

ORDINANCE NO. 3265

AN ORDINANCE ESTABLISHING CHAPTER 6, ARTICLE 8 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, ESTABLISHING A LAND BANK FOR THE CITY OF ABILENE, KANSAS

WHEREAS, the City of Abilene recognizes that the steady economic decline of areas of the community have the potential of creating vacant and abandoned properties that would stress healthier areas of the community;

WHEREAS, land banking provides the City with a viable tool to address abandoned and tax-delinquent properties; and

WHEREAS, the City desires to establish a Land Bank as a proactive measure to return such properties to productive use.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. That Chapter 6, Article 8 of the City Code of the City of Abilene, Kansas, be established as follows:

6-801 AUTHORITY AND GOVERNANCE. The Governing Body of the City hereby establishes the City of Abilene Land Bank (hereinafter "Land Bank" or "Bank"). The Land Bank shall be governed by a Board of Trustees ("Board") who shall be comprised of the Governing Body. The Governing Body may advance operating funds to the Bank to pay expenses of the Bank. The Bank may be dissolved by ordinance of the Governing Body. In such case, all property of the Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

6-802 GOVERNING LAW. The Bank shall be subject to the provisions of the Kansas cash basis law, K.S.A. 10-1101 et seq., and amendments thereto. The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the state. 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 and become part of the annual report of the Board. All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 et seq., and amendments thereto. All monies 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.

The Bank shall make an annual report to the Governing Body on or before January 31st of each year, showing the 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 31st of each year. The Bank shall be subject to the provisions of K.S.A. 9-1401 et seq., and amendments thereto.

6-803 OFFICERS AND MEETINGS. The Mayor of the Governing Body shall serve as chairperson and the Vice Mayor shall serve as vice-chairperson. The City's Finance Director shall serve as treasurer. The treasurer shall be bonded in such amounts as the Governing Body may require. 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.

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 provisions of K.S.A. 75-4317 et seq., and amendments thereto. 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. 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, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

6-804 BOARD INDEMNIFICATION. 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.

6-805 POWERS OF THE BOARD. The Board may:

- a. Sue and be sued;
- b. Enter into contracts;
- c. Authorize the City Manager to appoint and remove staff and provide compensation thereof;
- d. Acquire, by purchase, gift or donation, and convey any real property, including easements and reversionary interests, and personal property subject to the provisions of this Article;
- 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 Article.

6-806 TRANSFER OF PROPERTY TO THE LAND BANK. Except as otherwise provided in this Article, any property located within the corporate limits of the City and acquired by the City, Dickinson County, or other taxing subdivision within Dickinson 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.

The fee simple title to any real estate which is sold to Dickinson County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board 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.

Property subject to a foreclosure sale may only be acquired by the Board if:

- a. Such property is located within a designated Neighborhood Revitalization District, or following a finding, adopted by resolution, by the Governing Body that such acquisition serves the public interest; or
- b. But for acquisition of the property by the Board (at the sole discretion of the Board), the property would not otherwise be put to productive use.

6-807 LAND BANK PROPERTY ADMINISTRATION. The Board shall assume possession and control of any property acquired by it under this Article 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 re-utilization 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.
- 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.

6-808 **LAND BANK PROPERTY DISPOSITION.** 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 Article on which there are delinquent special assessments to finance public improvements levied by the Governing Body shall be conditioned upon the approval of the Governing Body. The Board, for purposes of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.

6-809 **TAXES AND ASSESSMENTS.** Until sold or otherwise disposed of by the Bank and except for special assessments levied by the Governing Body 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.

Except for special assessments levied by the Governing Body to finance public improvements, when the Board acquires property pursuant to this Article, 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.

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.

The Governing Body may abate part or all of the special assessments it has levied, 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.

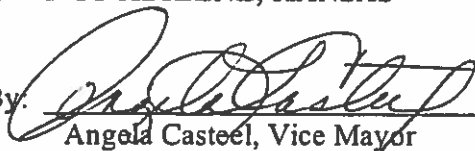
6-810 **USE OF PROCEEDS FROM SALE OF LAND BANK PROPERTY.** Except as provided in this Section, any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof. The Board may use all or any part of the proceeds from the sale described in this Section to reimburse the City's Bond and Interest Fund for delinquent special assessments due on such property.



6-811 **NEIGHBORHOOD ADVISORY COMMITTEES.** The Board may establish separate neighborhood or City at-large advisory committees consisting of persons living or owning property within the City or within specific neighborhoods. In the case of neighborhood advisory committees, the Board shall determine the boundaries of each neighborhood. In the absence of a resolution by the Board providing otherwise, each advisory committee shall consist of not less than five nor more than nine persons, to be appointed by the Board for two-year overlapping terms. The Board shall consult with each advisory committee as needed to review the operations and activities of the Bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committees.

SECTION TWO. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

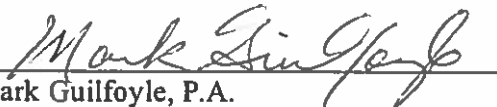
PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: 
Angela Casteel, Vice Mayor

ATTEST


Penny Soukup, CMC

APPROVED AS TO FORM:


Mark Guilfoyle, P.A.
City Attorney