

Yard for Sale



Application

Real Estate Management and Sales
Public Facilities Department
26 Court Street
Boston, MA 02108



City of Boston
Thomas M. Menino, Mayor
Public Facilities Department
Charles T. Grigsby, Director

YARD SALE PROGRAM INSTRUCTIONS

INSTRUCTIONS

Thank you for your interest in the City of Boston's YARD SALE Program. Since 1988, the City of Boston has sold over 300 lots to property owners like you creating new gardens, side yards, and off-street parking, which has improved the appearance of all Boston neighborhoods. According to the City of Boston's Assessing Department, records indicate that you are an abutter to a city owned vacant lot. Enclosed is the application and attachment forms. Please carefully review the information on this page and use the checklist below to make sure your application is complete. **INCOMPLETE AND/OR LATE APPLICATIONS WILL NOT BE ACCEPTED.** If you have any questions, please call **Frank Griffin**, Land Disposition Program Assistant (635-0106). Si usted necesita alguna informacion en Espanol, por favor dirijase a Jorge Velez (635-0241). Si ke ou gin Kesyon, si vou ple telephone moun Elsie Petit-Frere (635-0565).

Welcome to the YARD SALE Program! This land disposition program is administered by the City of Boston Public Facilities Department (PFD) and is designed to sell small, City-owned vacant lots to property owners who own a home or a building next to those lots. The primary goal of this program is to improve the general appearance of Boston's neighborhoods by encouraging private maintenance of land that is not suitable for development.

The lots that are for sale under the program are:

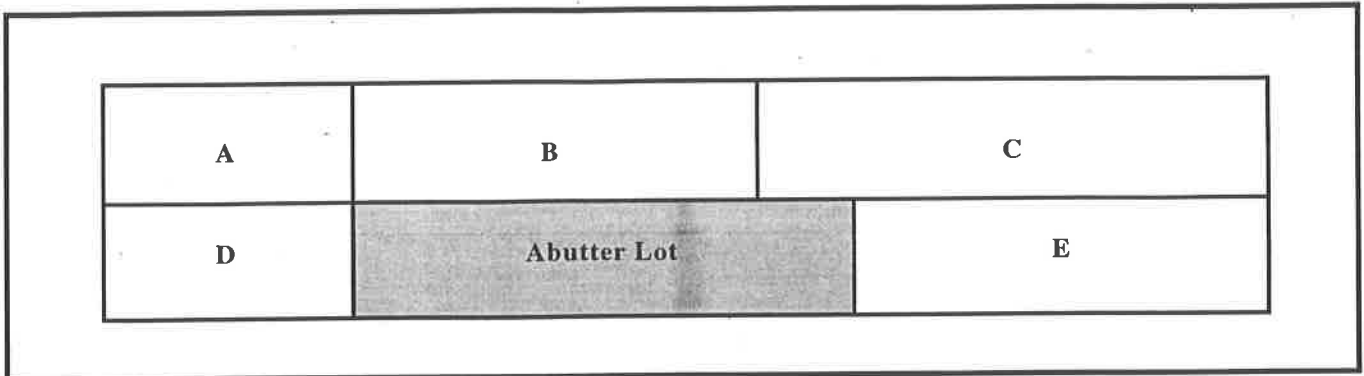
- generally 5,000 square feet or less in size;
- in residential neighborhoods, with a privately-owned building on at least one side;
- not needed for public open space or other public use;
- and not part of a larger vacant parcel which will be developed.

This information packet describes how the YARD SALE Program works. If you are an abutter and interested in purchasing this lot, you will find an application, instructions and a checklist. Please review all of this material very carefully if you are considering participating in the program.

YARD SALE PROGRAM

WHO CAN APPLY TO BUY AN ABUTTER LOT?

A property owner whose property is located immediately next to or behind the abutter lot is eligible to apply. The picture below shows an example of who can and cannot apply.



Owners of properties B, C, D and E can apply to buy the abutter lot. The owner of property A cannot apply, since the property does not directly border the abutter lot. Additionally, owners of property located across the street from the abutter lot are not eligible and owners of vacant land abutting the property are not eligible unless they also own land with a building next to the abutter lot or next to that vacant land which abuts the lot.

