

January 8, 2025

Haviland Land Bank Policy

1. Purpose:

- a. Program Purpose: The Goal of the Haviland Land Bank is to efficiently acquire, manage, and transform vacant, abandoned, blighted and/or foreclosed properties into productive use benefitting the community. When considering proposals to the Land Bank, preference will be given to projects that support increased housing, improving neighborhoods and the Community, and otherwise advancing the economic and social interests of the City of Haviland, Kansas, and its residents.
- b. Policy Purpose: This policy is intended to create a unified and consistent approach to the disposition of real property owned by the Haviland 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.
- c. Program Goals: The goals that the Haviland Land Bank aims to achieve through the administration of this program include:
 - i. Expand and grow the tax base;
 - ii. Strengthen and improve Haviland neighborhoods;
 - iii. Support home ownership;
 - iv. Promote the construction of infill housing to reduce and eliminate blight;
 - v. Advance the economic situations and quality of life for the residents of Haviland, particularly low income and underserved populations;
 - vi. Transfer ownership of blight/nuisance properties to a responsible, tax-paying owner;
 - vii. Reduce the number of properties under current violation;
 - viii. Operate in an effective and efficient manner as stewards of the public trust.

2. Applicants:

- a. Applicants desirous of acquiring land bank property shall provide the information requested on a form provided by the Haviland Land Bank. An applicant may be disqualified if any of the following conditions are met:
 - i. Applicant owns any real property that has an outstanding citation(s) for violations of State and/or local laws, including violations of the Ordinances of the City of Haviland, Kansas.
 - ii. Applicant has a history of violations of ordinance violations at properties owned by the applicant.
 - iii. Applicant owns any real property that is delinquent on payment of special assessments or property taxes;
 - iv. Applicant is barred from transactions with local government entities;
 - v. Applicant has insufficient experience and/or lack of capacity to perform in accordance with the requirements of the Haviland Land Bank;

vi. Applicant has failed to perform in prior transactions with the City or the Land Bank; or

vii. 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, partner, owner, or member.

- b. Applicant must agree with Conditions set forth above in Land Bank Policy.
- c. Applicant must completely fill out the Land Bank Application to Purchase Property. 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.
- d. 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 Haviland 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.

3. Acquisition of Properties.

a. The Land Bank may acquire property or properties collectively referred to as "property" through donation, transfer, or purchase. The Land Bank may accept or refuse any property. In determining which property shall be acquired, the following considerations shall be made:

- i. Acquisition of the property supports the mission and goals of the Land Bank.
- ii. The property is part of a plan for re-use, rehabilitation, or redevelopment within the community.
- iii. The property forms part of a plan for land assembly and development by either the Land Bank or partnering entities.
- iv. The property is vacant, non-conforming, blight, nuisance, dangerous, and/or undevelopable and could be sold to adjacent or other responsible landowner.
- v. Title and/or lien issues.
- vi. The property would generate operating support for the Land Bank.
- vii. Properties for which reutilization would be in support of strategic neighborhood stabilization and revitalization plans.
- viii. In addition, the Land Bank will consider:
 - 1. The financial resources available to the Land Bank for acquisition, rehabilitation and/or ongoing maintenance.
 - 2. The underlying value of the property.
 - 3. The operational capacity of the Land Bank.
 - 4. The projected length of time the property would remain in the Land Bank.
 - 5. The need for demolition or environmental remediation on the property as a condition for transfer. (NOTE: Property with adverse environmental conditions will not be accepted without a satisfactorily funded plan for remediation approved by the Land Bank.)

- b. Property with immediate maintenance requirements will not be accepted without a funding source secured for such maintenance, unless specifically exempted by the Land Bank.
- c. The Land Bank WILL NOT determine the value of donated property for the purpose of tax benefits, but will provide a letter describing the property if donated. Further, the City will render no opinion or advice on tax issues, whether the donation will qualify for tax benefit or deduction on taxes. Donors are highly encouraged to consult their own accountant or other tax advisor regarding the applicability of appropriate tax code provisions and tax benefits from said donation.
- d. Types of Acquisitions:
 - i. Failure to sell at tax foreclosure sale.
 - 1. Property acquired from the Board of County Commissioners after the property did not sell at county tax foreclosure sale may be accepted by the Land Bank in its current condition.
 - 2. The Land Bank reserves the right to accept or reject property offered through transfer following an attempted Tax Foreclosure Sale.
 - ii. Government Entity Donation.
 - 1. Property donated by other government entities may be accepted by the Land Bank.
 - 2. The Land Bank reserves the right to accept or reject property donated by another government entity.
 - iii. Owner donation.
 - 1. All property donated to the Land Bank must be unoccupied at the time of transfer.
 - 2. The owner desiring to transfer property to the Land Bank shall submit a completed Haviland Land Bank Donation Application.
 - 3. Except as herein provided, donations of real property to the Land Bank will only be accepted if the donors own 100% of the property and have marketable title. Assurance of ownership and title shall be done through title insurance, attorney title opinion or such other means approved by the Land Bank. The donor shall pay all costs of the proof of title and any title clearance cost unless waived by the Land Bank. Less than 100% ownership or defection marketable title may be accepted by the Land Bank if the Land Bank, in its sole discretion, determines doing so is in the best interest of the Land Bank and the City.
 - 4. The Land Bank Board of Trustees reserves the right to accept or reject any or all donation proposals without cause.
 - iv. Purchase at tax sale.
 - 1. The Land Bank Board of Trustees may authorize a person to purchase property on its behalf at any tax foreclosure or judicial foreclosure sale.

