

**WYANDOTTE COUNTY LAND BANK
(WCLB)**

**ADMINISTRATIVE POLICY
AND
PROCEDURE GUIDELINES**

APPROVED 08/29/19

Wyandotte County Land Bank
Administrative Policy and Procedure Guidelines
As approved and adopted by the Board of Trustees
on August 29, 2019.

These policy and procedure guidelines are a consolidation and codification of all prior policies and procedures of the Wyandotte County Land Bank and supersede all such prior policies and procedures.

Section 1. Purpose

- 11 Neighborhood and Land Use Planning Conformance.** The WCLB's purpose is to consider the impact of a property transfer on short and long-term neighborhood revitalization efforts and land use planning. In doing so, the WCLB will prioritize the following:
- a. The preservation of existing stable and viable neighborhoods;
 - b. Neighborhoods in which a proposed disposition will assist in halting slowly occurring decline or deterioration;
 - c. Neighborhoods that have recently experienced or are continuing to experience a rapid decline or deterioration;
 - d. Geographic areas that are predominately non-viable for purposes of residential or commercial development; and/or
 - e. Potential impact on areas targeted by a strategic development plan.

The purpose of the WCLB is to return tax delinquent and distressed property to productive use that benefits the community.

- 12** This policy is intended to create a unified and consistent approach to the disposition of real property owned by the WCLB.

In the interest of providing predictability and transparency to the sale and reuse of property, this policy will provide guidance to the WCLB in all transactions involving property as well as information to individuals and organizations considering the acquisition of property owned by the WCLB.

- 13 Guiding Principles.** The goals of this policy and the disposition of WCLB owned property are to:
- a. Encourage the development and reuse of vacant properties consistent with the WCLB goals, and the City Master Plan(s).
 - b. Eliminate blight and revitalize neighborhoods;
 - c. Strengthen the County's tax base by returning property to a productive tax paying status;
 - d. Sell properties at fair market value if the proposed use is strictly private;

- e. Support and preserve open space and urban gardening;
- f. Support WCLB goals by conveying properties at a discount if the proposed use will provide significant community benefits;
- g. Convey land through a predictable, timely and transparent process;
- h. Encourage timely development and discourage real estate speculation; and
- i. Land assemblage for economic development purposes.

The WCLB will consider these goals when making decisions regarding the disposition of its property.

The WCLB will remain responsible for its own decision-making and adherence to this policy during the disposition process. The WCLB will not make available to the public all property in its inventory; however, properties which are dedicated to a public use or being reserved for City-desired programs or projects.

The WCLB may elect not to convey a requested property. The WCLB will communicate to any applicant who submitted a complete expression of interest and a complete property application for an available property the reason(s) why the property is not being sold.

14 Qualified Applicants.

A Qualified Applicant is defined as an individual or organization who must not:

- a. own any real property that is subject to any violations of State and/or local laws, codes or ordinances;
- b. own any real property that is tax delinquent;
- c. be barred from transactions with local government entities;
- d. Have demonstrated insufficient experience and/or lack of capacity to perform in accordance with the requirements of the WCLB;
- e. have failed to perform in prior transactions with the WCLB; and/or
- f. and currently be banned from bidding at the tax sale.

All applicants must submit their intended use for the property(ies) as required by the WCLB. Failure to submit intended usage will result in an incomplete application.

Failure to provide accurate information in the form requested may result in the denial of the application.

The WCLB encourages applicants seeking to acquire property from the WCLB to consult with the Livable Neighborhoods Department or the

neighborhood association(s) operating in the geographical area of the property.

15 Qualified Offer.

A Qualified Offer is an application that adequately describes the purchaser's plans for the property (i.e. intended use) and is aligned with the purpose of the WCLB. The intended use must be consistent with applicable WCLB/UG plans and all City plans, and the applicant must demonstrate financial and operational capacity to carry out the plans.

Plans that require zoning variances or other City land use approvals may be processed as a Qualified Offer, only if the underlying project proposal is supported by the City it is in. The detail required of the applicant will be different depending on the proposed use, as defined later in this document under various usages.

Proposed uses must be consistent with the UG's Master Plans, Zoning, City approved and accepted plans, and all new owners are required to comply with all State, City and Federal codes, regulations and statutes.