***All applicants must show evidence of property ownership, i.e., copy of your Deed,** which can be obtained from the Registry of Deeds, 1 Pemberton Square, Old Courthouse, 5th Floor. Applicant(s) must hold title to the abutter lot exactly as they appear on the deed to the abutting property.

WHAT CAN AN ABUTTER LOT BE USED FOR?

Abutter Lots may only be used for the following:

- Garden
- Side-yard
- Landscaped open space
- Off-street parking
- Garage
- An addition to an abutter's existing structure

Certain uses may require approval from the City of Boston Inspectional Services Department ("ISD") for compliance with the Boston Zoning Code or the issuance of a building permit. Selection of a proposal and sale by PFD does not ensure that such zoning approval will be granted by the City.

YARD SALE PROGRAM

WHAT IS THE PRICE OF AN ABUTTER LOT?

<u>Lot Size</u>	<u>Purchase Price</u>
Up to 3,000 S.F.	\$ 500
3,001 S.F. to 4,000 S.F.	\$ 750
4,001 S.F. and up	\$1,000

For **religious institutions**, the lot price will be 100% of the fair market value for the property based on a PFD authorized appraisal or the assessed value as determined by City Assessing Records.

HOW ARE APPLICATIONS EVALUATED?

All abutters who submit an application will be subject to the following reviews:

- **Tax Delinquency Review** Abutters who have been foreclosed **within the past five years** by the City of Boston are ineligible. At the time of filing an application and during the disposition process, abutters cannot be delinquent in the payment of taxes on any property in the City of Boston, or must be current in a repayment agreement with the City of Boston's Collector-Treasurer's Office.
- **Arson Prevention Review** Abutters with arson-related histories or with unresolved arson-related charges will not be considered eligible.
- **Fair Housing** Abutters must not now, or in the past, have any unresolved housing code violations, housing discrimination complaints, convictions for violating fair housing laws, unresolved tenant harassment complaints or convictions for tenant harassment.
- **City Employment Review** Abutters or their immediate family members who are currently employed or employed in the last 12 months by the City of Boston's Public Facilities Department may not be eligible to purchase city-owned property.
- **Complete Application** Applications must be complete and submitted by the deadline date and time to the PFD Bid Counter. All sections should be completely answered, the attachment forms should be signed, and a property deed, as well as other checklist information, if applicable, should be included.
- **Eligible Abutter** Applicants must be an abutting property owner to be eligible to buy an abutter lot (see previous page for details).
- **Abutter Lot Use** The applicant's proposed use for the abutter lot must be an allowable use as described on the previous page.

After this initial review, which will take between 3-5 weeks, the Dispositions Project Manager may notify the abutters of their application status.

WHAT IF MORE THAN ONE ABUTTER APPLIES FOR THE SAME ABUTTER LOT?

If there is more than one abutter who applies for the same lot, then Public Facilities will either choose a single buyer utilizing the criteria below or the abutters will be sold the lot as tenants in common to subdivide at their own expense after the sale. Abutters interested in subdividing should still complete a separate application.

The decision to recommend a single buyer will be based on the following criteria. Each criteria will be awarded points on a 0-5 basis. (5 points highest ranked.)

- 1) Preference will be given to residential abutters (0-5 Points). Points will be given based on data collected by site visits and City Assessing records;
- 2) Preference will be given to owner-occupants who have resided on the abutting property for a period greater than 5 years. In cases where the abutting property is vacant land, an abutter may still receive points if they live in a home on the parcel abutting that land (0-5 Points). Points will be given based on data collected by site visits and City Assessing records;
- 3) Preference will be given to abutters who have little or no usable open space on their property (0-5 Points). Points will be given based on data collected by site visits;
- 4) Preference will be given to abutters who presently maintain their property in good condition and use (0-5 Points). Points will be given based on data collected by site visits;
- 5) Preference will be given to abutters who have been maintaining or investing in the lot as an eligible use (0-5 Points). Points will be given based on the information provided in the application and data collected by site visits;
- 6) Preference will be given to proposals which fulfill a recognized need for the neighborhood (0-5 Points). Points will be given to proposals that will benefit the neighborhood. This criteria will be met if the proposed use fulfills a specific need for the neighborhood as expressed by the PFD planning staff or Office of Neighborhood Services; and
- 7) Preference will be given to proposals which fit in well with neighborhood uses and design (0-5 Points) Points will be given to projects that do not have an adverse impact on the neighborhood as defined by the PFD planning staff or Office of Neighborhood Services.

