

(Published in the Topeka Metro News May 22, 2023)

ORDINANCE NO. 20426

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.

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

31 **Board of trustees; appointment, terms.**

32 (a) The Board shall consist of five members who reside within the boundaries of
33 the City or Shawnee County. One member shall be a member of a neighborhood
34 improvement association established pursuant to TMC 2.25.050; one member shall be
35 an employee of the City designated by the city manager; and one member shall be a
36 City Council member.

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

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

44 **Staff and operations.**

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

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

50 (c) Operations. The duties of the Bank shall include, but are not limited to, the
51 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;

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

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

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

83 (c) The fee simple title to any real estate that is sold to Shawnee County in
84 accordance with K.S.A. 79-2803 and 79-2804 and amendments thereto, if accepted by
85 the Board, may be transferred to the Bank by a good and sufficient deed by the County
86 Clerk upon a written order from the Board of County Commissioners.

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

89 **Administration of property.**

90 Pursuant to K.S.A. 12-5907 and amendments thereto, the Board shall assume
91 possession and control of any property acquired by it and shall hold and administer
92 such property. In the administration of property, the Board shall:

93 (a) Manage, maintain and protect or temporarily use for a public
94 purpose such property in the manner the Board deems appropriate;

95 (b) Compile and maintain a written inventory of such property;

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

98 (d) Plan for and use the Board's best efforts to consummate a sale or
99 other disposition of Bank property upon such terms and conditions deemed
100 appropriate, except that the Board shall not transfer any property to be utilized as
101 rental property; and

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

104 Section 7. That the Code of the City of Topeka, Kansas, is hereby amended by
105 adding a section to be numbered 2.260.070, which said section reads as follows:

106 The City Manager shall have authority to veto any recommendations of the Board
107 as it relates to purchases, acquisitions, sales and transfers of property.

108 Section 8. This ordinance shall take effect and be in force on ~~May~~ July 1, 2023
109 after its passage, approval and publication in the official City newspaper. Pursuant to
110 K.S.A. 12-5902(d), the Bank will be dissolved on December 31, 2026; or by ordinance
111 prior to December 31, 2026.

112 Section 9. All ordinances, resolutions or rules, or portions thereof, inconsistent
113 with the provisions of this ordinance are hereby rescinded or repealed.

114 Section 10. Should any section, clause or phrase of this ordinance be declared
115 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
116 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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PASSED AND APPROVED by the Governing Body May 16, 2023.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk