

ORDINANCE NO. 1673

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, ESTABLISHING A LAND BANK PURSUANT TO K.S.A. 12-5901 ET SEQ., WITHIN THE CITY OF COLBY, KANSAS.

WHEREAS, K.S.A. 12-5901 *et seq.*, authorizes the Governing Body to establish a city land bank by adoption of an ordinance, into which city land bank any property acquired by the City may be transferred; and,

WHEREAS, K.S.A. 12-5907 provides that the Board of such land bank may manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate, and plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Colby, Kansas as follows:

Section 1. The City of Colby, Kansas (the "City"), by the power vested in it by K.S.A. 12-5901, *et seq.* (the "Act"), hereby establishes a city land bank (the "Colby Land Bank").

Section 2. The purpose of creating the Colby Land Bank is to implement the authority granted through K.S.A. 12-5901 *et seq.*, to establish or dissolve a city land bank. The Colby Land Bank will be a quasi-governmental entity with all statutory authority, but with the primary responsibility and authority for maintaining and selling real property located within the City to help achieve the City's goal of returning municipally owned property to private ownership, cost effectively maintain the property, conformance with the goals of the City's Comprehensive Plan, and the encouragement of economic development. The Colby Land Bank is intended to assist in the elimination of barriers to returning properties to private ownership and productive use, and to help facilitate the strategic conveyance of property.

Section 3. Land Bank Board of Trustees; Appointment, Terms and Dissolution.

- a.** There is hereby established a Land Bank Board of Trustees (the “Board”). The Board shall not receive compensation for their services and shall be composed of five (5) voting members, and two standing non-voting members represented by the City Manager of Colby, Kansas and the Executive Director of Thomas County Economic Development Alliance;
- b.** Members of the Board shall be appointed by the Mayor and confirmed by the Council;
- c.** The initial terms of the five (5) voting trustees, shall be staggered, for two (2) or three (3) years, and thereafter three-year terms;
- d.** The Land Bank may be dissolved by ordinance of the Governing Body of the City. In such case, all property of said Land Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

Section 4. Land Bank Board of Trustees; Powers and Duties.

- a.** Sue and be sued;
- b.** Enter into contracts;
- c.** Appoint and remove staff and provide for the compensation thereof;
- d.** Acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and personal property subject to the provisions of this article and the Act;
- e.** Rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Colby Land Bank;
- f.** Exercise any other power which may be delegated to the City of Colby, Kansas Land Bank by the Governing Body of the City; and
- g.** Exercise any other incidental power which is necessary to carry out the purposes of the Colby Land Bank.

Section 5. Land Bank Board; Organization.

- a.** The Board officers shall consist of a chair, vice-chair and treasurer by majority vote of trustees at the annual meeting;
- b.** Regular meetings of the Board shall be held from time to time, at such times and places as the Board may determine. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. 75-4317 et seq.;
- c.** The presence of a majority of the Board's total membership shall constitute a quorum to conduct business. Votes by written proxy shall be allowed. Votes may be cast via telephone or electronically; and
- d.** The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of City officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

Section 6. Land Bank; Operational Requirements.

The Colby Land Bank shall be subject to the following requirements:

- a.** The Land Bank shall be subject to the statutory requirements for the deposit of public money as provided by K.S.A. 9-1401 et seq. The Land Bank shall be subject to the provisions of the Cash-Basis Law, K.S.A. 10-1101 et seq.;
- b.** The Board shall adopt annually a budget for all operations, income, expenses and assets;
- c.** The Board shall undertake an annual audit of the funds of the Land Bank by a certified public accountant;
- d.** The Board may authorize a Trustee to enter into any contract or execute and deliver any instrument in the name of or on behalf of the Land Bank;
- e.** Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;
- f.** Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;

- g.** Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
- h.** Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;
- i.** Establish and maintain records and accounts reflecting all transactions, expenditures and revenues relating to the Land Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and
- j.** Thirty (30) days prior to the sale of any property owned by the Land Bank, publish a notice in the official city newspaper announcing such proposed sale.

Section 7. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body of the City of Colby, Kansas, and publication one time in the official City newspaper.

PASSED by the Governing Body of the City of Colby, Kansas and signed by the Mayor on this 17th day of September, 2024.

[SEAL]

Lee Leiker, Mayor

Joni Ketchum, City Clerk