



**WABAUNSEE COUNTY LAND BANK**

**ADMINISTRATIVE POLICY**

**OCTOBER 23, 2023**

## **Table of Contents**

### **Section 1. Purpose**

- 1.1 Land Use Planning Conformance
- 1.2 Guiding Principles

### **Section 2. Authority and Role**

- 2.1 Establishment
- 2.2 Governance
- 2.3 Review of Proposed Land Bank Transactions
- 2.4 Governing Authority
- 2.5 Board of Trustees Approval
- 2.6 Right to Accept or Reject
- 2.7 Role of the Economic Director

### **Section 3. Priorities for Transfer of Land Bank Properties**

- 3.1 Priority Transfers
- 3.2 Transferee Qualifications

### **Section 4. Conveyances to the Land Bank**

- 4.1 Sources of Property Inventory
- 4.2 Policies Governing the Acquisition of Properties
- 4.3 Donations to the Wabaunsee County Land Bank
- 4.4 Transaction Agreements
- 4.5 Environmental Concerns
- 4.6 State of Kansas Set Off Program
- 4.7 Timing

### **Section 5. Conveyances from the Land Bank**

- 5.1 Covenants, Conditions and Restrictions
- 5.2 Deed without Warranty
- 5.3 Conveyances Requiring Board of Trustees Approval
- 5.4 Conveyance Time Allowance
- 5.5 Appropriate and Timely Development of Properties
- 5.6 Pricing

## **Section 1. Purpose**

### **1.1 Neighborhood and Land Use Planning Conformance.**

The Wabaunsee County Land Bank's purpose is to return tax delinquent, distressed and unwanted property to productive use that benefits the County. In doing so, the Wabaunsee County Land Bank will prioritize the following:

- a. Encourage the development and reuse of vacant properties consistent with the Wabaunsee County Land Bank goals.
- b. Strengthen the County's tax base by returning property to a productive tax paying status.
- c. Support and preserve open space, and other agricultural production.
- d. Convey land through a predictable, timely and transparent process.
- e. Encourage timely development and discourage real estate speculation.
- f. Assemble land for economic development.

**1.2 Guiding Principles.** This policy is intended to create a unified and consistent approach to the disposition of real property owned by the Wabaunsee County Land Bank.

In the interest of providing predictability and transparency to the sale and reuse of property, this policy will provide guidance to the Wabaunsee County Land Bank in all transactions involving property as well as information to individuals and organizations considering the acquisition of property owned by the Wabaunsee County Land Bank.

The goals of this policy and the disposition of Wabaunsee County owned property are to:

- a. Preserve existing stable and viable neighborhoods.
- b. Engage with neighborhoods that have historically and/or are currently experiencing rapid decline or deterioration to support community development and revitalization efforts.
- c. Utilize strategic planning as well as long term planning in the disposition of property.
- d. Maintain flexibility and transparency in all transactions.
- e. Comply with and support the implementation of the County Comprehensive Plan, Area Plans, Corridor Plans, and other Community Plans.
- f. Eliminate blight and revitalize neighborhoods.

The Wabaunsee County Land Bank will aspire to meet these goals when making decisions regarding the disposition of its property.

The Wabaunsee County Land Bank will remain responsible for its own decision-making and adherence to this policy during the disposition process. The Wabaunsee County Land Bank will make available to the public all property in its inventory; however, properties may be reserved by a City or the County for City or County desired programs or projects and will be identified as unavailable for disposition by the Land Bank Director in coordination with the Board of Trustees.

## **Section 2. Authority and Role**

### **2.1 Establishment.**

The Wabaunsee County Land Bank was established by the Wabaunsee County Commissioners by the power vested by K.S.A. 19-26,103 et. seq.

### **2.2 Governance.**

The Wabaunsee County Land Bank is governed by a Board of Trustees comprised of the County Commissioners. The Wabaunsee County Land Bank Director is charged with its administration.

### **2.3 Review of Proposed Land Bank Transactions.**

All proposed Wabaunsee County transactions shall be submitted by the Land Bank Director to the Land Bank Board of Trustees for review, consideration and recommendation.

