

*(Ordinance Summary published in The Mulvane News on January 19, 2017 and the full text of the Ordinance made available at [www.mulvanekansas.com](http://www.mulvanekansas.com) for a minimum of one (1) week from the date of publication.)*

ORDINANCE NO. 1486

AN ORDINANCE ADOPTING TITLE IV, CHAPTER 415 OF THE MUNICIPAL CODE OF THE CITY OF MULVANE, KANSAS, ESTABLISHING A LAND BANK WITHIN THE CITY OF MULVANE, KANSAS.

WHEREAS, pursuant to K.S.A. 12-5901 *et seq.*, the Governing Body of the City of Mulvane, Kansas (the "City") may establish a city land bank by adoption of an ordinance, into which city land bank any property acquired by the City may be transferred; and

WHEREAS, pursuant to K.S.A. 12-5907, the Board of Trustees of such Land Bank may manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board of Trustees deems appropriate, and plan for and use the Board of Trustees' best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate.

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

**Section 1.** The following shall be adopted as Title IV, Chapter 415 of the Code of the City of Mulvane, Kansas, as follows:

**Section 415.010. Establishment; Purpose.**

There is hereby established a Land Bank of the City pursuant to K.S.A. 12-5901 *et seq.* (the "Act"). The Land Bank will be a quasi-governmental entity with all statutory authority, but with the primary responsibility and authority for maintaining and selling real property located within the City to help achieve the City's goal of returning municipally-owned property to private ownership, cost effectively maintaining said property, ensuring conformance with the goals of the City's Comprehensive Plan, and the encouragement of economic development. The Land Bank is intended to assist in the elimination of barriers to returning properties to private ownership and productive use, and to help facilitate the strategic conveyance of property.

**Section 415.020. Definitions.**

As used in this Chapter:

- A. "Act" means K.S.A. 12-5901 *et seq.*, as amended from time to time.
- B. "Board of Trustees" means the Board of Trustees of the Land Bank.

- C. "City" means the City of Mulvane, Kansas, unless otherwise specifically stated.
- D. "Land Bank" means the Land Bank of the City.
- E. "Governing Body" means the Governing Body of the City.

**Section 415.030. Board of Trustees; Appointment, Terms and Dissolution.**

- A. There is hereby established a Land Bank Board of Trustees. The Board of Trustees shall be composed of the entire membership of the Governing Body of the City, *ex officio*, who shall be the voting members, and one additional member appointed by the Mayor who shall be a non-voting member and who shall be a City staff member.
- B. The term of office of each voting member of the Board of Trustees shall be coterminous with that member's term of office on the Governing Body of the City. The non-voting member of the Board of Trustees shall serve at the pleasure of the Mayor.
- C. The Land Bank may be dissolved by ordinance of the Governing Body of the City. In such case, all property of the Land Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

**Section 415.040. Board of Trustees; Organization.**

- A. The Board of Trustees' officers shall consist of: 1) a chairperson who shall be the Mayor, 2) a vice-chairperson who shall be the President of the Council, and 3) a secretary/treasurer who shall be the non-voting appointee. Each officer shall be appointed annually, but may serve in such office for less than one year as the term of office of the chairman and vice-chairperson shall be coterminous with that member's term as Mayor or President of the Council of the Governing Body of the City. The secretary/treasurer shall be removed from membership of the Land Bank if no longer serving as a member of City Staff. The secretary/treasurer shall be bonded in such amounts as the Governing Body may require.
- B. The Board of Trustees 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 of Trustees shall fix the time and place at which its meetings shall be held and, in the absence of such designation, meetings shall be held as a component part of lawful meetings of the Governing Body of the City. 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 of Trustees shall constitute a quorum for the transaction of business. No action of the Board of Trustees shall be binding unless taken at a meeting at which at least a quorum is present.

- E. The members of the Board of Trustees 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 of Trustees or any act or omission arising out of the performance of duties as a member of the Board of Trustees, such member shall be indemnified in whole and held harmless by the Board of Trustees for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Land Bank in any such proceeding.

