



# CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor  
*Office of the City Treasurer*

## **SIDE YARD SALES PROGRAM**

### Guidebook and Application

**City Treasurer's Office**  
**133 William Street, Room 101**  
**New Bedford, MA 02740**  
**508.979.1430**

**Web site:** <http://www.newbedford-ma.gov/treasurers/treasurers.html>

## **Expand your property and help build strong neighborhoods!**

### *Introduction*

The City of New Bedford is pleased and excited to offer an opportunity to eligible property owners to acquire, for very low cost, vacant lots that border your current property. If your house lies adjacent to a publicly owned vacant lot, you may be eligible to expand your property. The Side Yard Sales Program provides the possibility of reclaiming a vacant lot which will not only enhance your property, but will beautify a once blighted space and help make New Bedford neighborhoods healthier and happier places to live.

### *What lots are available for purchase?*

The vacant lots that are available for purchase under this program are:

- ❖ Generally less than 8,000 square feet in size
- ❖ In residential neighborhoods, with a privately-owned building on at least one side
- ❖ Not needed by the City for open space or any other public use
- ❖ Not part of a larger vacant parcel which can be developed

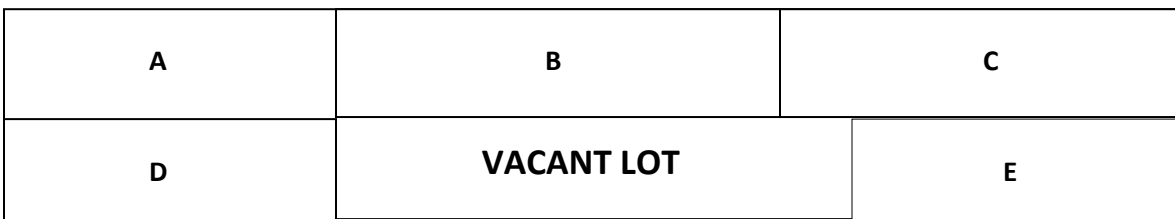
### What are eligible uses for acquired lots?

Eligible property owners can acquire vacant lots to expand their existing property for any eligible use, including;

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

### Who can apply for the program?

A property owner whose property is located immediately adjacent to a vacant lot is eligible to apply. Property owners located on the opposite side of the street from a vacant lot are not eligible to apply through this program. The graphic on the next page shows an example of who can and cannot apply.



In this example, owners of properties B, C, D and E can apply to buy the vacant lot. The owner of parcel A cannot apply since the property does not directly border the available vacant lot. Additionally, owners of properties located across the street from the available vacant lot are not eligible. Owners of vacant land abutting the vacant lot are also 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.

### *If eligible, how much does a vacant lot cost?*

Residential – Defined as an abutter to the vacant lot occupying a residential property

For residential, the lot price is a fixed cost as determined by lot size as follows:

1. Lot size: 0 -1,000 square feet	\$ 250.00
2. Lot size: 1,000 – 3,000 square feet	\$ 500.00
3. Lot Size 3,000 -\$5,000 square feet	\$ 750.00
4. Lot Size over 5,000 square feet	\$1,000.00

To assist in the cost of engineering and recording fees for the newly configured lot, the City will reimburse applicants the cost of lot acquisition upon the successful recording of the reconfigured lot.

Preference will be given to owner occupied residential abutters

Non Residential - Defined as an abutter occupying a non-residential (commercial) building

For Non Residential abutters, the sale price will be negotiated on a case by case basis in order to prevent undue enrichment of the buyer. The lot price will be no less than 100% of the fair market value for the property as determined by a Custodian of Tax Possessions authorized appraisal or the assessed value as determined by the Board of Assessors.

### *How are applications evaluated?*

All applications that are submitted will be subject to the following reviews:

- Tax Delinquency Review: Abutters who have had property foreclosed upon by the City of New Bedford are **ineligible** to purchase a Side Yard lot. At the time of filing an application and during the application process, applicants must not be delinquent in the payment of taxes on any property in the City of New Bedford.
- Arson Prevention Review: Abutters with arson-related histories or with any unresolved arson-related charges are ineligible to purchase a side yard.
- Fair Housing Review: Abutters who have any housing discrimination complaints, convictions for violating fair housing laws are ineligible to purchase a Side Yard lot.
- Code Violation Review: Abutters who have any unresolved violations of building or health codes are ineligible to purchase a Side Yard lot.
- Complete Application Review: All applications submitted must be complete and submitted by the established deadline date to the Treasurer's Office.
- Eligible Abutter Review: Applicants must be an abutting property owner to be eligible to purchase a Side Yard lot.
- Zoning Review: The proposed sale of the Side Yard lot must not expand a non-conforming use.

Following this review process, all acceptable applications will be reviewed by the Tax Title Committee. All abutters who are ineligible for the program will be notified, and their applications will not be considered.

Upon approval of the application, accepted abutters will be required to survey their existing lot and the new abutter lot for the purposes of combining both lots into a newly configured lot and record the new lot with the Bristol County Registry of Deeds. Upon the successful recording of the new lot, the City will reimburse applicants the original acquisition price to assist with engineering and recording fees.

*What if there is more than one application for the same lot?*

If there is more than one abutter that applies for the same lot, then the Tax Title Committee 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 will be based on the following criteria in rank order.

1. Preference will be given to residential abutters
2. Preference will be given to owner-occupants who have resided on the abutting property for a period of greater than 5 years
3. Preference will be given to abutters who have little or no useable space on their property
4. Preference will be given to abutters who presently maintain their property in good condition and use
5. Preference will be given to abutters who have been maintaining or investing in the abutters lot
6. Preference will be given to proposals which fulfill a recognized need for the neighborhood
7. Preference will be given to proposals which fit in well with neighborhood uses and design

The final decision on the disposition of all lots will be made by the Tax Title Committee as custodians of the property.

*What are the terms and conditions of the sale?*

- The buyer will be responsible for all legal, recording or other applicable fees that may be incurred as part of the sale, as detailed in the accompanying letter.
- The buyer agrees to the terms and conditions detailed in the "Acknowledgements and "Agreements" form included as an attachment to the application, and any others detailed in the accompanying letter.
- The buyer will be required to incorporate the new abutter lot into their existing lot to form a new lot and record with the Bristol County Registry of Deeds S.D.
- The deed from the City will contain restrictions which shall run with the land and which shall be enforceable by the City, to provide substantially as follows:
  - The premises shall be kept free of garbage and debris.
  - The premises shall be combined with the abutting property into the same record ownership for the purposes of future conveyances.
- Any other specific terms and conditions detailed in the accompanying letter.

**CITY OF NEW BEDFORD  
SIDE YARD SALES PROGRAM APPLICATION**

---

1. Abutter Lot Address: \_\_\_\_\_

2. Applicant's Name: \_\_\_\_\_

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

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email \_\_\_\_\_

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

Mailing Address: (if different from above)

\_\_\_\_\_

3. Address of the property you own  
next to the abutter lot: \_\_\_\_\_

Please indicate the type of property you own next to the lot:

- Residence  Business  Church  
 Vacant Land  Other - please explain \_\_\_\_\_

\_\_\_\_\_

4. \*Co-Applicant's Name (if applicable): \_\_\_\_\_

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

\*Co-Applicant's Name (if applicable): \_\_\_\_\_

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

\* 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 deceased

**CITY OF NEW BEDFORD  
SIDE YARD SALES PROGRAM APPLICATION**

---

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     Off Street Parking  
 Side Yard     Addition to Existing Structure     Garage  
 Septic improvements

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

Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

If you are proposing to build either a garage or addition to your home, 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. Attach additional pages 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: \_\_\_\_\_

(if applicable)

Co-Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## AFFIDAVIT

---

Any person submitting an application for the Side Yard Sales Program must truthfully complete this affidavit and submit it with their application. Questions apply to you as an applicant and any coapplicant(s) or co-owner(s). The applicant and all co-applicants must sign the application below.

1. Do you or any of the co-applicants owe the City of New Bedford any monies for incurred real estate taxes, water or light charges or any other indebtedness?

No \_\_\_\_\_ Yes \_\_\_\_\_ Explain \_\_\_\_\_

2. Were you or any of the co-applicants ever the owner of any property upon which the City of New Bedford foreclosed for his/her failure to pay real estate taxes or any 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 (see below) currently employed, employed within the last 12 months or hold, or held within the last 12 months, an elected or appointed position by the City of New Bedford?

No \_\_\_\_\_ Yes \_\_\_\_\_ Explain \_\_\_\_\_

Immediate family member is defined as spouses, parents, offspring and siblings. If yes, please include the name of the employee or board member, their capacity or title and the name of the department.

6. List the address of all property you and the co-applicants own in the City of New Bedford, including the abutting property.

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

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

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

Signed under the pains and penalties of perjury this \_\_\_\_\_ day \_\_\_\_\_.

Applicant Signature \_\_\_\_\_ Address \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Address \_\_\_\_\_



## BENEFICIAL INTEREST STATEMENT

---

**\*This form must be completed by all applicants**

WHEREAS, the undersigned, if determined to be the successful applicant, intends to purchase real property situated at \_\_\_\_\_, New Bedford, MA  
(Street Address)

From the City of New Bedford, 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 the names and addresses of the applicant and all co-applicants below)

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_.

---

Applicant (Signature)

---

Co-Applicant (Signature)

---

Co-Applicant (Signature)

## CHAPTER 803 DISCLOSURE STATEMENT

---

**\*This form must be completed by all applicants**

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 a crime involving the aiding, counseling, or procuring of a willful and malicious setting of a fire, or 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 New Bedford, or being delinquent, an applicant for the abatement for 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 \_\_\_\_\_.