WHAT ARE THE TERMS AND CONDITIONS OF THE SALE?

The buyer must agree to the following terms and conditions of sale. A non-monetary mortgage and deed signed at the closing will secure this agreement.

- the lot must be kept free of garbage and debris;
- the grass and/or weeds must be kept trimmed and cut below 6 inches;
- all shrubs must be maintained;
- the abutter lot should not be resold separate from your home that abuts the lot; and,
- the buyer must begin maintenance of the lot immediately upon purchase and complete all proposed improvements within one year of purchase.

WHO CAN PROVIDE MORE INFORMATION?

For more information about the Yard Sale, contact:

Frank Griffin
Program Assistant
635-0106

Si Usted necesita alguna informacion en Español, por favor dirijase a:

Jorge Vélez
Dispositions Project Manager
635-0241

Si Ke ou gin Kesyon, si vou ple telephone moun:

Elsie Petit-Frere
635-0565

YARD SALE PROGRAM APPLICATION

DEADLINE AND DELIVERY

The application must be submitted in a sealed envelope with your return address, the program name, and the abutter lot address clearly identified on the outside of the envelope. The checklist information below must be delivered to the following address by the deadline date and time:

BY: Wednesday, March 19, 1997, no later than 4:00 pm
LATE APPLICATIONS WILL NOT BE ACCEPTED!

TO: Public Facilities Department
Bid Counter
26 Court Street, 10th Floor
Boston, MA 02108

CHECKLIST INFORMATION

Information in the top box should be submitted by all applicants. Information in the bottom box is only applicable to certain applicants. (See below for details.) Applications must include all applicable materials to be deemed complete.

All applicants must read the following information. Please enclose all required documents.

- Completed application (pages 1-2). Did you sign the application form?
- Affidavit regarding payment of taxes, city employment, arson and related housing code violations, etc. (page 3). Did all co-owners/co-applicants sign the Affidavit?
- Copy of the Deed (with book and page number) to your abutting property (sometimes called a quitclaim deed, warranty deed, or certificate of title).
- Beneficial Interest Statement and Disclosure Statement (pages 4-5).
Did all co-owners/co-applicants sign both Statements?

If applicable...

- If a co-owner of your property has deceased, please provide a copy of the death certificate, will and probate order, if applicable.
- If title to your property is held in a trust, please provide Declaration of Trust with recording reference; Authorization and Declaration of Beneficiaries; Trustee's Certificate; Beneficial Interest Statement for the Trust; Schedule of Beneficial Interests (pages 6-9).
- If the applicant is a Condominium Association, please provide the Master Deed and Trustee's Certificate. (The latter form is enclosed with this application.)
- If the applicant is a Limited Partnership, please provide the Agreement & Certificate of Limited Partnership, Authorization by and Authority of General Partner.
- If the applicant is a corporation (non-profit, for-profit, or religious organization), please provide the Articles of Incorporation, By-Laws, list of Board Officers' names and addresses, Clerks Certificate, Corporate Vote (and 501(c)3 letter, if applicable).

**YARD SALE PROGRAM
APPLICATION**

1. Abutter Lot Address: _____
(See attached list)

2. Applicant's Name: _____

Home Address: _____

Neighborhood _____ State _____ Zip _____

Home Phone: _____ Work Phone: _____

What is the best time to reach you? _____ am pm work home

Mailing Address (if different from home) _____

Neighborhood _____ State _____ Zip _____

3a. Address of the property you own next to the abutter lot: _____
(Please provide a copy of the property deed with this application)

3b. Please indicate type of property that you own next to the lot:
residence business church
vacant land other (please explain) _____

4. *If applicable,
Co-Applicant's Name: _____

Street Address: _____

Neighborhood _____ State _____ Zip _____

Co-Applicant's Name: _____

Street Address: _____

Neighborhood _____ State _____ Zip _____

*Co-applicants or co-owners are any other person(s) listed on your deed for the abutting property. Please provide a copy of the death certificate for any co-owner who is no longer living.

