

**ORDINANCE NO. 6495**

**AN ORDINANCE CREATING A LANDBANK AS ALLOWED BY KANSAS STATUTE ANNOTATED 12-5901 ET SEQ.**

**Section 1.** That the City of Parsons is hereby creating and adding to the Parsons City Code, Chapter 395, which shall read as follows:

Chapter 395

Land Bank

**§ 395-1. Creation; purpose.**

The purpose of creating the Parsons Land Bank is to implement the authority granted to the Governing Body by K.S.A. 12-5901 et seq. to establish or dissolve a land bank. The Parsons Land Bank will be a quasi-governmental entity with the primary responsibility and authority to acquire and cost-effectively maintain distressed properties, eliminate barriers to private ownership of acquired property and strategically convey acquired properties to productive and/or properly maintained use which best benefits the community as determined by the land bank Board of Trustees.

**§ 395-2. Definitions.**

For the purpose of this chapter, the words set out in this section shall have the following meanings:

- (a) Bank means the Parsons Land Bank established pursuant to this chapter.
- (b) Board means the Board of Trustees of the Parsons Land Bank.
- (c) City means the City of Parsons, Kansas.
- (d) Governing Body means the governing body of the City of Parsons.

**§ 395-3. Land bank board of trustees; appointment; terms; dissolution.**

(a) There is hereby established a Land Bank Board of Trustees. The Board shall be composed of five (5) members. The Board shall be composed of at least one City Commissioner of Parsons selected by the city commission, with the Parsons City Commission appointing the remaining other trustees with expertise in land development, construction, development finance, real estate, sales or marketing, real estate law, neighborhood growth and development, or expertise related to the responsibilities of the Parsons Land Bank operation. Department Heads and other employees of the City of Parsons may be appointed as trustees, but in no event shall there be more than two city employees on the Board at the same time. The Parsons City

Manager shall be an ex-officio member of the Board as a non-voting member. Vacancies on the Board shall be filled by appointment for the unexpired term.

(b) The term of office of the Board members appointed by the City Commission shall be three-year terms except that the term of any Board member who is a city employee or city commissioner shall terminate and be vacated in the event the city employee or city commissioner is no longer employed by the City of Parsons or is no longer a city commissioner.

(c) Primary city staff support to the Board will come from the City Manager, or his or her designee. City staff will provide technical and professional support for Bank operations; additional support may be contracted as deemed necessary.

(d) The Bank may be dissolved by ordinance of the Governing Body, 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.

#### **§ 395-4. Officers; organization.**

(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 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.

(c) 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.

(d) 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 local governmental officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

(e) 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.

#### **§ 395-5. Powers of the board.**

The Land Bank Board of Trustees shall have the following powers:

- (a) To sue and be sued;
- (b) To enter into contracts;

- (c) 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 chapter and state law;
- (d) To rebate all or any portion thereof, the taxes on any property sold or conveyed by the Bank;
- (e) To exercise any other power which may be delegated to the Bank by the Governing Body; and
- (f) To exercise any other incidental power which is necessary to carry out the purposes of the Land Bank and state law.

**§ 395-6. Additional duties and powers of the board.**

- (a) The Board is under no obligation to accept by purchase, gift or devise, or any other conveyance any real property. The Board shall strategically accept properties which can be conveyed to private ownership and productive and/or maintained use at a cost and effort acceptable to the Board.
- (b) The Board may accept or refuse to accept any property authorized to be transferred pursuant to this chapter or state law. 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.
- (c) The Board may offer such incentives as it deems appropriate to encourage the development of land bank property.
- (d) Land bank staff may consult with any individuals, organizations and developers which may be affected by a land bank development project and pass on to the Board the recommendations and concerns of individuals, organizations and developers.
- (e) The Board may receive operating funds from the City of Parsons, Kansas to be utilized for the purpose of paying expenses deemed necessary in order to encourage conveyance of acquired properties to private ownership.
- (f) The Board may receive funding from private entities to be utilized for the purpose of paying expenses deemed necessary in order to encourage conveyance of acquired properties to private ownership.
- (g) Any money derived from the sale of property by the land bank shall be retained by the land bank. Any funds not immediately required for the purposes of the land bank shall be invested in the manner provided by K.S.A. 12-1675, and amendments thereto.
- (h) Members of the board of trustees shall receive no compensation but shall be paid their actual expenses in attending meetings and carrying out their duties as members of the board of trustees.
- (i) 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. 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.

**§ 395-7. Administration.**

The Board shall assume possession and control of any property acquired by it under this chapter or state law 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 in relation to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and

(f) 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.

**§ 395-8. Budget; records; report.**

(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 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.

(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 prescribed 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 31st 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 31st of each year.

(g) 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.

(h) 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.

(i) The sale of any real property by the Board, under the provisions of this chapter or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the Governing Body.

(j) The Board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.

(k) 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.

(l) Except for special assessments levied by the City to finance public improvements, when the Board acquires property pursuant to this chapter and state law, the Labette 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.

(m) 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.

(n) The Governing Body may abate part or all of any special assessments which it has levied on property acquired by the Bank, and the 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.

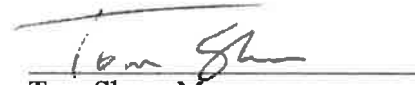
(o) Any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof; provided, however, that the Board may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property.

#### **§ 395-9. Statutory authority.**

The provisions of this chapter shall at all times be consistent with K.S.A. 12-5901 et seq. and amendments thereto.

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

PASSED by the Governing Body of the City of Parsons, this 21st day of June, 2021.

  
Tom Shaw, Mayor

ATTEST:

  
Robyn Baker, City Clerk