

Administrative Policy and Procedure Guidelines

CITY OF TOPEKA LAND BANK

APPROVED 5/28/2024

1. Purpose

1.1. Program Purpose

The City of Topeka Land Bank's purpose is to efficiently acquire, manage, and transform vacant, abandoned, blighted and/or foreclosed properties into productive use benefitting the community.

1.2. Policy Purpose

This policy is intended to create a unified and consistent approach to the disposition of real property owned by the City of Topeka Land Bank

In the interest of providing transparency to the sale and reuse of property, this policy will provide guidance transactions involving property as well as information to individuals and organizations considering the acquisition of property

1.3. Program Goals

The goals that the City of Topeka Land Bank aims to achieve through the administration of this program include:

- a. Expand and grow the tax base;
- b. Strengthen and improve Topeka neighborhoods;
- c. Support home ownership;
- d. Promote the construction of infill housing to reduce and eliminate blight;
- e. Advance the economic situations and quality of life for Topekans, particularly low-income and underserved populations;
- f. Transfer ownership of blight/nuisance properties with no known legal owner or negligent owner to a responsible, tax-paying owner;
- g. Reduce the number of properties under current violation;
- h. Prioritize local contractors; and
- i. Operate in an effective and efficient manner as stewards of the public trust.

1.4. Applicants

Applicants desirous of acquiring land bank property shall provide the information requested on a form provided by the Planning & Development Department. An applicant may be disqualified if any of the following conditions are met:

- a. Applicant owns any real property that has an outstanding citation(s) for violations of State and/or local laws, including violations of the property maintenance code or any code in Title 14 of the Topeka Municipal Code;
- b. Applicant owns any real property that is delinquent on payment of special assessments or property taxes;
- c. Applicant is barred from transactions with local government entities;
- d. Applicant has insufficient experience and/or lack of capacity to perform in accordance with the requirements of the City of Topeka Land Bank;
- e. Applicant has failed to perform in prior transactions with the City or the Land Bank;
or
- f. Applicant is banned from bidding at the tax sale.

If applicant is an entity, the entity will be disqualified if any of the disqualifiers apply to a director, officer or member.

1.5. Qualified Offer

A Qualified Offer is an application that adequately describes the applicant's plans for the property and is aligned with the purpose and goals of the City of Topeka Land Bank. The applicant must demonstrate financial and operational capacity to carry out the plans and maintain the property. Applicants must be in compliance with all State, City and Federal codes, regulations and statutes.

1.6. Timing

All properties acquired from the City of Topeka Land Bank shall be occupied and comply with all ordinances, including the property maintenance code, within a period of time designated by the board of trustees.

1.7. Pricing

The board of trustees shall establish the purchase price and/or conditions of acquisition.

2. Authority and Role

2.1. Establishment

The City of Topeka Land Bank was established by the City of Topeka, Kansas by the power vested in it by K.S.A. 12-5901 et. seq.

2.2. Governance

The City of Topeka Land Bank is governed by a Board of Trustees comprised of a neighborhood delegate appointed by the City Council, a city staff member appointed by the City Manager, a City Council member designated by the City Council, and two other at large designees appointed by the City Council. The City of Topeka Planning and Development Department is charged with its administration.

2.3. Review of Proposed Land Bank Transactions

All proposed City of Topeka Land Bank transactions shall be submitted by the Planning and Development Department to the Board of Trustees for review.

Upon receipt of a proposed land bank transaction, planning and development staff will review the proposal to ensure all basic requirements are met. For potential land acquisitions that meet the basic criteria, the planning and development staff will organize a site investigation and maintenance cost estimate, the findings of which will be presented to the board of trustees for review. For property purchase applications, planning staff will acquire supplemental information from the applicant as necessary to be presented to the board of trustees at the subsequent meeting.

2.4. Governing authority

The core governing documents of the City of Topeka Land Bank are the applicable state statutes and the City of Topeka Code of Ordinances. The policies and procedures set out in this

document constitute guidelines only and the Board of Trustees reserves discretion to deviate where appropriate.

2.5. Board of Trustees Approval

Under law, the conveyance of property by the City of Topeka Land Bank, must be approved by the City of Topeka Land Bank Board of Trustees before the property can be conveyed, subject to the city manager's veto.

2.6. Right to Accept or Reject

The City of Topeka Land Bank reserves the absolute right to accept or reject any and all applications and offers for purchase.

