

Marion County Land Bank Policy

Mission Statement: The goal of the Marion County Land Bank is to return tax delinquent property to productive use benefiting 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 Marion County, Kansas, and its residents.

Conditions set on Land Bank Properties:

The Board of County Commissioners of Marion County serves as 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 active development areas. Any Land Bank properties in these 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 and restrictions 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, including commercial/industrial zoned properties and those containing structures.

Gift in Lieu of Judicial Foreclosure Process - the Land Bank Board of Trustees reserves the right to accept or reject gifts. Person(s) gifting will be responsible for title report fees.

All Land Bank fees may be waived for Community Development Corporations (CDC), Community Housing Development Organizations (CHDO), County Economic Development Corporations (CEDC), or other not-for-profit organizations, at the discretion of the Board of Trustees.

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

The Land Bank is committed to fair and equitable administration of the stated mission as it relates to County residents and potential buyers. The Land Bank committed to not competing with qualified private purchasers in the acquisition of real estate. The Land Bank will, absent extraordinary circumstances, defer to qualified private party purchasers in all cases. The Land Bank is also committed to not interfering with other municipal land banks or accepting properties within cities that have their own

land bank unless the property is already County owned, or the proposal is initiated by the city land bank.

The Land Bank may aggregate and sell land for use as community parking or for site locations for County structures providing essential County services. If an applicant wishes to purchase property for mixed use 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, County staff (to include a representative from the Appraiser's Office, Planning & Zoning Department, Treasurer's Office, and County Clerk's Office) will review and make recommendations to the Board of Trustees. Proposals are then forwarded with recommendations to the Board of Trustees.

Thirty days prior to the sale of any property owned by the Land Bank, County staff will publish a notice in the official County newspaper, 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/CEDC Economic Activity Programs:

1. Land Bank accepts the return of properties from CDC/CHDO/CEDC per their written request.
2. At CDC/CHDO/CEDC discretion, Land Bank and CDC/CHDO/CEDC execute a written contract whereby CDC/CHDO/CEDC has the exclusive option to repurchase the property for expenses incurred by Land Bank.
 - 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/CEDC maintain the property, at its expense, in compliance with all codes and ordinances.
 - d) CDC/CHDO/CEDC has 10 days after written notice from Land Bank to cure any code or ordinance violations. Failure to timely do so terminates the option.
3. CDC/CHDO/CEDC may exercise the option to repurchase at any time during an option period.
4. 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 of Marion County, Kansas.

Applicant must not have a history of code enforcement violations at properties they own and may not have any outstanding violations, as determined by County staff.

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 become delinquent on any licenses or taxes in Marion County.

Land Bank Procedures

- Lots/parcels will generally be sold for current market value as assessed by the Appraiser's Department.
- **It is the buyer's responsibility to research use and building allowances prior to purchase. Byer is advised to contact the Planning & Zoning, Appraiser's, and Register of Deeds office prior to making a proposal.**
- County staff will notify the Land Bank Trustees of lots that contain razing assessments, which will be abated by the County prior to sale.
- The Land Bank may set a minimum price on residential zoned, commercial/industrial zoned, vacant lots, and those containing structures. The Land Bank Board of Trustees reserves the right to set an alternative price on any of the properties listed in the Land Bank.
- A confirmation letter will be mailed to applicants within 30 days of receipt of their application. If a confirmation is not received, applicants should contact the County Clerk.

Process for Purchasing Land Bank Properties:

- Applicant must agree with Conditions set forth above in Land Bank Policy.
- Adjacent landowner(s) will have priority for right of first refusal. Adjacent is defined as those properties immediately touching the listed Land Bank property.
- Land Bank applications are available in the County Clerk's Office and online at the Marion County website. Applicant must completely fill out the Land Bank Application. Application assistance from the County staff is available prior to formal submittal of the application. 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 may also be evaluated on their ability to finance the project.
- Transfer of lot or parcel does not guarantee a building permit or special land use permit.
- If the zoning is not appropriate for the proposed use, the applicant will need to get approval of zoning changes prior to building.

- 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, or other not-for-profit use.
- After purchase, existing structures must be brought up to minimum zoning and environmental health codes.
- The successful applicant should begin construction and shall substantially complete the same, within 12 months after the purchase of the Land Bank property. If construction is not completed within 12 months, the successful applicant must notify the Land Bank Board of Trustees in writing to request an extension.
- Community Development Corporations, Community Housing Development Organizations, or County Economic Development Corporation applicants should begin construction and shall substantially complete the same, within 24 months after the purchase of the Land Bank property. If construction is not completed within 24 months, the successful CDC, CHDO, or CEDC, as applicable, must notify the Land Bank Board of Trustees in writing to request an extension.

Process for Donating Land Bank Properties:

- The donor must complete the Application to Donate Property and submit to the Marion County Clerk's Office at 200 S. Third St., Suite 104, Marion, KS 66861.
- Land Bank staff will request a Title Commitment for the property from a title agency. Title Commitments can take several weeks to be processed.
- Land Bank staff will review the Title Commitment for any conditions or exceptions on the title.
 - The Land Bank may require additional paperwork to satisfy the Title Commitment.
- The Land Bank Board of Trustees will review the Title Commitment, Application, and all other documentation at a regular or special meeting and will vote whether to accept the property.
- If accepted, the Land Bank will prepare a deed for signature by the donor when the title is clear.
- Deeds must be signed in front of a Notary Public. The Land Bank can provide a Notary Public at no charge.
- The Land Bank will submit the signed deed for recording at the Marion County Register of Deeds Office.
- When the recorded deed to the Land Bank is returned, the donor will receive in the mail a copy of that recorded deed, as well as a letter from the Land Bank to document the date and value of the donation.