



October 23, 2017

Land Bank Policy

Mission Statement:

The Goal of the Marion Land Bank is to return tax delinquent property to productive use that benefits the community. When considering proposals to the Land Bank, preference will be given to projects that support home ownership, improve neighborhoods and otherwise advance the economic and social interests of the City of Marion, Kansas, and its residents.

Conditions set on Land Bank Properties

The Governing Body of the City of Marion serves in the capacity of the Land Bank Board of Trustees and makes all final decisions on Land Bank property conveyances.

The Land Bank Board of Trustees will annually, and as needed, identify development areas which are actively being developed. Any Land Bank properties in these particular geographical areas will be held for the developer(s) for that area. Any Land Bank parcels in actively developed areas will be marked as "not available for purchase" in the Land Bank published inventory list.

Land is conveyed with no guarantee as to quality or content, subject to covenants stated in the Land Bank Deed. Any parcel failing to meet requirements listed in the Deed may be subject to reversion to the Land Bank. Applicants will forfeit any funds spent on the property.

The Land Bank Board of Trustees may set a different minimum price on any Land Bank Property and may set a minimum price on commercial/industrial zoned properties and those containing structures.

Except as herein provided, donations of real property to the Land Bank will only be accepted if the donors own 100% of the property and have marketable title. Assurance of ownership and title shall be done through title insurance, attorney title opinion or such other means approved by the Land Bank upon recommendation of the City Administrator after consultation with the City Attorney. The donor shall pay all costs of the

proof of title and any title clearance cost unless waived by the land Bank on recommendation of City Staff. Less than 100% ownership or defection marketable title may be accepted by the Land Bank if the Land Bank, in its sole discretion, determines doing so is in the best interest of the Land Bank and the City.

Persons gifting property to the Land Bank may request confirmation or receipt from the Land Bank as to the property value for tax deductible contribution purposes. Such value statement shall use the County Fair Market Value Appraisal. If desired, a third party, independent appraisal can be obtained at the applicant's expense subject to Land Bank approval.

All Land Bank fees may be waived for Community Development Corporations (CDC) or Community Housing Development Organizations (CHDO).

The Land Bank Board of Trustees reserves the right to accept or reject any or all proposals without cause.

The Land Bank may aggregate and sell land for use as community parking. If an applicant wishes to purchase property for mixed uses business parking, it must state that intent on the application. Only parking that is for the benefit of community improvement will be considered by the Land Bank. Once the Land Bank parcel is conveyed for community parking, the owner will be responsible for the upkeep of the improved paved surface.

When completed proposals are accepted by the Land Bank, a review and recommendations of the proposal is completed by City staff.

Applicant's proposals are forwarded with recommendations to the Land Bank Board of Trustees.

The City staff, 30 days prior to the sale or transfer of any property owned by the Land Bank, will publish in the official City newspaper a notice announcing such sale. At the time of publishing such notice, the Land Bank staff will notify adjacent property owners of the pending property available for sale.

CDC/CHDO Emergency Economic Recovery Program

1. Land Bank accepts the return of properties from CDC/CHDO per their written request.
2. At CDC/CHDO discretion, Land Bank and CDC/CHDO execute a written contract whereby CDC/CHDO has the exclusive option to repurchase the property for expenses incurred by Land Bank.
3.
 - a) Option is for a one year period, subject to two additional, mutually agreed, one year renewals.
 - b) Whether the Land Bank will renew the option will be considered as part of the annual review of areas of actively developed properties.
 - c) Consideration for the option is that the CDC/CHDO maintain the property,

at its expense, in compliance with all codes and ordinances.

- d) CDC/CHDO has 10 days after written notice from Land Bank to cure any code or ordinance violations. Failure to timely do so terminates the option.
4. CDC/CHDO may exercise the option to repurchase at any time during an option period.
5. All other Land Bank Policies apply to these properties.

Conditions for Applicants Prior to Purchase of Land Bank Property:

Applicant must not be delinquent on any licenses or taxes in Marion County. (For these purposes, participation with the City of Marion or Marion County Payment Plan(s) constitutes delinquency).