16 Appropriate and Timely Development of Properties. The WCLB expects that properties will be developed in a timely manner accordingly to a written agreement or as specified in the deed of conveyance. Generally, construction should commence within three (3) months from the date of conveyance and should be completed as defined by the agreement or contained in the deed. To ensure that these expectations are met, the WCLB will place conditions or restrictions on property it conveys to achieve the agreed upon outcome and will monitor these agreements until construction is complete.

17 Pricing. The WCLB will generally price vacant land by the greater of:

- a. the Appraised Value of property set by County Appraiser as of January 1st of current year or
- b. the value of the property's frontage times \$10.00.

The WCLB has the right to determine the asking price for each property and as result has the right to decline any counteroffer.

18 Land Categorization: The WCLB shall define the following:

- a. Buildable
- b. Non-Buildable
 - a. Area less than 2,000 sq. ft. or under 19.99 linear ft. of frontage

- b. Flood plain
- c. Landlocked
- d. ROW
- e. Undermined
- f. Severe topography

Section 2. Authority and Role

- 2.1 Establishment.** The Wyandotte County Land Bank (WCLB) was established by the Unified Government of Wyandotte County/Kansas City, Kansas (UG) by the power vested in it by K.S.A. 19-26,103 et. seq.
- 2.2 Governance.** The WCLB is governed by a Board of Trustees comprised of the Mayor/Chief Executive and the UG Commissioners. The Wyandotte County Land Bank Manager is charged with its administration.
- 2.3 Review of Proposed Land Bank Transactions.** All proposed WCLB transactions shall be submitted by the Land Bank Manager to the Staff Advisory Team to determine if the application is acceptable and eligible to forward for further evaluation by the Land Bank Advisory Board.

The Staff Advisory Team shall evaluate applications based on UG policies and priorities, and future infrastructure and development plans. The Staff Advisory Team is composed of the Director/Manager and/or designee from the following UG Departments: *Administration, Community Development, General Services, Economic Development, GeoSpatial Services, Neighborhood Resource Center, Public Works, Treasury, and Urban Planning and Land Use.*

The Land Bank Advisory Board may advise the Board of Trustees and Land Bank Manager on matters relating to the business and affairs of the WCLB, and to suggest or be available for consultation regarding projects, proposals and/or activities which the WCLB may undertake. The membership of the Land Bank Advisory Board shall consist of representatives from each Neighborhood Business Organizations and two (2) representatives from the Executive Board of the Livable Neighborhoods Task Force. The Land Bank Advisory Board shall serve solely in an advisory capacity.

The Staff Advisory Team and Land Bank Advisory Board shall review all application(s) presented by the Land Bank Manager for consideration. Any application(s) that need further investigation will be referred to the Land Bank Manager until all necessary information

has been provided, at which time it will be brought to the Staff Advisory Team and Land Bank Advisory Board for further review.

The recommendations of the Staff Advisory Team and the Land Bank Advisory Board will be presented at the Neighborhood and Community Development Standing Committee where the Committee will approve applications and advance to the WCLB Board of Trustees for final approval.

- 2.4 Governing Authority.** The core governing documents of the WCLB are the applicable state statutes and the Unified Government Code of Ordinances. The policies and procedures set out in this document constitute guidelines only and the Board of Trustees reserves discretion to deviate therefrom when it deems appropriate.
- 2.5 WCLB Board of Trustees Approval.** Under law, the conveyance of property by the WCLB, must be approved by the WCLB Board of Trustees before the property can be conveyed.
- 2.6 WCLB Right to Accept or Reject.** The WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In case of multiple applications, the WCLB will give precedence to applications demonstrating the highest and best use of the property.

Section 3. Priorities for Transfer of Land Bank Properties.

- 3.1 Priority Transfers.** Except where limited by the terms of the acquisition of a property, the WCLB may, at its discretion, give priority to, in the following order:
 - a. City government or BPU entities;
 - b. Individuals and corporate entities seeking to obtain the property for housing or commercial development for the individual's primary residence or primary business operation, or for subsequent reconveyances for private third-party ownership to be their primary residence or primary business operation;
 - c. Individuals and corporate entities seeking to obtain the property for housing and commercial development for rental purposes;
 - d. Non-profit institutions such as academic and religious institutions; and
 - e. Individuals who own and occupy residential property that qualify for the Yard Extension Disposition Program.