**Section 415.050. Land Bank Board of Trustees Powers and Duties.**

- A. The Board of Trustees may:
  - 1. Sue and be sued.
  - 2. Enter into contracts.
  - 3. Appoint and remove staff and provide for the compensation thereof.
  - 4. Acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and any personal property, subject to the provisions of this Chapter and the Act. Any property acquired by the City, Sedgwick or Sumner Counties, Kansas (either referred to as, the "County") or any other city or taxing subdivision within the County may be transferred to the Land Bank. The Board may accept or refuse to accept any property. The transfer of any property pursuant to this Chapter shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.
  - 5. Rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Land Bank.
- 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 Land Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.
- C. The Board of Trustees shall assume possession and control of any property acquired by it and shall hold and administer such property. In the administration of property, the Board of Trustees shall:

1. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board of Trustees deems appropriate;
  2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection all times;
  3. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective property;
  4. Plan for and use the Board of Trustee'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 Land Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and
  6. Thirty days prior to the sale of any property owned by the Land Bank, publish a notice in the official City newspaper announcing such sale.
- D. To exercise any other power which may be authorized or delegated to the Land Bank by the Act, the Governing Body, by Ordinance, Resolution, or regular motion.
- E. To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank, this Chapter and the Act.
- F. The Board of Trustees may, in its discretion, establish separate neighborhood or City advisory committees consisting of persons living or owning property within the City, the County or the neighborhood, and determine the boundaries of each neighborhood committee. In the absence of a Resolution by the Board of Trustees providing otherwise, any such advisory committee shall consist of not less than five and no more than nine persons, to be appointed by the Board of Trustees for two-year overlapping terms. The Board of Trustees shall consult with each advisory committee as needed to review the operations and activities of the Land Bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committee.

#### **Section 415.060. Land Bank; Operational Requirements.**

The Land Bank shall be subject to the following requirements:

- A. The Land 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 Land Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by

the Board until it has been submitted to, reviewed and approved by the Governing Body. If the Governing Body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration.

- 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. Such report may be prepared as a component unit of the City's audit report.
- 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 Land Bank which are not immediately required for the purposes of the Land Bank shall be invested in the manner prescribed by K.S.A. 12-1675, and amendments thereto.
- F. The Land Bank shall make an annual report to the Governing Body on or before January 31 of each year (commencing January 31, 2018), 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 Land Bank. A copy of such inventory shall also be published by the secretary/treasurer in the official City newspaper on or before January 31 of each year.
- G. The Land 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.
- H. The Board of Trustees, without competitive bidding, may sell any property acquired by the Board of Trustees 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 utilization.
- I. The sale of any real property by the Board of Trustees, under the provisions of this Chapter or the Act, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the municipality which levied such special assessments.
- J. The Board of Trustees, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Land Bank.
- K. Until sold or otherwise disposed of by the Land Bank, and except for special assessments levied by a municipality to finance public improvements, any property acquired by the Land 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.

- L. Except for special assessments levied by a municipality to finance public improvements, when the Board of Trustees acquires property pursuant to this Chapter and the Act, the appropriate County Treasurer shall be notified by the Board of Trustees 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 of Trustees.
- M. Property held by the Land Bank shall remain liable for special assessments levied by a municipality for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Land Bank. The Land Bank and the City may enter into any such agreements regarding collection of special assessments which are lawful.
- N. The Governing Body may abate part or all of any special assessments which it has levied on property acquired by the Land Bank, and the Land Bank and the 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.
- O. Any municipality which has levied special assessments on property acquired by the Land Bank may enter into an agreement with the Land Bank to defer or reamortize part or all of the special assessments. The governing body of such municipality shall provide for such deferral or reamortization by passage of an ordinance. Any special assessments that are deferred or reamortized 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 reamortization.
- P. Any moneys derived from the sale of property by the Land Bank shall be retained by the Land Bank for the purposes and operations thereof; provided, however, that the Board of Trustees may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property, or to pay off any debt associated with the acquisition of the property by either the City or the Land Bank.

**Section 2.** This Ordinance shall take effect on and be in full force after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

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PASSED, ADOPTED AND APPROVED, by the governing body of the City of Mulvane, Kansas this 16th day of January, 2017.

CITY OF MULVANE, KANSAS



  
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Shelly Steadman, Mayor

  
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Debra M. Parker, City Clerk