4. Disposition of Properties.

- a. The Land Bank Board of Trustees shall evaluate each application to purchase property and shall determine whether to accept or reject the proposal. The Land Bank Board of Trustees reserves the right to accept or reject any or all proposals to purchase property without cause.
- b. When evaluating proposals to purchase property from the Land Bank the Board of Trustees shall consider:
 - i. Whether the proposed use of the property supports the mission and goals of the Land Bank.
 - ii. Whether an alternative usage of the property that is of greater benefit to the community is probable.
 - iii. The current and future maintenance costs and other expenses regarding the property for the Land Bank.
 - iv. The timeframe for any proposed project.
 - v. The experience and capacity of the applicant to timely complete the proposed project and to perform in accordance with the requirements of the Haviland Land Bank;
- c. When evaluating proposals the Land Bank will prioritize construction proposals over yard expansion. Further, proposals for residential and commercial construction will have the highest priority.
- d. Further, if multiple proposals are received for a specific property, proposals will be evaluated on their ability to finance the project, the quality of the building, the compatibility of the building with existing neighborhoods, experience with building, present capacity to perform, the benefit to the community, and if the proposal is for homeownership.
- e. Proposals to purchase for yard expansion purposes will not be approved unless the applicant owns adjacent property that contains a regularly inhabited residential structure.
- f. The Land Bank Board of Trustees will as needed identify development areas which are actively being developed. Any Land Bank properties in these particular 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.
- g. Purchase Price:
 - i. Vacant lots:
 - 1. Vacant lots for yard expansion and other non-construction uses shall be sold for the greater of \$20 per front footage or the county appraised value.
 - 2. Vacant lots for new construction uses shall be sold for the lesser of \$10 per front footage or the county appraised value
 - ii. Properties with structures:
 - 1. The Land Bank may set minimum prices on properties containing structures, otherwise property will be sold at price for a vacant lot.
 - iii. The Land Bank Board of Trustees may, in their discretion after considering the benefit to the community, accept less than the scheduled/minimum price.

- h. Properties shall be conveyed with no guarantee as to quality or content, subject to covenants 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.
- i. Except as herein provided, Buyer is purchasing the Property in "as is" condition without warranty, express or implied, as to condition. Buyer acknowledges prior to execution of a contract of sale that they had adequate time to inspect the Property and agree it was in satisfactory condition or Buyer agrees to accept it with existing defects. Buyer takes the Property subject to the terms, conditions and limitations set forth in the Haviland Land Bank Policy.
- j. Except as otherwise specifically approved by the Land Bank, all properties owned by the Land Bank will be conveyed by quit claim deed without any warranties of title, express or implied. Buyer may at their own expense obtain a commitment for title insurance prior to closing. If Buyer is unable to obtain such commitment, Buyer may, at Buyer's option, terminate and rescind this Contract and be entitled to the return of all deposits made by Buyer, or Buyer may accept title in property with the defects and exceptions remaining.
- k. If Buyer fails or refuses to comply with the conditions assumed by Buyer, or to perform all Buyer's obligations hereunder, Land Bank Board may at its option: (a) rescind and terminate the Contract, whereupon all rights and obligations hereunder shall cease and determine; or (b) enforce this Contract by appropriate action, including an action for specific performance, or for damages for breach, and retain all monies paid or deposited by Buyer pending the determination of such action. The Land Bank Board shall give Buyer written notice of election with respect to their exercise of either of these options.
- l. The Land Bank, 30 days prior to the sale or transfer of any property owned by the Land Bank, will publish in the official City newspaper a notice announcing such sale.
- m. Conditions after purchase:
 - i. All properties acquired from the Land Bank must be properly maintained with no notices to appear in court for ordinance violations and must not be delinquent on any licenses or taxes in Kiowa County. Failure to comply with the above requirements will render the landowner ineligible for future Land Bank purchases.
 - ii. Any properties acquired from the Land Bank that are not properly maintained for which a notice to appear in court or that are delinquent on any licenses or taxes in Kiowa County during a period of three (3) years after purchase may be subject to reversion to the Land Bank.
 - iii. If the proposed use of the property is for a construction/rehabilitation purpose, unless otherwise specifically authorized by the Land Bank, the successful applicant shall begin construction within 12 months after the purchase of the Land Bank property and shall complete construction within 24 months after purchase of Land Bank property, or property may be

subject to reversion to the Land Bank and applicant will forfeit any funds spent on the property.

- iv. Applicants requiring additional time to perform, may request, in writing, an extension of time from the Land Bank.
- v. The Board of Trustees of the Land Bank may, as deemed necessary, require additional specific conditions as a condition to purchase certain Land Bank Properties.


Approved and adopted by the Board of Trustees of the Haviland Land Bank this 8th day of January, 2025.

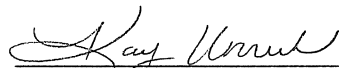

Brad Lingafelter, Chairman



Dylan Palmer, Vice-Chairman


Rochelle Barber, Treasurer


Bryce Kendall, Trustee


Laura Gwin, Trustee


Kay Unruh, Trustee


Attest: Michelle Adams, City Clerk