WCLB will consider the scale and amount of public financing involved in prioritizing competing projects on the same land.

- 3.2 Transferee Qualifications.** All applicants seeking to acquire property from the WCLB, or to enter into transaction agreements with the WCLB, may be required to provide as part of their application information regarding, but not limited to:
- a. The legal status of the applicant, its organizational and financial structure;
 - b. Its prior experience in developing and managing housing;
 - c. The financial health and resources of the applicant; and/or
 - d. Adequate plans for development; and/or
 - e. Evidence that any property already held in Wyandotte County is compliant with the City's code.

Section 4. Conveyances to the WCLB

- 4.1 Sources of Property Inventory.** Sources of real property inventory of the WCLB include, but are not limited to, the following:
- a. Transfers from local governments;
 - b. Acquisitions at tax foreclosure sales;
 - c. Donations; or
 - d. Market purchases.

- 4.2 Policies Governing the Acquisition of Properties.** In determining which, if any, properties might be acquired, the WCLB may consider the following circumstances and factors:
- a. Proposals and requests by individuals or entities in which specific properties 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. Improved properties that are the subject of an existing order for demolition of the improvements and/or meet the criteria for demolition of improvements;
 - d. Vacant properties that are appropriate for the yard extension disposition program;
 - e. Properties for which reutilization would be in support of strategic neighborhood stabilization and revitalization plans.
 - f. Properties that would form a part of a land assemblage development plan;
 - g. Properties that will generate operating resources for the functions of the WCLB;
 - h. Properties that would allow for the creation or expansion of community, garden, green, and/or recreational space; or
 - i. Unbuildable properties

- 4.3 **Transaction Agreements.** In most cases a transaction agreement must be approved in advance by the Board of Trustees and executed by the WCLB and the grantor of the property. These transaction agreements shall be in form and content as deemed by the WCLB to be in the best interest of the WCLB 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.
- 4.4 **Environmental Concerns.** The WCLB reserves full and complete discretion to require that satisfactory evidence or assurances be provided that the property is not affected by or subject to environmental contamination.
- 4.5 **Set Off Program.** Property that has been placed in the State of Kansas Set Off Program may be deemed ineligible for conveyance to the WCLB.
- 4.6 **Timing.** Any property that is conveyed in or out of the WCLB will not be available for sale/transfer until approved by the Board of Trustees.

The Land Bank Manager is authorized to accept property conveyed from the UG that is a result of property being obtained from a recent County Tax Sale. The Land Bank Manager will then report the conveyance(s) at the next Board of County Commissioners Neighborhood and Community Development Stand Committee meeting.

Section 5. Conveyances from the WCLB

- 5.1 **Covenants, Conditions and Restrictions.** All conveyances by the WCLB to third parties shall include such covenants, conditions and restrictions as the WCLB deems, in its sole discretion, necessary and appropriate to ensure the use, rehabilitation and redevelopment of the property in a manner consistent with the public purposes of the WCLB.
- 5.2 **Deed Without Warranty.** All conveyances by the WCLB to third parties shall be by quitclaim deed.
- 5.3 **Conveyances requiring Board of Trustees Approval.** With the exception of conveyances of property within a hold area to previously approved, WCLB Board of Trustees-designated partnering developers, and properties subject to WCLB Rehab Program, all transfers of WCLB property shall require the approval of the Board of Trustees.
- 5.4 **Conveyances pursuant to WCLB Rehab Program.** The Land Bank Manager shall seek prior approval from the WCLB Board of Trustees for all properties entering the WCLB Rehab Program. Once the WCLB

receives an offer from a contractor that meets the qualifications of the WCLB Rehab Program, the Land Bank Manager will seek the approval of the County Administrator to commence the rehab and subsequent conveyance of the property.

- 5.5 Conveyance Time Allowance.** All undeveloped Land Bank property shall be conveyed, and deed recorded within 180 days of Award and approval of the Land Bank Board of Trustees. Any property not conveyed within the above time period, and without a written extension from the Land Bank Manager, will have Award voided and property returned to Land Bank Inventory. For any property awarded pursuant to a development/rehab agreement, the terms of said agreement shall control when such property will be conveyed.
- 5.6** All qualified applicants who have successfully purchased WCLB-owned property must fulfill their commitments to the WCLB and to their neighbors, which includes paying property taxes and maintaining properties in accordance with all municipal codes and ordinances.

Section 6. Property for Community Improvements

- 6.1 Community Improvement Property.** The WCLB is willing to accept donations of property to be transferred to a non-revenue generating, non-tax-producing use that is for community improvement or other public purposes. Additionally, the WCLB is permitted to assemble tracts or parcels of property for community improvement or other public purposes.
- 6.2 Eligibility.** Properties can be conveyed to the WCLB for waiver of delinquent taxes and then re-conveyed by the WCLB to be utilized for community improvement purposes including, but not limited to, community gardens, parking for non-profit functions such as a school or cultural center, or playground for after-school or day care. The application must demonstrate that no alternative tax-generating use is available for the property, and that the proposed community improvements are consistent with the area redevelopment plans and community revitalization.
- 6.3 Transferee.** The application must identify and be signed by the ultimate transferee from the WCLB. The transferee should be a governmental entity, a not-for-profit property entity, or, in rare cases, a for-profit entity that is capable of holding and maintaining the property in the anticipated conditions and for the anticipated purposes.

- 64 **Covenants, Conditions and Restrictions.** The WCLB, in the conveyance of the property to the transferee, may require covenants, conditions and restrictions as necessary to ensure that the property is used for the contemplated community improvement or other public purposes.

Section 7. Agreements for Temporary Use of Land

- 7.1 **Lease-a-lot.** The WCLB may enter agreements for residents and organizations to participate in a Lease-a-lot program designed to encourage and support recreation including community-based greening and individual gardening of available vacant lots.
- a. The Land Bank Manager may execute lease agreements for residents and organizations to participate in a Lease Agreement program.
 - b. The WCLB may seek to terminate the agreement upon approval from the County Administrator for another use or if the Lessee fails to meet obligations in agreement. The WCLB shall provide written notice of its intent to terminate the agreement to Lessee with a minimum of 90-days' notice of said termination; the termination date may be extended as necessary to allow Lessee to complete/harvest any garden in place at such notice.
 - c. The agreements will be for a 2-year term, with options for renewal.
 - d. The lot will not be available to be sold to another party during the term of the lease, **unless plans for single-family, multi-family, or commercial development are presented to the WCLB.**
 - e. The agreements will specify that the lot must be kept clean and that grass is mowed, or otherwise maintained in compliance with the State and/or local laws, codes or ordinances.
 - f. Participants must sign a Hold Harmless Agreement or add the WCLB to their insurance policies.
 - g. The agreements will permit minor building on the lot, if they are not permanently adhered to the lot, this may include establishing a source of water, fences and small structures provided there is compliance with all zoning and building code requirements. This might require a variance and/or a special use permit.

Section 8. Yard Extension Disposition Program

- 8.1 Yard Extensions may be applied for by abutting homeowners. The application will be reviewed by the SAT. If the SAT deems that the property should not be conveyed, then the WCLB will send the applicant a letter to inform them of the denial.

- 82 An applicant must be the owner of the abutting property and must be using that property as his/her primary residence at the time of application. The property to be acquired must share a common boundary at either side of the applicant's property and share the same street name. The property must be a vacant lot; properties with permanent structures are not eligible for this program. The applicant must be a Qualified Applicant.
- 83 Applicants can only acquire one (1) property for Yard Extension from the WCLB. The WCLB property will be permanently consolidated with the applicant's property for land use purposes.

Section 9. Land Bank Rehab Program

- 9.1 **Purpose.** The WCLB Rehab Program provides qualified rehabbers access to a pipeline of distressed properties in the Wyandotte County area. The WCLB may facilitate the sale of property at a reduced price to selected qualified rehabbers. This program allows the purchase of vacant, blighted homes, once they are available in the WCLB inventory.
- 9.2 **Goals.** The WCLB Rehab Program supports efforts to stabilize and strengthen neighborhoods through collaboration between public, private, and nonprofit development partners. Through the program and working with development partners to rehabilitate blighted property, the WCLB will:
- a. Create affordable ownership opportunities to stabilize neighborhoods
 - b. Improve the health, safety, durability and energy - efficiency of rehabilitated properties through the WCLB Housing Standards
- 9.3 **Housing Stock.** All property with improvements (residential) that are transferred to the WCLB will be boarded, secured and inspected to identify its place in the program. There are three (3) recommendations that these properties will fall under:
- a. Rehab - properties that show rehab potential will be made available to qualified rehabbers in the program.
 - b. Demo - properties that are a danger to the public will be recommended to the Unified Government Demo Department to be razed.
 - c. Hold - properties that are rehab potential but are in a designated development hold area, may be put on hold and not available to the rehabbers.