The Wabaunsee County Land Bank Board of Trustees shall review all application(s) presented by the Land Bank Director for consideration. Any application(s) that need further investigation will be referred to the Land Bank Director until all necessary information has been provided, at which time it will be brought to the Board of Trustees for review and approval.

### **2.4 Governing Authority.**

The core governing documents of the Wabaunsee County Land Bank are the applicable state statutes and the Wabaunsee County Resolution 2023-44. The policies and procedures set out in this document constitute guidelines only and the Board of Trustees reserves discretion to deviate therefrom when it deems appropriate.

**2.5 Wabaunsee County Board of Trustees Approval.**

Under the applicable State law, the conveyance of property by the Wabaunsee County Land Bank, must be approved by the Wabaunsee County Land Bank Board of Trustees before the property can be conveyed.

**2.6 Wabaunsee County Land Bank Right to Accept or Reject.**

The Wabaunsee County Land Banks reserves the absolute right to accept or reject applications and offers for purchase. In case of multiple applications, the Wabaunsee County Land Bank will give precedence to the application submitted first and, should this application not be accepted, the next application submitted will be brought before the Board of Trustees

**2.7 Role of the Land Bank Director**

The Land Bank Director shall have the following responsibilities:

- a. Help applicants with where and what they want to build.
- b. Administer the Land Bank process.
- c. Identify which properties are available for disposition.
- d. Determine when an application is ready to be submitted to the Board of Trustees.
- e. Engage and educate the community on Land Bank opportunities.
- f. Provide an annual report to the Board of Trustees 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 a report shall include an inventory of all property held by the bank. A copy of such inventory also shall be published in the official county newspaper on or before January 31 of each year.
- g. Establish Land Bank procedures.
- h. Work with the Board of Trustees on a strategy for disposition of Land Bank properties.

**Section 3. Priorities for Transfer of Land Bank Properties.**

**3.1 Priority Transfers.**

Except where limited by the terms of the acquisition of a property, the Wabaunsee County Land Bank may, at its discretion, give priority to:

- a. Government entities.
- b. Individuals, entities, and non-profits seeking to obtain property for housing or commercial development.

- c. Entities that are a partnership, limited liability corporation or joint venture comprised of a private non-profit corporation and a private for-profit entity.
- d. Non-profit institutions such as academic and religious institutions.

**3.2 Transferee Qualifications.**

All applicants seeking to acquire property from the Wabaunsee County Land Bank, or to enter into transaction agreements with the Wabaunsee County Land Bank, are required to provide as part of their application information regarding, but not limited to:

- a. The legal status of the applicant, its organizational and financial structure.
- b. The financial health and resources of the applicant.
- c. Sufficient plans for development.

In addition, all applicants must be current on their property taxes and have no outstanding code violations on any property within the County.

**Section 4. Conveyances to the Wabaunsee County Land Bank**

**4.1 Sources of Property Inventory.**

Sources of real property inventory of the Wabaunsee County Land Bank include, but are not limited to, the following:

- a. Transfers from local governments.
- b. Acquisitions at tax foreclosure sales.
- c. Donations
- d. Market purchases

**4.2 Policies Governing the Acquisition of Properties.**

In determining which, if any, properties might be acquired, the Wabaunsee County Land Bank may consider the following circumstances and factors:

- a. Proposals and requests by individuals or entities in which specific properties are identified for ultimate acquisition and redevelopment.
- b. Residential properties that are available for immediate occupancy without need for substantial rehabilitation.
- c. Properties for which reutilization would be in support of the Wabaunsee County Comprehensive plan.
- d. Properties that would form a part of a land assemblage development plan.

**4.3 Donation to the Wabaunsee County Land Bank**

The Wabaunsee County Land Bank will only accept donated property that will advance the goals of the Wabaunsee County Land Bank. The Director will only present requests to the Board of Trustees, for approval, when at least one or more of the following conditions are met:

- a. The property owner does not have the resources to properly care for the property or to comply with orders to correct code violations that are present, and evidence of the hardship has been presented.
- b. The property is in an area targeted for redevelopment efforts.
- c. The property could be used for City or County purposes such as part of a grant application. Wabaunsee County requires that donated property be conveyed with a clear and marketable title.

