and may assign the certificates of purchase acquired by no-cash bids at such sales to the municipalities;

WHEREAS, the County Board of Commissioners finds that the No-Cash Bid Program may be conducted more efficiently and effectively if separate procedures are adopted to implement the program where requests for no-cash bids are received in connection with the scavenger sale;

WHEREAS, the County Board of Commissioners finds that, in particular, no-cash bids through the scavenger sale may be processed more effectively, and thus the goals of the No-Cash Bid Program to remove property from chronically tax delinquent status return it to productive use may be more efficiently and completely accomplished, where municipalities applying for no-cash bids assume primary responsibility for screening parcels for inclusion in the program;

WHEREAS, the County Board of Commissioners finds that, because of the complexity of the scavenger sale process, parcels are occasionally purchased through the No-Cash Bid Program which are later determined to be ineligible or otherwise unsuitable for tax sale or for inclusion in the Program; further, the County Board of Commissioners finds that sales of such parcels are most appropriately resolved by seeking judicial declarations of sales in error, which ensure that the status of the parcels prior to scavenger sale is restored so that future tax sales or other actions with respect to the tax status of these parcels, as may be appropriate, are not impeded;

WHEREAS, the County Board of Commissioners finds that potential sales in error are most effectively identified during the tax deed process, after transfer of the tax sale certificate of purchase to a municipality under the No-Cash Bid Program; and therefore, that the municipalities should assume primary responsibility to ensure that tax sales within the program result in tax deeds, or that the delinquent taxes are satisfied by redemption, or that such tax sales as may be erroneous due to exemption, pending bankruptcy proceedings, or other grounds, are resolved by appropriate petitions for judicial declarations of sale in error;

WHEREAS, the County Board of Commissioners finds that the provisions of Section 5 of the No-Cash Bid Program Ordinance for municipalities to report to the Board on the progress of parcels through the Program should be augmented by a further report to the Board specifying the status of the tax sales;

NOW, THEREFORE, BE IT RESOLVED BY THE COOK COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The foregoing recitals are hereby incorporated as part of this Resolution.
2. Terms which are defined in Section 2 of the No-Cash Bid Program Ordinance shall have the same definitions for purposes of this Resolution.
3. This Resolution shall govern all requests by municipalities for no-cash bids to be processed through the scavenger sale which are placed on the Board's agenda on or after its effective date, or which were placed on the Board's agenda prior to its effective date and are still pending, unless the Board provides otherwise by resolution in a particular case. Provided, however, that a municipality whose pending request was placed on the Board's agenda prior to the effective date of this Resolution may except that request from the terms of this Resolution by letter to the Subcommittee Chairperson.
4. Requests by municipalities for processing at the scavenger sale shall be initiated by submission of the letter of request and municipal ordinance or resolution required under Sections 4(a) and 4(b) of the No-Cash Bid Program Ordinance to the County Board President. The request may then be placed on the Board's agenda and referred for further action to the Subcommittee pending submission of the remaining items of information to be included in the Request Package pursuant to Sections 4(c) through 4(h) of the No-Cash Bid Program Ordinance. The remaining items shall be submitted by filing one (1) complete copy of the Request Package with the Board, through the Department of Economic Development, prior to the Subcommittee's action on the request.

5. The municipality shall submit to the Subcommittee Chairperson, with copies to the State's Attorney's Office, Economic Development Department, and the County Clerk, a certification, substantially in the following form, which shall assure the Board that the municipality assumes full responsibility for processing each parcel included within the no-cash bid request.

**"CERTIFICATION REGARDING THE NO-CASH BID
REQUEST OF THE (NAME OF MUNICIPALITY)
FOR THE (YEAR) SCAVENGER TAX SALE**

(Name of Municipality) (the "Requestor"), in consideration of the approval by the Cook County Board of Commissioners ("Board") of its request for a no-cash bid pursuant to Section 21-90 of the Illinois Property Tax Code ("the no-cash bid request") at the next succeeding scavenger tax sale and assignment to the Requestor of the resulting tax sale certificate(s) of purchase, hereby certifies to the Board as follows:

(a) The final list of parcel(s) to be included in the no-cash bid request are identified by volume number and permanent index number on the "Schedule of Certified Parcel(s)" attached to this certification; any parcel(s) which appeared on Requestor's original submission and which are not identified on the attached Schedule shall be deemed withdrawn from the request.

