

RESOLUTION NO. 2021-19

A RESOLUTION ESTABLISHING A COUNTY LAND BANK PURSUANT TO K.S.A. 19-26,104, *et seq.* AND PROVIDING FOR THE ADMINISTRATION THEREOF.

WHEREAS, the Marion County Commission recognizes the need to return tax delinquent property to productive use, thus benefiting the community, supporting home ownership, improving neighborhoods, and advancing the economic and social interests of Marion County residents;

WHEREAS, the formation of a land bank pursuant to K.S.A. 19-26,104, *et seq.* will provide tools to accomplish those objectives and reduce blight within the borders of Marion County.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS:

Section 1. Marion County, Kansas (herein after "County"), by the power vested in it by K.S.A. 19-26,104 *et seq.*, hereby establishes a county land bank. The land bank will be the centralized point of contact for individuals and developers interested in acquiring developable vacant and abandoned land within Marion County, Kansas. The land bank will be guided in its affairs by a board of trustees.

Section 2. The land bank board of trustees shall consist of a five (5) member board comprised of the County Commission of Marion County, Kansas.

Section 3. The land bank staff shall consist of the Marion County Clerk and administrative staff of Marion County, Kansas.

Section 4. CASH BASIS: The land bank shall be subject to the provisions of the cash-basis law, as provided in K.S.A. 10-1101, *et seq.*, and amendments thereto.

Section 5. BUDGET: The budget of the land bank shall be prepared, adopted and published as provided by law for other political subdivisions of the state. No budget shall be adopted by the board until it has been submitted to, reviewed, and approved by the Board of County Commissioners of Marion County, Kansas.

Section 6. PROPERTY ACQUISITION: For any property acquired by the land bank, the trustees shall: (1) manage, maintain and protect the same; (2) compile and maintain a written inventory of such property; (3) study, analyze and evaluate potential, present and future uses for such property which would provide for its effective re-utilization; (4) plan for and use the board's best efforts to consummate the sale or other disposition of such property upon such terms and conditions deemed appropriate; (5) establish and maintain records and accounts reflecting all transactions, expenditures and revenues relating to the land bank's activities; and (6) develop such policies and procedures as the board determines reasonable and necessary to effectuate the purposes of the land bank.

Section 7. PROPERTY AVAILABLE FOR INCLUSION: Property available for inclusion in the land bank shall include, but not be limited to: (1) parcels of tax delinquent property foreclosed on by the County of Marion pursuant to K.S.A. 79-2803-2804, *et seq.* and requested by the land bank board of trustees pursuant to its authority under K.S.A. 19-26,104, *et seq.* (Only property that has the potential for development within a reasonable period of time and has been accepted by the land bank board of trustees will be identified for inclusion in the land bank); (2) property currently held in the name of Marion County, Kansas; (3) parcels of property donated by other governmental entities; (4) property purchased by the land bank board of trustees to compliment properties previously identified to the land bank through other means; and (5) property offered to and accepted by the land bank.

Section 8. INCENTIVES: The land bank board of trustees may offer such incentives as it deems appropriate to encourage the development of land bank property.

Section 9. CONSULTATION AND RECOMMENDATIONS: The 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 land bank board of trustees the recommendations and concerns of individuals, organizations and developers.

Section 10. PROPOSALS: Proposals will be reviewed by the land bank staff and forwarded to the land bank board of trustees along with recommendations and or concerns of affected individuals, organizations and developers.

Section 11. OPERATING FUNDS: The Board of County Commissioners of Marion County, Kansas may advance operating funds to the land bank to pay expenses of the board of trustees and the land bank.

Section 12. ANNUAL REPORT: The land bank is required to make an annual report to the Board of County Commissioners of Marion County, Kansas, on or before January 31 of each year, showing receipts and disbursements from all funds under its control.

Section 13. MONIES DERIVED FROM ACTIVITY: Any money derived from the sale of property by the land bank shall be retained by the land bank. Funds shall be deposited with the Marion County Treasurer in accordance with established County policies and procedures and subject to K.S.A. 9-1401, amendments thereto. 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.

Section 14. COMPENSATION: 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.

Section 15. STATUTORY AUTHORITY: The provisions of this resolution shall at all times be consistent with K.S.A. 19-26,104 *et seq.*, and amendments thereto.

Section 16. EFFECTIVE DATE: This resolution shall take effect and be in force from and after its publication once in the official newspaper of the County of Marion, Kansas.

Passed and approved by the Board of County Commissioners of Marion County, Kansas this 23 day of August, 2021.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**

☒ Yea
☐ Nay
☐ Abstain

Randy Dalke
Randy Dalke, Chairman – District 3

☒ Yea
☐ Nay
☐ Abstain

Kent Becker
Kent Becker, Member – District 1

☒ Yea
☐ Nay
☐ Abstain

David Mueller
David Mueller, Member – District 2

☒ Yea
☐ Nay
☐ Abstain

Dave Crofoot
Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain

Jonah Gehring
Jonah Gehring, Member – District 5



ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk