

ORDINANCE NO. 1054

AN ORDINANCE ESTABLISHING A LAND BANK IN THE CITY OF STAFFORD, KANSAS

WHEREAS, the City of Stafford, Kansas desires to establish a land bank pursuant to K.S.A. 12-5901, et seq which would allow the city to develop, acquire and hold certain vacant, unused and abandoned properties lying within the city limits of Stafford, Kansas:

NOW THEREFORE, be it ordained by the City of Stafford, Kansas that the following be part of the Code of the City of Stafford, Kansas:

SECTION 1. The City of Stafford, Kansas pursuant to K.S.A. 12-5901 et seq does hereby establish the Stafford Land Bank. The purpose of the land bank shall be the central location for individuals, developers, corporations and other legal entities to contact and inquire about acquiring, developing, and holding certain vacant and abandoned properties lying within the corporate city limits of Stafford, Kansas. The administration and business of the land bank shall be supervised by a board of trustees.

SECTION 2. The board of trustees shall consist of a board of five members which shall consist of eligible persons appointed by the Mayor to serve in staggered terms of one, two and three years. After the first year the renewal of members shall be for a term of three years so there shall be at least one or two members are reappointed every three years. Only two members can live outside the corporate city limits of Stafford, Kansas. All other members shall live within the city limits.

SECTION 3. Administrative staff. The City Administrator shall be the official administrator of the Stafford Land Bank.

SECTION 4. The Stafford Land Bank,

- a) The bank shall be subject to the provisions of the cash-basis law, [K.S.A. 10-1101](#) et seq., and amendments thereto.
- b) The budget of the bank shall be prepared, adopted and published as provided by law for other political subdivisions of the state. No budget shall be adopted by the board until it has been submitted to, reviewed and approved by the governing body.
- c) The board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the board.
- d) All records and accounts shall be subject to public inspection pursuant to [K.S.A. 45-216](#) et seq., and amendments thereto.
- e) Any moneys of the bank which are not immediately required for the purposes of the bank shall be invested in the manner provided by [K.S.A. 12-1675](#), and amendments thereto.
- f) The bank shall make an annual report to the governing body on or before January 31 of each year, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by

the bank. A copy of such inventory also shall be published in the official city newspaper on or before January 31 of each year.

- (g) The bank shall be subject to the provisions of [K.S.A. 9-1401](#) et seq., and amendments thereto.

SECTION 5. The board shall conduct business pursuant to the following terms and conditions:

- a) The board shall select annually, from its membership, a chairperson, a vice-chairperson and a treasurer. The treasurer shall be bonded in such amounts as the governing body may require.
- (b) The board may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.
- (c) The board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the city and shall be subject to the provision of [K.S.A. 75-4317](#) et seq., and amendments thereto.
- (d) A majority of the board shall constitute a quorum for the transaction of business. No action of the board shall be binding unless taken at a meeting at which at least a quorum is present.
- (e) The members of the board shall be subject to the provisions of the laws of the state of Kansas which relate to conflicts of interest of county officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.
- (f) Subject to the provisions of [K.S.A. 75-6101](#) et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the board for any act or omission arising out of the performance of duties as a member of the board, such member shall be indemnified in whole and held harmless by the board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the bank in any such proceeding.

SECTION 6. The land bank shall have the following powers:

- (a) Sue and be sued;
- (b) enter into contracts;
- (c) appoint and remove staff and provide for the compensation thereof;
- (d) acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and personal property subject to the provisions of this act;
- (e) rebate all, or any portion thereof, the taxes on any property sold or conveyed by the bank;

- (f) exercise any other power which may be delegated to the land bank by the governing body; and
- (g) exercise any other incidental power which is necessary to carry out the purposes of the land bank and this act.

SECTION 7. The board of trustees shall have the following powers to transfer property:

- (a) Any property acquired by the city, the county, another city or other taxing subdivision within the county may be transferred to the bank. The board may accept or refuse to accept any property authorized to be transferred pursuant to this subsection. The transfer of any property pursuant to this subsection shall not be subject to any bidding requirement and shall be exempt from any provision of law requiring a public sale.
- (b) The fee simple title to any real estate which is sold to the county in accordance with the provisions of [K.S.A. 79-2803](#) and [79-2804](#), and amendments thereto, and upon acceptance by the board of trustees may be transferred to the bank by a good and sufficient deed by the county clerk upon a written order from the board of county commissioners.

SECTION 8. The board of trustees and administrative staff shall have the following duties:

The board shall assume possession and control of any property acquired by it under this act and shall hold and administer such property. In the administration of property, the board shall:

- (a) Manage, maintain and protect or temporarily use for a public purpose such property in the manner the board deems appropriate;
- (b) compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
- (c) study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
- (d) plan for and use the board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;
- (e) establish and maintain records and accounts reflecting all transactions, expenditures and revenues relating to the bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and
- (f) thirty days prior to the sale of any property owned by the bank, publish a notice in the official city newspaper announcing such sale.

SECTION 9. The land bank shall comply with the following terms and conditions of sale of properties held:

- a) The board, without competitive bidding, may sell any property acquired by the board at such times, to such persons, and upon such terms and conditions, and subject to such

restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization. The sale of any real property by the board under the provisions of this act on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the governing body of the municipality which levied the special assessments.

- (b) The board, for purposes of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the bank.

SECTION 10. The following shall apply to the taxation of the properties held by the land bank with certain exceptions set forth herein:

- (a) Until sold or otherwise disposed of by the bank and except for special assessments levied by a municipality to finance public improvements, any property acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.
- (b) Except for special assessments levied by a municipality to finance public improvements, when the board acquires property pursuant to this act, the county treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.
- (c) Property held by the bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.
- (d) The governing body of any municipality which has levied special assessments on property acquired by the bank may abate part or all of the special assessments, and the bank and governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the county treasurer as of the effective date of the abatement.
- (e) The governing body of any municipality which has levied special assessments on property acquired by the bank may enter into an agreement with the bank to defer or re-amortize part or all of the special assessments. The governing body of the municipality shall provide for such deferral or re-amortization by passage of an ordinance, if a city, and by passage of a resolution by any other municipality. Any special assessments that are deferred or re-amortized shall be corrected on the tax rolls by the county treasurer as of the effective date of the ordinance or resolution providing for such deferral or re-amortization.

SECTION 11. The board shall be allowed to use the sales proceeds from the sales of said property for the following purposes:

- (a) Except as provided in paragraph (b), any moneys derived from the sale of property by the bank shall be retained by the bank for the purposes and operations thereof.

- (b) The board may use all or any part of the proceeds from the sale described in paragraph (a) to reimburse any municipality for delinquent special assessments due on such property.

This ordinance is hereby passed by the city council on this 8th day of April, 2019 and it shall take effect after its publication in the official city paper.

Julie Lyon, Mayor

Jami Downing, City Administrator