---

Applicant (Signature)

---

Co-Applicant (Signature)

---

Co-Applicant (Signature)

**SCHEDULE OF BENEFICIAL INTERESTS AND CERTIFICATE OF  
DIRECTION**

*Applicable to property held in Trust*

**\*This form must be completed by all applicants only if 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 the Bristol County  
S.D Registry of Deeds on \_\_\_\_\_ as Document No. \_\_\_\_\_, hereby certifies 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 in New Bedford, Bristol County, Massachusetts having the street address of  
\_\_\_\_\_ from the City of New Bedford, and  
to do any and all things which the Trustee may deem necessary in his sole and absolute  
discretion to effectuate this conveyance.

<u>List of beneficiary's names</u>	<u>Percentage of interest respectively</u>
_____	_____
_____	_____
_____	_____

Witness the execution hereof take effect as a sealed instrument this \_\_\_\_\_ day  
of \_\_\_\_\_.

\_\_\_\_\_  
(Trust Name)

\_\_\_\_\_  
Witness (signature) By: \_\_\_\_\_, as Trustee and not  
individually

\_\_\_\_\_  
Witness (signature) By: \_\_\_\_\_, as Trustee and not  
individually

## TRUSTEE'S CERTIFICATE

*Applicable to property held in Trust or by a Condo Association*

---

**\*This form must be complete by all applicants only if property held in trust**

The undersigned, being all Trustees of \_\_\_\_\_ Trust under declaration of trust dated \_\_\_\_\_ and recorded with the Bristol County S.D. Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, with a mailing address care of \_\_\_\_\_ (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 \_\_\_\_\_, New Bedford, MA, Assessor Parcel Number \_\_\_\_\_, including but not limited to executing and delivering a Purchase and Sale Agreement, and Deed acknowledgement.
4. That the vote has not been amended, modified or rescinded and is still of full force and effect.

---

Trustee (signature)

---

Print Name

---

Trustee (signature)

---

Print Name

---

Trustee (signature)

---

Print Name

**BENEFICIAL INTEREST STATEMENT**  
*Applicable to property held in Trust*

---

**\*This form must be complete by all applicants only if property held in trust**

WHEREAS, the undersigned, if determined to be the successful applicant, intends to purchase real property situated at \_\_\_\_\_ New Bedford, MA  
(street address)

from the City of New Bedford, 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.

\_\_\_\_\_  
(Trust Name) (Trust Address)

\_\_\_\_\_  
(Trustee's Name) (Trustee's Address)

\_\_\_\_\_  
(Trustee's Name) (Trustee's Address)

\_\_\_\_\_  
(Beneficiary's Name) (Beneficiary's Address)

\_\_\_\_\_  
(Beneficiary's Name) (Beneficiary's Address)

This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_.



## ACKNOWLEDGEMENTS AND AGREEMENTS

---

WHEREAS the undersigned, if determined to be the successful applicant under the Side Yard Sales Program, intend to purchase real property located at \_\_\_\_\_, New Bedford, MA from the City of New Bedford for the total sales cost (inclusive of Lot Sales Price, Legal Fees, Recording Fee, and In-Lieu of Tax Payment) of \$\_\_\_\_\_.

NOW THEREFORE, the undersigned hereby acknowledge(s) and agree(s) as follows:

1. The City will convey the Lot by a good and sufficient quitclaim deed running to the undersigned (or, as applicable, to the record owners of the abutting land);
2. The Lot will be sold "as is", in its present condition; and
3. The City of New Bedford has made no representations or warranties of any kind as to the suitability of the Lot for any particular purpose, or as to the applicability or effect of any local, state, or federal law.
4. The City of New Bedford has made no representations or warranties as to whether the Lot contains any substance which may be classified as a hazardous, toxic, chemical or radioactive substance, or a contaminant or pollutant (together, "Hazardous Substances") under applicable federal, state or local law, statute, ordinance, rule or regulation ("Applicable Laws") or which may require any cleanup, remediation or other corrective action pursuant to such Applicable Laws.
5. The deed from the City will contain restrictions that provide substantially as follows: "This conveyance is made pursuant to Side Yard Sales Program of the City of New Bedford, and is subject to the following restrictions, which shall run with the land and which shall be enforceable by the City: The premises shall be kept free of garbage and debris. The premises shall be combined for purposes of future conveyances with the abutting property owned by Grantee, located at \_\_\_\_\_, New Bedford, MA and described in a deed dated \_\_\_\_\_ and recorded in the Bristol County S.D. Registry of Deeds in Book \_\_\_\_, Page \_\_ (the "abutting lot"), such that the premises shall henceforth be conveyed in tandem with the abutting lot, and into the same record ownership."

Signed under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_.

Applicant's Signature \_\_\_\_\_ Address \_\_\_\_\_

Co-Applicant's Signature \_\_\_\_\_ Address \_\_\_\_\_

Co-Applicant's Signature \_\_\_\_\_ Address \_\_\_\_\_