

(Summary Published in Leavenworth Times June 25, 2021)

ORDINANCE NO. 8168

AN ORDINANCE CREATING ARTICLE XIV IN CHAPTER 10 OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES FOR THE PURPOSE OF CREATING LEAVENWORTH LAND BANK, AND DETERMINING THE MEMBERSHIP, DUTIES AND FUNCTIONS OF THE BOARD OF TRUSTEES OF THE LEAVENWORTH LAND BANK.

WHEREAS, the City of Leavenworth recognizes that dilapidated, vacant, and unused properties can create a dis-incentive for new construction and infill; and

WHEREAS, the Leavenworth 2030 Comprehensive Plan identified the improvement of deteriorating housing and increasing the occupancy rate of existing housing as strategies to address the built environment; and

WHEREAS, land banking provides the City 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.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH:

Section 1. Article XIV in Chapter 10 of the City of Leavenworth Code of Ordinances is hereby established to read as follows:

ARTICLE XIV. LEAVENWORTH LAND BANK

Sec. 10-616. Creation; purpose.

Pursuant and subject to the provisions of K.S.A. 12-5901 *et seq.*, the governing body of the city hereby establishes the City of Leavenworth Land Bank. The bank is and shall be an independent agency with the primary responsibility and authority to efficiently acquire, hold, manage, transform, and convey surplus city properties and other abandoned, tax-foreclosed, or otherwise underutilized or distressed properties in order to convey these properties into productive use.

Sec. 10-617. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Leavenworth, Kansas.

Commission or city commission means the governing body of the City of Leavenworth Kansas.

Board means the board of trustees of the Leavenworth land bank.

Bank means the Leavenworth land bank established pursuant to this ordinance.

Governing Body means the governing body of the City of Leavenworth Kansas.

Sec. 10-618. Land bank board of trustees; appointment; dissolution.

a) There is hereby established a land bank board of trustees, which shall govern the bank. The city commission shall function as the board of trustees.

b) The city commission's expectation is that primary city staff support to the board will come primarily from the city's director of planning and community development, or his or her designee, or such other city staff as the city commission may be willing to provide. The city commission expects that city staff will provide technical and professional support for bank operations, but that additional support may be contracted for or provided as deemed necessary.

c) The city commission shall advance operating funds to the bank to pay expenses of the board and the bank.

d) The bank may be dissolved by ordinance of the city commission, with or without cause. 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.

Sec. 10-619. Officers; organization.

a) The board shall select, annually, from its membership, a chairperson, a vice chairperson, a secretary and a treasurer. The treasurer shall be bonded in such amounts as the city commission 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 Kansas open meeting act, 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 the Kansas tort claims act, 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.

Sec. 10-620. Powers of the board.

The land bank board of trustees shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To enter into contracts.
- (3) To authorize the city manager of the city to appoint and remove staff and provide for the compensation thereof.
- (4) To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interest, and personal property, subject to the provisions of this ordinance and state law.
- (5) To rebate all or any portion thereof, the taxes on any property sold or conveyed by the bank.
- (6) To exercise any other power which may be delegated to the land bank by the city commission.
- (7) To exercise any other incidental power which is necessary to carry out the purposes of the bank and state law.

Sec. 10-621. Administration.

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

- (1) Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate.

- (2) Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times.
- (3) Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property.
- (4) 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;
- (5) Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and
- (6) No less than thirty (30) days prior to the sale of any property owned by the bank, publish a notice in the official city newspaper announcing such sale.

Sec. 10-622. Disposition of land bank property.

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.

b) The sale of any real property by the board, under the provisions of this ordinance or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the city commission.

c) Any moneys derived from the sale of property by the bank shall be retained by the bank for the purposes and operations thereof; provided, however, that the board may use all or part of the proceeds from such sale to reimburse the city for delinquent special assessments due on such property.

d) The board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the bank, in accordance with established city procedures for the same.

Sec. 10-623. Taxes and assessments.

a) Until sold or otherwise disposed of by the bank, and except for special assessments levied by the city to finance public improvements, any property

acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the state of Kansas and any other political or taxing subdivision of the state.

b) Except for special assessments levied by the city to finance public improvements, when the board acquires property pursuant to this ordinance and state law, the board shall work with the Leavenworth county treasurer to 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 the city for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank.

d) The city commission may abate part or all of any special assessments which it has levied on property acquired by the bank, and the bank and the city commission may enter into agreements related thereto. The board shall work with the Leavenworth county treasurer such that any special assessments that are abated shall be removed from the tax rolls as of the effective date of the abatement.

Sec. 10-624. Budget; records; reports.

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 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.

c) All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-215 *et seq.*, and amendments thereto. The bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. 9-1401 *et seq.*, and amendments thereto.

d) Any moneys of the bank which are not immediately required for the purposes of the bank shall be invested in the manner prescribed by K.S.A. 12-1675, and amendments thereto.

e) The bank shall make an annual report to the city commission 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 shall also be published in the official city newspaper on or before January 31 of each year.

Sec. 10-625. Neighborhood advisory committees.

The board may establish separate neighborhood or city advisory committees consisting of persons living or owning property within the city or neighborhood. 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 (5) nor more than nine (9) persons, to be appointed by the board for two (2) 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 advices of the members of the advisory committee concerning any matter which comes before the committees.

Sec. 10-626. Severability.

In the event that any portion or section of this article is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this article, which shall remain in full force and effect.

Section 2. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 22nd day of June 2021.

/s/ Nancy D. Bauder
Nancy D. Bauder, Mayor

{Seal}

ATTEST:

/s/ Carla K. Williamson
Carla K. Williamson, CMC, City Clerk