Any commercial improvements received by WCLB will be evaluated in the same manner; these properties will have any debris removed and some possible demo performed to put property in a marketable position. All WCLB commercial property offers will be given preference to those that will establish new/relocated businesses that will generate jobs for the County.

9.4 Rehabber Qualifications. All interested rehabbers must go through a qualification process that includes submission of WCLB Rehab Program Application. The program will have two (2) Tiers of qualified rehabbers:

- a. Tier I – rehabber must be a formed company/corporation or identify as an investor. In order to qualify as a Tier 1 rehabber, the following must be provided:
 1. Copy of their current year Occupational Tax Receipt from the Unified Government of Wyandotte County / Kansas City, Kansas Business License Department
 2. Must carry the appropriate amount of Insurance coverage, as outlined in the application, from a licensed Insurance provider and have the Wyandotte County Land Bank named as a Certificate Holder.
- b. Tier II – if a rehabber cannot provide the requirements for a Tier I rehabber, then they must sign a Hold Harmless Waiver and must show proof of funding for the rehab to qualify for a house to rehab.

9.5 Availability for Rehabbers. Any house that is identified as a rehab and not on hold will be made available for all Tier I rehabbers. The WCLB will schedule open houses for the Tier I rehabbers to attend to assess each property identified. All Tier I rehabbers will be sent offer packets with house information and a deadline to submit their offer. Any house that does not have an offer submitted by the deadline will then be offered to the Tier II group. The WCLB will schedule open houses for the Tier II rehabbers to attend to assess each property identified. All Tier II rehabbers will be sent offer packets with house information and a deadline to submit their offer.

Any house that does not have an offer submitted by either group will be available for a later offer or any new Tier I or Tier II qualified rehabber.

9.6 Rehab Agreements. The WCLB will review and score all offers received to determine if the offer is a qualified offer. Multiple offers for a single house will be ranked from highest to lowest and all highest ties will be broken by offer amount. The WCLB will negotiate with the top-ranking offeror and put an agreement together. As identified in Section

7.4, all offers must be approved by the County Administrator to commence the rehab and subsequent conveyance of the property. If approved, the awarded offeror will be sent an award letter and any non-offerors will be sent a non-award letter.

9.7 Filings. The agreement approved by the County Administrator will be filed as a Sale Contract with Land Use Restrictions with the Wyandotte County Register of Deeds office. The house will stay in the name of the WCLB until the passing of the final inspection from the WCLB staff.

9.8 Inspections & Permits. The WCLB will require copies of all inspections conducted by the Unified Government of Wyandotte County / KCK Building Inspection Department. WCLB Staff will perform progress inspections throughout the rehab.

Any Tier I rehab will consist of four (4) inspections:

- a. Initial Inspection – house is cleared of debris and any demo is complete prior to any repairs or rehab starts.
- b. Rough-In – staff has received an approved Building Inspection rough-in slip and any other pulled permits (Mechanical/Electrical/Plumbing).
- c. Progress – drywall is hung, and all other repairs are completed.
- d. Final - house has passed all inspections and copies have been received by the WCLB, house has passed the Building Inspection Final Inspection. Staff will do final walk thru.

Any Tier II rehab will consist of monthly inspections done by WCLB staff and will incorporate the Tier I inspections but also allow the WCLB to closely monitor the progress.

When staff has verified the house has passed WCLB final inspection, the Land Bank Manager will prepare and file a Quit Claim Deed (QCD) with the Register of Deeds- office.

9.9 Extensions & Penalties. If the rehab completion date stipulated in the agreement cannot be met, the Rehabber may request an extension of the completion date. Extensions of time to complete the rehab are at the WCLB's discretion and, if granted, will be under the following guidelines:

- a. The request for extension must be made to the Land Bank Manager, utilizing the WCLB Extension Request Form. The request must include the cause of the delay and plan to complete the rehab in time requested. In case of delays not at fault by the rehabber, the WCLB may waive the extension fee;
- b. The request for extension must be received by the Land Bank Manager no later than 5 calendar days prior to the

- expiration date of the WCLB Rehab Program Extension Request Form given at beginning of rehab;
- c. The extension will be granted for a max of 60-day calendar period. The extension fees are due to the WCLB Manager when the WCLB Extension Request Form is submitted. These fees must accompany the extension request and be a nonrefundable cashier's check or money order, payable to the Wyandotte County Land Bank, in the full amount of the extension.
 - 1. Day 1 to 30 - \$5.00 per day
 - 2. Day 31 to 60 - \$10.00 per day;
 - d. If the granted extension period expires and the rehab has not passed the City's Final Inspection and the WCLB's Final Inspection, a penalty of \$500.00 per 30 days will be enforced. Each 30-day period will not be prorated and must be paid in full before the WCLB will file the Quit Claim Deed to the Rehabber granting them full rights to the property;
 - e. The granting of an initial extension period does not obligate the WCLB to grant additional extensions; and
 - f. Extension fees paid are retained by the WCLB and not reimbursed if rehab is concluded before the end of time requested.

The WCLB reserves the right to waive any extension costs or penalties.

- 9.10 Tier I Rehabber Threshold.** Any Tier I rehabber may make no more than three (3) offers on any newly acquired rehab houses. The maximum number of houses a Tier I may be rehabbing is six (6), if a Tier I rehabber has 6 open rehabs and submits an offer for new houses, their offer will not be accepted. A Tier 1 rehabber may make the proper number of offers that could get them to the threshold.

Section 10. Development Site Control

- 10.1 Site Control: Options and Property Reservations.** The WCLB recognizes that developers often require legally recognizable site control as part of the development process. The WCLB may execute property option agreements to allow developers to pursue financing and other approvals necessary for development.

Agreements for this purpose must meet the following conditions:

- a. The applicant must be a Qualified Applicant.
- b. For each proposed project, the WCLB will allow one (1) year for that agreement and may renew the agreement at its discretion at the expiration of the term.

- c. The applicant may not occupy or use the property unless approved in writing by the WCLB.
- d. A fee will be due upon execution (nonprofits and city-supported projects may be exempt from a fee) and an additional fee may be imposed for extension of the agreement or contract. This fee is non-refundable.
- e. The WCLB will require the requestor to keep the property clear of any trash/debris, the grass mowed/maintained in compliance with the appropriate City code and the sidewalk space must be maintained including snow removal.
- f. The WCLB shall provide written notice of its intent to terminate the agreement to the applicant within thirty (30) days of said termination.

Site control options will be issued only for those projects which the WCLB deems feasible and which the WCLB can recommend for approval by WCLB BOT after the developer secures the necessary entitlements, financing, tenants and/or approvals.

All WCLB conveyances must be approved by the BOT.

Section 11. Land Banking Donation Program

- 11.1 Donation to WCLB.** The WCLB will only accept donated property(ies) that will advance the goals of the WCLB. The WCLB will only present requests to the Board of Trustees, for approval, when at least one or more of the following conditions are met:
- 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 a large number of existing WCLB property;
 - c. There is a written agreement with an owner of an adjoining property to purchase the property from the WCLB; this is only in reference to non-buildable vacant lots;
 - d. The property is a candidate for the WCLB Rehab Program without any conditions that would prohibit a donation; and/or
 - e. The Unified Government of Wyandotte County/Kansas City (UG), Kansas, City of Bonner Springs or City of Edwardsville has

agreed to fund the demolition of an improved property within its City limits.

11.2 Exclusions and Exceptions.

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 UG.

- a. WCLB may require that donated property(s) be conveyed with clear and marketable title;
- b. Property(s) that are occupied may not be accepted as donations;
- c. WCLB shall not determine donation value for the purpose of tax benefits and
- d. Any exceptions to the provisions of the above must come before the Wyandotte County Land Bank Board of Trustees.