Applicant must not have a history of code enforcement violations at properties they own or not have any outstanding violations. A history of 3 notices to appear in court for code violations in the previous calendar year or 5 notices to appear in court for code violations in the past 3 calendar years will make an individual ineligible to apply.

Conditions for Applicants After Purchase of Land Bank Property:

All applicants' property must be properly maintained with no notices to appear in court for code violations.

Applicant must not be delinquent on any licenses or taxes in Marion County.

Failure to comply with the above requirements will render the land owner ineligible for future Land Bank opportunities or Economic Incentives from the City of Marion.

Land Bank Procedures

- Non-buildable lots will generally be sold for \$100.
- Buildable lots/parcels will be generally sold for \$300. Buildable residential properties are generally those with over 50 foot frontage.
- Buildable lots for non-buildable purposes (yard expansion, parking, play ground area etc...) are sold for \$10.00 per front footage. For example, 70 foot frontage lots will cost \$700.
- The City staff will notify the Land Bank Trustees of Non-buildable and Buildable lots that contain razing assessments. Non-buildable and Buildable lots razing assessments will be abated. Commercial/Industrial lots are subject to special assessments.
- The Land Bank may set a minimum price on commercial/industrial zoned properties and those containing structures.
- A confirmation letter will be mailed to applicants that submit applications to the City staff within 30 days of receipt. Please contact the City staff if you do not receive a confirmation letter for your application.

Process for Purchasing Non-Buildable Land Bank Properties.

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- Non-buildable are lots with a frontage that is generally less than 50 foot frontage.
- The adjacent land owner will have priority for right of first refusal. Adjacent is defined as immediately touching the applicant's property on the right or left.
- Applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However, incomplete applications will not be accepted for consideration but will be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price proposals will also be evaluated on their ability to finance the project.
- If the adjacent land owner wants to purchase the Land Bank Lot for parking or for building a garage, they understand that the City of Marion has certain requirements and minimum standards for both the parking area and for the garage. If your proposal identifies the use as for parking or a garage, the City staff will send contact information to the applicant. Transferal of lot does not guarantee a building permit or use for parking.
- The City Administrator will have the authority to transfer non-buildable lots to qualified adjacent land owners only (if not located in an identified development area). The items that the City Administrator has the authority to transfer will be reported to the Land Bank Trustees. All other proposals will require further review.
- If no qualified adjacent owner shows interest in the vacant property, consideration may be given for community development efforts such as community gardens, neighborhood play areas, and community green areas.

Process for Purchasing Buildable Residential Land Bank Properties.

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- Buildable residential properties are generally those with over 50 foot frontage.
- The priority is for homeownership.
- If only one property is under consideration and is not in a targeted development area, the applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However, incomplete applications will not be accepted for consideration but will be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.
- If the zoning is not appropriate, the applicant will need to get approval of zoning changes prior to any building.
- If the property under consideration is not in a targeted development area, the applicant must exhibit the financial ability of completing the project by submitting a letter of credit or a pre-approval letter from his/her bank.
- If the property under consideration is not in a targeted development area, the applicant must attach drawings of the proposed structure for City staff to review. At a minimum, the drawings should consist of the following: (1) The location of the building or structure; (2) The building work proposed; (3) The outside dimensions of the building by floors and dimensions of the basement (if any); (4) Building Plans for New Construction of Buildings; (5) Such other information as may be pertinent to the issuance of the application. The structure should be compatible with the existing neighborhood.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price, proposals will be evaluated on their ability to finance the project, the quality of the building, the compatibility of the building with existing neighborhoods, individual experiences with building, and if the proposal is for homeownership.
- Proposals that are accepted will need to submit all their plans to the City staff prior to the building commencement. City Staff can send this information to successful applicants.
- The successful applicant should begin construction and shall substantially complete the same, within 12 months after the purchase of the Land Bank property. In the event that construction is not completed within 12 months, the successful applicant must notify the City Administrator in writing to request an extension. Extensions are NOT automatic.
- Community Development Corporations/Community Housing Development Organizations applicants should begin construction and shall substantially complete the same, within 24 months after the purchase of the Land Bank property. In the event that construction is not completed within 24 months, the successful CDC/CHDO must notify the City Administrator in writing to request an extension. Extensions are NOT automatic.