A property that is occupied may not be accepted as a donation.

- a. Wabaunsee County Land Bank shall not determine donation value for the purpose of tax benefits; and
- b. Any exceptions to the provisions of the above must come before the Board of Trustees.

The Wabaunsee County Land Bank reserves the absolute right to accept or reject all donation requests.

Any property that is conveyed by donation to the Wabaunsee County Land Bank will not be available for sale/transfer until the meeting following the approval of the donation by Board of Trustees.

Any property that is rejected for donation but is tax sale eligible, will be referred for an upcoming tax sale by the Wabaunsee County Land Bank. The Wabaunsee County Land Bank will send a letter to the requestor with that information.

Nothing in this section precludes acceptance of a donation of a tax sale eligible property.

#### **4.4 Transaction Agreements.**

In most cases, a transaction agreement must be approved in advance by the Board of Trustees and executed by the Wabaunsee County Land Bank and the grantor of the property. These transaction agreements shall be in form and content as deemed by the Director to be in the best interest of the Land Bank and shall include to the extent feasible specification of all documents and instruments contemplated by the transaction as well as the rights, duties and obligations of the parties.

**4.5 Environmental Concerns.**

The Land Bank reserves full and complete discretion to require that satisfactory evidence or assurances be provided that the property is not affected by or subject to environmental contamination.

**4.6 State of Kansas Set Off Program.**

Property that has been placed in the State of Kansas Set Off Program may be deemed ineligible for conveyance to the Wabaunsee County Land Bank.

**4.7 Timing.**

Any property that is conveyed in or out of the Land Bank will not be available for sale/transfer until approved by the Board of Trustees.

The Land Bank Director is authorized to accept property conveyed from Wabaunsee County that is a result of property being obtained from a recent County Tax Sale. The Land Bank Director will then report the conveyance(s) at the next Board of Trustees meeting.

**Section 5. Conveyances from the Wabaunsee County Land Bank**

**5.1 Covenants, Conditions and Restrictions.**

All conveyances by the Land Bank to third parties shall include such covenants, conditions and restrictions as the Land Bank deems, in its sole discretion, necessary and appropriate to ensure the use, rehabilitation and redevelopment of the property in a manner consistent with the public purposes of the Land Bank

**5.2 Deed Without Warranty.**

All conveyances by the Land Bank to third parties shall be by quitclaim deed.

**5.3 Conveyances requiring Board of Trustees Approval.**

All transfers of Land Bank property shall require the approval of the Board of Trustees.

**5.4 Conveyance Time Allowance.**

All undeveloped Land Bank property shall be conveyed, and deed recorded within 180 days of Award and approval of the Land Bank Board of Trustees. Any property not conveyed within the above time, and without a written extension from the Land Bank Director, will have Award voided and property returned to Land Bank Inventory. For any property awarded pursuant to a development agreement, the terms of said agreement shall control when such property will be conveyed.



**5.5 Appropriate and Timely Development of Properties.**

The Land Bank expects that properties will be developed in a timely manner according to a written agreement or as specified in the deed of conveyance. Generally, construction should commence within six (6) months from the date of conveyance and should be completed as defined by the agreement or contained in the deed. To ensure that these expectations are met, the Land Bank will place conditions or restrictions on property it conveys to achieve the agreed upon outcome and will monitor these agreements until construction is complete. Proposed uses must be consistent with the 2019 Wabaunsee County Comprehensive Plan, Planning and Zoning, City approved and accepted plans or be able to obtain the necessary land entitlements within the option term, and all new owners are required to comply with all State, City and Federal codes, regulations and statutes.

**5.6 Pricing.**

The Land Bank will generally price vacant land by

- a. 75% of the Appraised Value of property set by County Appraiser as of January 1<sup>st</sup> of the current year.

The Land Bank has the right to determine the asking price for each property and as result has the right to decline any counteroffer.