WCLB reserves the absolute right to accept or reject any and all donation requests.

Any property that is conveyed by donation to the WCLB will not be available for sale/transfer until the meeting following the approval of the donation by Board of Trustees.

Any property that is rejected for donation but is tax sale eligible, will be referred for an upcoming tax sale by the WCLB. The WCLB will send a letter to the requestor with that information.

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

Section 12. WCLB Garden Program

- 12.1 Individual Garden.** The WCLB supports the use of vacant land for urban agriculture that improves the quality of life in the County's neighborhoods.

The WCLB may consider providing an individual or household temporary access to an unbuildable property for the applicant to maintain an individual garden. The intent is to provide an interim use for the land to eliminate blight and improve safety until development is possible. An applicant must live within 1 city block of the property. The applicant is not required to be an adjacent homeowner; however,

individual gardens are temporary, and the land remains available for development or available for the Yard Extension program if it meets the eligibility requirements.

Additional requirements The WCLB will require the applicant to maintain the garden and to maintain the sidewalk space (public right of way) outside of the garden, including snow removal and removal of overgrowth.

Acceptable Uses Subject to all necessary planning and zoning approvals, the applicant may enter and use the property for the following non-commercial, gardening purposes:

- a. To grow food, flowers, ornamental plants, and other landscaping;
- b. To compost in rodent-resistant containers;
- c. To place certain improvements to support the gardening use on the property with the prior written approval of the WCLB, such as tool sheds, fences, raised-beds, signs and bulletin boards (which may require a variance and/or a special use permit);
- d. No permanent structures may be installed on the property;
- e. Cars cannot be parked or repaired on the site; and
- f. The applicant must agree not to grow any plants regulated or prohibited by federal laws on the lot.

12.2 Community Gardens and Community-managed Open Spaces: The WCLB recognizes that community gardens encourage the productive use of vacant land, provide spaces for community building, socialization, educational, recreation and food production activities. The WCLB will support existing and established gardens that have capacity to sustain and maintain the land to ensure its viability.

Definitions A community garden is defined as one or more properties managed and maintained by a group of individuals to grow and harvest food or non-food items (such as flowers) for personal or group consumption, for donation, or for sale that is incidental in nature (i.e. not an Urban Farm). A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as hand tool storage sheds) maintained and used by the group. Community gardens may be used for recreational purposes, and improvements to facilitate such purposes may be allowed on a case-by-case basis upon review by the WCLB and with community support. Community-managed open spaces are spaces available to the public and may be used for recreational purposes or passive activities.

Gardens and Open Space requests must demonstrate how their project supports public priorities of:

- a. Eliminating blight
- b. Fostering neighborhood cohesion and a sense of community

The WCLB makes no representation or warranty as to the status of the property regarding the physical and environmental condition of the lot or its fitness for any use. Users are encouraged to take precautions against contaminants in the soil before consuming produce grown on site.

12.3 Requirements for Community Gardens:

- a. Entity may be held by nonprofit organizations or unincorporated nonprofit associations that are in an existing partnership with an established Neighborhood Group as verified by the Livable Neighborhoods division of Neighborhood Resource Center. This should be indicated by a letter from all organizations signed by appropriate members;
- b. Entity must work with the WCLB and Staff Advisory Team of the Unified Government to determine where the garden will be located within boundaries of neighborhood;
- c. Entity must provide maintenance and use plan which demonstrates its obligation to maintain the lot in a clean, safe, secure and sanitary condition, free of weeds, trash, debris, garbage, vermin and rats;
- d. Entity must comply with all existing codes and rules regarding vacant lots;
- e. Entity must obtain and pay for any and all permits and approvals required by the Unified Government or City's to construct or operate the site;
- f. Lot cannot be used to park, keep or store any motor vehicle, trailer, or boat at any time;
- g. Lot cannot be used to keep pets, animals or livestock on the lot;
- h. Entity must comply with all State and/or local laws, codes or ordinances;
- i. Entity must maintain the area within the public right-of-way, including both snow removal and removal of trash and debris to allow for passable sidewalks;
- j. Entity must agree not to grow any plants regulated or prohibited by federal laws on the lot; and
- k. Entities must agree in the lease to use the property at their own risk and accept the property "As-is".