Process for Purchasing Buildable Commercial/Industrial Land Bank Properties.

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- A minimum price will be established for each commercial/industrial parcel. The Land Bank Board of Trustees reserves the right to set an alternative price.
 - If only one property is under consideration and is not in a targeted development area, the applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However, incomplete applications will not be accepted for consideration but will be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.
- If the zoning is not appropriate, the applicant will need to get approval of zoning changes prior to any building.
- If the property under consideration is not in a targeted development area, the applicant must exhibit the financial ability of completing the project by submitting a letter of credit or a pre-approval letter from his/her bank.
- If the property under consideration is not in a targeted development area, the applicant must attach drawings of the proposed structure for City staff to review. At a minimum, the drawings should consist of the following: (1) The location of the building or structure; (2) The building work proposed; (3) The outside dimensions of the building by floors and dimensions of the basement (if any); (4) Building Plans for New Construction of Buildings; (5) Such other information as may be pertinent to the issuance of the application. The structure should be compatible with the existing neighborhood.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price, proposals will be evaluated on their ability to finance the project, the quality of the building, the compatibility of the building with existing neighborhoods, and individual experiences with building.
- Proposals that are accepted will need to submit all their plans to the City staff prior to construction. City staff can send this information to successful applicants.
- The successful applicant should begin construction and shall substantially complete the same, within 12 months after the purchase of the Land Bank property. In the event that construction is not completed within 12 months, the successful applicant must notify the City Administrator in writing to request an extension.
- Community Development Corporations/Community Housing Development Organizations applicants should begin construction and shall substantially complete the same, within 24 months after the purchase of the Land Bank property. In the event that construction is not completed within 24 months, the successful CDC/CHDO must notify the Land Bank staff in writing to request an extension.

Process for Purchasing Land Bank Properties with Structures.

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- Existing structures must be brought up to minimum prevailing building codes.
- A minimum bid will be placed on each land bank property with a structure on it. The Land Bank Board of Trustees reserves the right to set an alternative price.
- If only one property is under consideration and is not in a targeted development area, the applicant must completely fill out the Land Bank Application. Application assistance from the City staff is available prior to formal submittal of the application. However, incomplete applications will not be accepted for consideration but will be returned to the applicant with an explanation of what needs to be completed for a possible future submittal.
- If the zoning is not appropriate, the applicant will need to get approval of zoning changes prior to any building.
- If the property under consideration is not in a targeted development area, the applicant must exhibit the financial ability of completing the project by submitting a letter of credit or a pre-approval letter from their bank.
- If the property under consideration is not in a targeted development area, the applicant must attach a comprehensive scope of work proposed for the rehabilitation of the proposed structure for the City staff review. The structure should be compatible with the existing neighborhood.
- If multiple proposals are received for a specific property, all applicants will be asked to make a best and final offer on the property. No new applications will be allowed after the best and final offer letter is sent out. In addition to the bid price, proposals will be evaluated on their ability to finance the project, the quality of the building, the compatibility of the building with existing neighborhoods, individual experiences with building, and homeownership if residential.
- Proposals that are accepted will need to submit all their plans to the City staff to the commencement of construction or demolition. The City staff can send this information to successful applicants.
- The successful applicant should begin construction and shall substantially complete the same, within 12 months after the purchase of the Land Bank property. In the event that construction is not City Administrator in writing to request an extension.
- Community Development Corporations/Community Housing Development Organizations applicants should begin construction and shall substantially complete the same, within 24 months after the purchase of the Land Bank property. In the event that construction is not completed within 24 months, the successful CDC/CHDO must notify the Land Bank staff in writing to request an extension.