(b) Each parcel included in the no-cash bid request is located within the corporate boundaries of the Requestor.

(c) All of the components of the "Request Package" required pursuant to Section 4 of the Cook County No-Cash Bid Program Ordinance (Ordinance No. 91-O-41) have been compiled and reviewed by the Requestor.

(d) The Requestor assumes full responsibility to ensure that each parcel included in the no-cash bid request meets the requirements of the Cook County No-Cash Bid Program Ordinance.

(e) The Requestor has reviewed, and will continue to review during the tax sale and tax deed process, whether each parcel included in the no-cash bid request meets the statutory requirements for scavenger tax sale, and is otherwise suitable for inclusion in the No-Cash Bid Program and the Requestor's own program for acquisition and development of the parcel.

(f) In the event that the Requestor determines during the tax sale or tax deed process that any parcel included in the no-cash bid request: (1) does not meet the statutory requirements for scavenger tax sale, or (2) that a change in circumstances has occurred so that the parcel is no longer suitable for inclusion within the Requestor's program for acquisition and development, or (3) that it otherwise appears that the tax sale of the parcel is liable to a judicial declaration of sale in error, the Requestor shall be responsible to petition the court for such a declaration and to report to the Board regarding such petition as required in Section 5 of the No-Cash Bid Program Ordinance and as required under this Resolution.

(g) In the event that the Board or its representative determines that the tax sale of any parcel included in the no-cash bid request is liable to a judicial declaration of sale in error on one of the grounds specified in Section 21-310(a)(1)-(6) of the Property Tax Code (35 ILCS 200/21-310(a)(1)-(6)), unless the Requestor does not agree that such grounds exist, the Requestor shall also be responsible to petition the court for a declaration of sale in error and to report to the Board regarding such petition as required in Section 5 of the No-Cash Bid Program Ordinance and as required under this Resolution."

The foregoing certification shall be submitted to the Subcommittee prior to its action on the no-cash bid request.

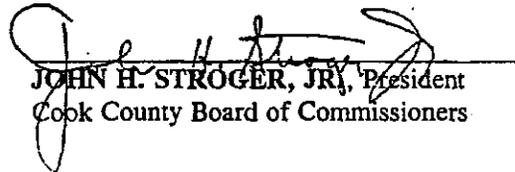
6. (a) In addition to the annual reports required under Section 5 of the No-Cash Bid Program Ordinance, the Requestor shall also submit a report to the Board, through the Subcommittee, with informational copies to the County Department of Economic Development, the County Clerk, and the County State's Attorney's Civil Actions Bureau, specifying for each parcel included in the request:

- (1) Whether a tax deed was issued, and if so, the date of the tax deed;
- (2) Whether a tax deed petition remains pending pursuant to which a tax deed is expected to be issued;
- (3) Whether a redemption occurred, and if so, the date of the redemption;
- (4) Whether a sale in error was ordered, and if so, the date of the order;
- (5) Whether a sale in error petition remains pending;
- (6) Whether the parcel has been declared exempt.

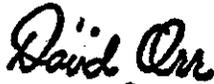
(b) The report required under subsection (a) of this section shall be submitted on the third anniversary of the date of issuance of the last tax sale certificate of purchase resulting from the no-cash bid request. In the event that the tax sales of all of the parcels included within the request have not been finally resolved by tax deeds, redemptions, or sale in error orders at the time of the report, a follow-up report shall be submitted when such final resolution has occurred as to all the remaining parcels.

This Resolution takes effect immediately upon its approval.

Approved and adopted this 1st day of July, 1997.


JOHN H. STROGER, JR., President
Cook County Board of Commissioners

(S E A L)



Attest: _____
DAVID ORR, County Clerk

APPROVED BY BOARD
COUNTY COMMISSIONERS

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