3. Conveyances to the Land Bank

3.1. Sources of property inventory

Sources of real property inventory of the City of Topeka Land Bank are limited to:

- a. Property currently held in the name of the city;
- b. Property donated by other governmental entities;
- c. Property purchased by the Board to complement properties in the bank; and
- d. Property offered to and accepted by the board.

3.2. Policies governing the acquisition of property

To be eligible for acquisition by the City of Topeka Land Bank, properties must:

- a. Support mission and goals of the City of Topeka Land Bank;
- b. Be residential;
- c. Be located within Topeka city limits;
- d. Be vacant, non-conforming, blight, nuisance, dangerous and/or underdeveloped; and
- e. Support a plan for re-use, rehabilitation, or redevelopment.

In determining which, if any, properties might be acquired, board of trustees may consider the following factors:

- a. Specific properties that are identified for ultimate acquisition and redevelopment;
- b. Residential properties that are occupied or are available for immediate occupancy without need for substantial rehabilitation;
- c. Properties that are not eligible for funding from other programs to address issues;
- d. Properties for which reutilization would be in support of strategic neighborhood stabilization and revitalization plans; and/or
- e. Properties that will generate operating resources for the functions of the Land Bank.

3.3. Transaction agreements

In most cases a transaction agreement must be approved in advance by the Board of Trustees and executed by the Board's chairperson and the grantor of the property. These transaction agreements shall be in form and content as deemed by the City of Topeka Land Bank to be in the best interest of the City of Topeka Land Bank and shall include to the extent feasible

specification of all documents and instruments contemplated by the transaction as well as the rights, duties and obligations of the parties.

3.4. Timing

Any property that is acquired by the Land Bank will not be available for sale/transfer until the latter is approved by the Board of Trustees, subject to the city manager's veto. The board shall, prior to the sale of any property owned by the land bank, publish notice in the official city newspaper at least 30 day's prior to the sale.

4. Site Control and Maintenance

4.1. Scope of services provided

The City of Topeka Land Bank may incur costs for the following services:

- Site investigation;
- Demolition;
- Rehabilitation and Construction;
- Debris removal and relocation;
- Court filing fees;
- Homeowner counseling;
- Property inspections and valuations;
- Tree and lawn maintenance and removal;
- Cleaning services;
- Title expenses; and
- Utilities.

Any property requiring additional services due to adverse environmental conditions or excessive maintenance needs shall require approval from the board of trustees.

4.2. Procurement of service providers

Service providers shall be procured through competitive bidding. This process shall be subject to all provisions in the city of Topeka's procurement regulations.

5. Conveyances from the land bank

5.1. Covenants, conditions, restrictions

The board of trustees may impose restrictions upon transfer set out in the development agreement. [See Section 8.1\(E\) \(Development Agreement Required\).](#)

5.2. Conveyances requiring board of trustees' approval

All transfers shall require approval from the board of trustees.

5.3. Deeds / Transfer of Title. Conveyances shall be by quit claim deed or special warranty deed, if there are restrictions. [See Section 8.1\(G\) \(Quit claim\).](#)

5.4. Applicants who have acquired City of Topeka Land Bank-owned property must fulfill their commitments to the City of Topeka Land Bank and to their neighbors, which includes paying property taxes and maintaining properties in accordance with all municipal codes and ordinances

5.5. Property transferred cannot be used as rental property.

6. Land Bank Donations

6.1. Donation to the City of Topeka Land Bank

The City of Topeka Land Bank will only accept donated property(ies) that will advance the goals of the Land Bank. Property owners that desire to donate their real property to the land bank shall establish at least one or both of the following conditions:

- a. The property owner does not have the resources to properly care for the property or to comply with orders to correct code violations that are present, and evidence of the hardship has been presented;
- b. The property is located in an area targeted for redevelopment efforts or in a neighborhood with existing City of Topeka Land Bank property.

Additional Requirements.

(a) Property(s) with adverse environmental conditions or maintenance requirements will not be accepted without a satisfactory plan and funding in place for remediation, as determined by the City of Topeka.

- a. The City of Topeka Land Bank may require that donated property(s) be conveyed by general warranty deed;
- b. Property(s) that are occupied shall not be accepted as donations;
- c. The City of Topeka Land Bank shall not determine donation value for the purpose of tax benefits; and

The City of Topeka Land Bank reserves the absolute right to accept or reject any and all donation requests.

Nothing in this section precludes acceptance of a donation of a tax sale eligible property.