5. If another abutter applies for the same lot, would you be willing to purchase the lot together to subdivide at your own expense after the sale? Yes No

6. Please indicate your proposed use(s) for the abutter lot:
 Garden Landscaped Open Space
 Side Yard Addition to House or Business
 Garage Parking

7a. When do you plan to start and complete your proposed improvements on the lot?

Start date _____ Completion date _____

7b. If you are proposing to build either a garage or an addition to your home or business, what are your expected construction costs? \$ _____

8. Describe your proposed use(s) for the abutter lot in as much detail as possible. If you have already been maintaining this lot, please mention your work here. If you'd like, sketch your proposed use and design for the lot in the box below. Please tell us the kind of material you will use, if you are going to build a fence, building addition or a garage. Attach additional paper if necessary.

I CERTIFY THAT ALL THE INFORMATION INCLUDED IN THIS APPLICATION IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature: _____ Date: _____

If applicable
Co-Applicant's Signature: _____ Date: _____

Co-Applicant's Signature: _____ Date: _____

AFFIDAVIT

Any person submitting an Application for the YARD SALE Program must truthfully complete this Affidavit and submit it with their Application. Questions apply to you as an applicant and any co-applicant(s) or co-owner(s). The applicant and all co-applicants must sign this Affidavit below.

1. Do you or any of the co-applicants owe the City of Boston any monies for incurred real estate taxes, rents or other indebtedness?
No Yes (explain) _____
2. Were you or any of the co-applicants ever the owners of any property upon which the City of Boston foreclosed for his/her failure to pay real estate taxes or other indebtedness?
No Yes (explain) _____
3. Have you or any of the co-applicants ever been convicted of any arson-related crimes, or are you currently under indictment for any such crime?
No Yes (explain) _____
4. Have you or any of the co-applicants ever been convicted of violating any law, code, statute or ordinance regarding conditions of human habitation within the last three years?
No Yes (explain) _____
5. Are you or any of the co-applicants and immediate family members* currently employed or employed in the last 12 months by the City of Boston's Public Facilities Department? NO YES (explain) *Immediate family is defined as spouses, parents, offspring and siblings. If yes, employed in what capacity? Please include name of principal, name of agency or department, and position held in that agency or department

6. List the addresses of all property you and the co-applicants own in the City of Boston, including the abutting property. Use additional paper and attach if necessary.

Address: _____ *Ward: _____ *Parcel _____ Zip Code: _____

Address: _____ *Ward: _____ *Parcel _____ Zip Code: _____

Address: _____ *Ward: _____ *Parcel _____ Zip Code: _____

Address: _____ *Ward: _____ *Parcel _____ Zip Code: _____

**This information is included on your real estate tax form.*

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS _____ day of _____, 1997.

APPLICANT'S SIGNATURE _____

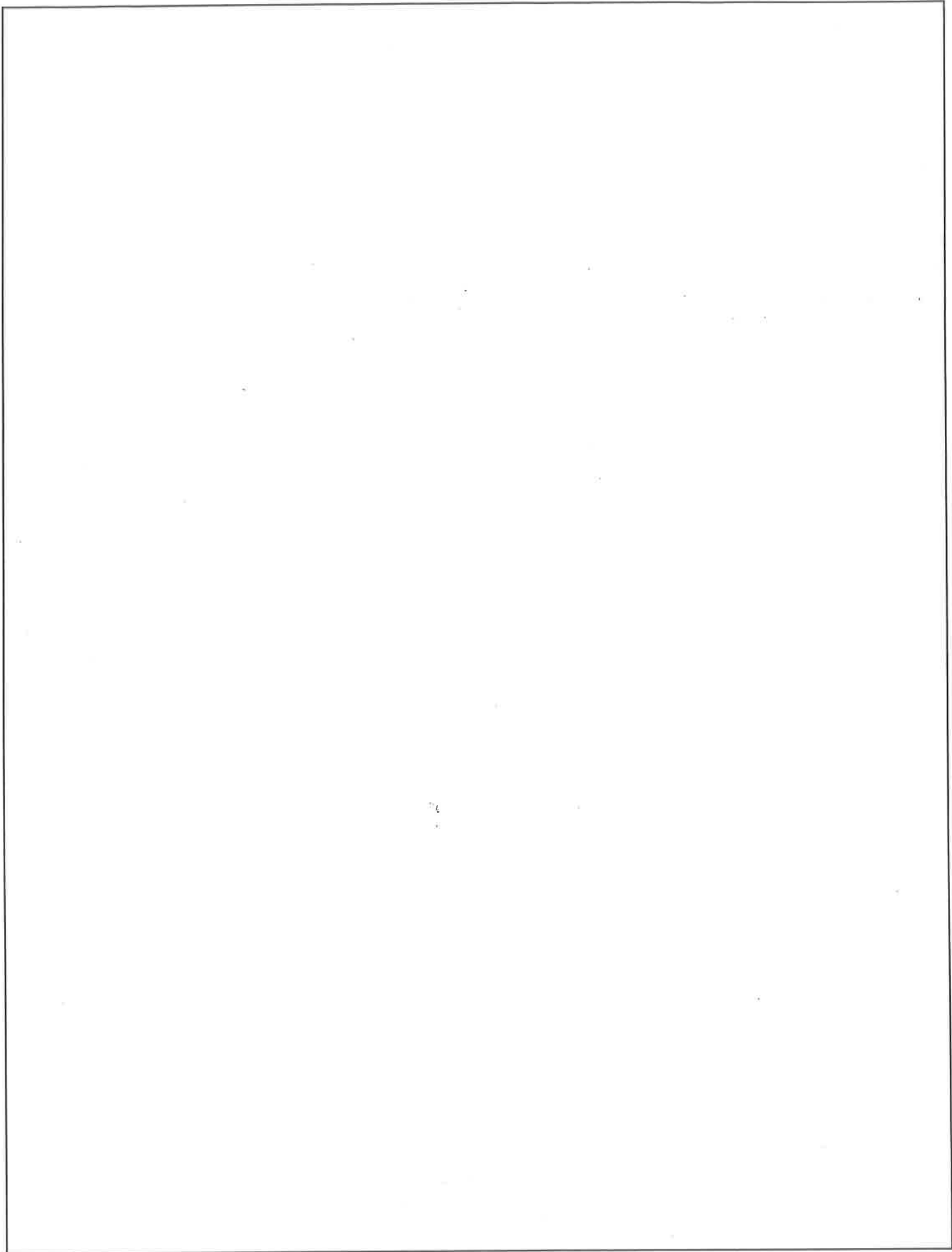
ADDRESS _____

CO-APPLICANT'S SIGNATURE _____

ADDRESS _____

CO-APPLICANT'S SIGNATURE _____

ADDRESS _____



BENEFICIAL INTEREST STATEMENT

WHEREAS, the undersigned intends to enter into an agreement to purchase real property situated at _____, _____
(street address) (neighborhood)

MA, from the City of Boston, I hereby certify pursuant to section 40J of Chapter 7 of M.G.L. that the following are the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property.

(Please Print Names and Addresses of Applicant and all Co-Applicants)

NAME

ADDRESS

_____	_____
_____	_____
_____	_____

This statement is made under the pains and penalties of perjury this _____
day of _____, 1997.

Applicant (Signature)

Co-Applicant (Signature)

Co-Applicant (Signature)

DISCLOSURE STATEMENT

In compliance with Chapter 60, Section 77B of the Massachusetts General Laws as amended by Chapter 803 of the Acts of 1985, I hereby certify, that I have never been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counselling, or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance; nor am I delinquent in the payment of real estate taxes in the City of Boston, or being delinquent, an application for the abatement of such tax is pending or a pending petition before the appellate tax board has been filed in good faith.

This statement is made under the pains and penalties of perjury this _____ day of _____, 1997.

