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ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Spencer Duncan establishing a land bank and creating new Chapter 2.260 in the Topeka Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.260.010, which said section reads as follows:

Establishment and purpose.

The governing body of the city, by the power vested in it by K.S.A. 12-5901 *et seq.*, hereby establishes the City of Topeka Land Bank. The land bank shall serve the public purpose of providing for the orderly, planned and reutilization of abandoned, tax-foreclosed or otherwise underutilized properties.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.260.020, which said section reads as follows:

Definitions.

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

Board means the board of trustees of the land bank established pursuant to this chapter.

Bank means the land bank established pursuant to this chapter.

City means the City of Topeka, Kansas.

Governing Body means the governing body of the City.

Land Bank Act means K.S.A. 12-5901 et seq. and amendments thereto.

Section 3. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.260.030, which said section reads as follows:

Board of trustees; appointment, terms.

(a) The Board shall consist of five members who reside within the boundaries of the City or Shawnee County.

(b) Board members shall be appointed by the Mayor and approved by the City Council. Board members' terms shall commence upon approval of the appointment by the City Council and terminate on the earlier of (1) December 31, 2026; or (2) on the date the Bank is dissolved, by ordinance, pursuant to K.S.A. 12-5902(d) and amendments thereto.

Section 4. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.260.040, which said section reads as follows:

Staff and operations.

(a) Staff. The city manager may allocate such staff as is necessary for the performance of the functions and purposes of the Bank. Additional support may be contracted, as necessary.

(b) Operating funds. The city manager may utilize City operating funds allocated by the Governing Body to pay the expenses of the Board and the Bank.

(c) Operations. The duties of the Bank shall include, but are not limited to, the following:

(1) Establish annual budgets for submission to and approval by the Governing Body. The budget must be submitted to the Governing Body prior to June 1 of each year and include, at a minimum, the amounts designated for

staffing, land acquisition, demolition, renovation, maintenance, upkeep and new construction development.

(2) Provide an annual report to the Governing Body on or before January 31 of each year, in accordance with K.S.A. 12-5903(f) and amendments thereto.

(3) Comply with the Topeka Land Bank Administrative Policy Guidelines approved by the Governing Body.

(4) Perform and do all things and acts necessary to carry out the statutory purposes of the Land Bank Act.

(d) Audits. As required by K.S.A. 12-5903 and amendments thereto, the receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the audit report shall be included in the annual report of the Board.

Section 5. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.260.050, which said section reads as follows:

Property available for inclusion.

(a) Property available for inclusion in the Bank shall include, but not be limited to:

(1) Property currently held in the name of the City;

(2) Property donated by other governmental entities;

(3) Property purchased by the Board to complement properties in the Bank; and

(4) Property offered to and accepted by the Board.

(b) Pursuant to K.S.A. 12-5906 and amendments thereto, any property acquired by the City may be transferred to the Bank. The Board may accept or refuse to accept any property. The transfer of any property pursuant to this section shall not be subject to any bidding requirement and shall be exempt from any provision of law requiring a public sale.

(c) The fee simple title to any real estate that is sold to Shawnee County in accordance with K.S.A. 79-2803 and 79-2804 and amendments thereto, if accepted by the Board, 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.

Section 6. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.260.060, which said section reads as follows:

Administration of property.

Pursuant to K.S.A. 12-5907 and amendments thereto, the Board shall assume possession and control of any property acquired by it 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 such property;

(c) Study, analyze and evaluate potential, present and future uses for such property which would provide for its effective reutilization;

(d) Plan for and use the Board's best efforts to consummate a sale or other disposition of Bank property upon such terms and conditions deemed appropriate; and

(e) Sell property acquired by the Bank upon such terms and conditions allowed by K.S.A. 12-5908 and amendments thereto.

Section 7. This ordinance shall take effect and be in force on May 1, 2023 after its passage, approval and publication in the official City newspaper. Pursuant to K.S.A. 12-5902(d), the Bank will be dissolved on December 31, 2026; or by ordinance prior to December 31, 2026.

Section 8. All ordinances, resolutions or rules, or portions thereof, inconsistent with the provisions of this ordinance are hereby rescinded or repealed.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

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Michael A. Padilla, Mayor

ATTEST:

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Brenda Younger, City Clerk