Applicant (Signature)

Co-Applicant (Signature)

Co-Applicant (Signature)

BENEFICIAL INTEREST STATEMENT

Applicable to Property Held in Trust

WHEREAS, the undersigned intends to enter into an agreement to purchase real property situated at

(street address)

(neighborhood)

MA, from the City of Boston, I hereby certify pursuant to section 40J of Chapter 7 of M.G.L. that the following are the true names and addresses of all persons and/or entities who have or will have a direct or indirect beneficial interest in said property.

1) _____
(Trust's Name) (Trust's Address)

2a) _____
(Trustee's Name) (Trustee's Address)

b) _____
(Trustee's Name) (Trustee's Address)

3a) _____
(Beneficiary's Name) (Beneficiary's Address)

b) _____
(Beneficiary's Name) (Beneficiary's Address)

This statement is made under the pains and penalties of perjury this _____

day of _____, 199 .

Witness (Signature) BY: _____, as Trustee
and not individually

Witness (Signature) BY: _____, as Trustee
and not individually

**SCHEDULE OF BENEFICIAL INTERESTS AND
CERTIFICATE OF DIRECTION**
Applicable to Property Held in Trust

The undersigned, being all the Trustees and Beneficiaries of the _____,
(Trust's Name)
 under a Declaration of Trust dated _____ and recorded with Registry
 District of Suffolk County on _____ as Document No. _____,
 hereby certifies that the following is a complete list of the Beneficiaries of said Trust and their
 proportionate interest as of this date.

In addition, the undersigned Beneficiaries hereby direct the undersigned Trustee to purchase certain
 property with the buildings thereon in _____, Suffolk County,
 Massachusetts

(neighborhood)

having the street address of _____ from the City of Boston, and to do
 any and all things which the Trustee may deem necessary in his sole and absolute discretion to
 effectuate this conveyance.

LIST OF ALL BENEFICIARY'S NAMES PERCENTAGE OF INTEREST RESPECTIVELY

Witness the execution hereof take effect as a sealed instrument this
 _____ day of _____, 199 .

(Trust Name)	
	BY: _____, as Trustee
Witness (Signature)	and not individually
	BY: _____, as Trustee
Witness (Signature)	and not individually
	BY: _____, as Beneficiary
Witness (Signature)	

TRUSTEE'S CERTIFICATE

*Applicable to Property Held in Trust
or by Condo Association*

The undersigned, being all the Trustees of _____ Trust under declaration of trust dated _____ and recorded with the Suffolk County Registry of Deeds in Book _____, Page _____, with a mailing address care of _____, Massachusetts 021____ (the "Trust"), hereby certifies as follows:

1. That as of the date hereof, the Trust is in full force and effect and has not been amended, modified or revoked;
2. That as of the date hereof, the undersigned are all of the duly elected and appointed Trustees of the Trust; and,
3. That the undersigned hereby consent to and confirm the following which shall be treated for all purposes as a vote taken at a duly called meeting of the Trustees in accordance with Article _____, Section _____ of the Trust:

That pursuant to Article _____, Section _____ of the Trust, the Trustees are authorized and directed in the name of and on behalf of the Trust to execute and deliver any such instruments and to take all such actions as may be necessary or desirable in order to effectuate the purchase of that certain parcel of vacant land located at _____, Boston (_____ District; Ward _____, Assessor's Parcel Number _____), Massachusetts, including but not limited to executing and delivering a Purchase and Sale Agreement, Deed acknowledgment, and Mortgage.

4. That the above vote has not been amended, modified or rescinded and is still of full force and effect.

(continued)

EXECUTED as a sealed instrument this _____ day of _____,
199_____.

(Trust Name): _____

Witness (Signature) BY: _____, as Trustee
and not individually

Witness (Signature) BY: _____, as Trustee
and not individually

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. _____, 199
(date)

Then personally appeared the above-named

(Trustee's Name)

(Trustee's Name)

Trustees as aforesaid, and acknowledged the foregoing instrument to be their free act and deed
as Trustees, and the free act and deed of said Trust, before me

(Name) Notary Public

My Commission expires: