

**WYANDOTTE COUNTY LAND BANK  
(WCLB)**

**ADMINISTRATIVE POLICY**

**UPDATED TBD 2023**

## **Table of Contents**

### **Section 1. Purpose**

- 1.1 Neighborhood and Land Use Planning Conformance
- 1.2 Guiding Principles

### **Section 2. Authority and Role**

- 2.1 Establishment
- 2.2 Governance
- 2.3 Review of Proposed Land Bank Transactions
- 2.4 Governing Authority
- 2.5 WCLB Board of Trustees Approval
- 2.6 WCLB Right to Accept or Reject
- 2.7 Role of Land Bank Manager

### **Section 3. Priorities for Transfer of Land Bank Properties**

- 3.1 Priority Transfers
- 3.2 Transferee Qualifications

### **Section 4. Conveyances to the WCLB**

- 4.1 Sources of Property Inventory
- 4.2 Policies Governing the Acquisition of Properties
- 4.3 Donations to WCLB
- 4.4 Transaction Agreements
- 4.5 Environmental Concerns
- 4.6 State of Kansas Set Off Program
- 4.7 Timing

### **Section 5. Conveyances from the WCLB**

- 5.1 Covenants, Conditions and Restrictions
- 5.2 Deed without Warranty
- 5.3 Conveyances Requiring Board of Trustees Approval
- 5.4 Conveyances Pursuant to WCLB Rehab Program
- 5.5 Conveyance Time Allowance
- 5.6 Appropriate and Timely Development of Properties
- 5.7 Holds
- 5.8 Pricing

### **Section 6. Yard Extension Disposition Program**

- 6.1 Applications

- 6.2 Qualifications
- 6.3 Limitations
- 6.4 Pricing

## **Section 7. Land Bank Rehab Program**

- 7.1 Purpose
- 7.2 Goals
- 7.3 Qualified Rehabber
- 7.4 Qualified Offer
- 7.5 Housing Stock
- 7.6 Commercial Property
- 7.7 Rehabber Qualifications
- 7.8 Availability for Rehabbers
- 7.9 Rehab Agreements
- 7.10 Filings
- 7.11 Inspections and Permits
- 7.12 Extensions and Penalties
- 7.13 Tier I Rehabber Threshold

## **Section 8. Option Agreements**

- 8.1 Site Control: Options and Property Reservations
- 8.2 Disposition

## **Section 9. WCLB Garden Program**

- 9.1 Community Gardens and Community-managed Open Spaces
- 9.2 Requirements for Community Gardens
- 9.3 Personal Gardens
- 9.4 Urban Farm

Wyandotte County Land Bank  
Administrative Policy and Procedure Guidelines  
As approved and adopted by the Board of Trustees  
on xxxx xx, 202x.

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

## **Section 1. Purpose**

### **1.1 Neighborhood and Land Use Planning Conformance.**

The WCLB's purpose is to return tax delinquent, distressed and unwanted property to productive use that benefits the community. In doing so, the WCLB will prioritize the following:

- a. Encourage the development and reuse of vacant properties consistent with the WCLB goals, and any City adopted Master Plan.
- b. Strengthen the County's tax base by returning property to a productive tax paying status.
- c. Support and preserve open space, stormwater management, community gardens, urban farming, and other agricultural production.
- d. Convey land through a predictable, timely and transparent process.
- e. Encourage timely development and discourage real estate speculation.
- f. Assemble land for economic development.

### **1.2 Guiding Principles.**

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.

The goals of this policy and the disposition of WCLB owned property are to:

- a. Preserve existing stable and viable neighborhoods.

- b. Engage with neighborhoods that have historically and/or are currently experiencing rapid decline or deterioration to support community development and revitalization efforts.
- c. Utilize strategic planning as well as long term planning in the disposition of property.
- d. Maintain flexibility and transparency in all transactions.
- e. Comply with and support the implementation of the Citywide Comprehensive Master Plan, Area Plans, Corridor Plans, and other Community Plans.
- f. Eliminate blight and revitalize neighborhoods.

The WCLB will aspire to meet 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 make available to the public all property in its inventory; however, properties which are being used by the Unified Government for public purposes or being reserved for City-desired programs or projects, will be identified as unavailable for disposition by the Land Bank Manager in coordination with staff from the Unified Government.

## **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 the Land Bank Advisory Board and WCLB Board of Trustees for review, consideration and recommendation.

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 Planning and Urban Design.* The Staff Advisory Team shall evaluate applications based on UG policies and priorities, and future infrastructure and development plans. The Staff Advisory Team shall serve solely in an advisory capacity.

The membership of the Land Bank Advisory Board shall consist of representatives from each Neighborhood Business Revitalization organizations (NBR), two (2) representatives from the Executive Board of the Livable Neighborhoods Task Force and an additional member from the NBR for the area containing the most WCLB parcels. This additional member is subject to change with the disposition of WCLB property and shall be recalculated on a biannual basis. 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 needs 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 the applicable State 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 the application submitted first and, should this application not be accepted, the next application submitted will be brought before the WCLB Board of Trustees

**2.7 Role of Land Bank Manager.**

The Land Bank Manager shall have the following responsibilities:

- a. Help applicants with where and what they want to build;
- b. Administer the Land Bank process including notification of neighborhood groups;
- c. Identify which properties are available for disposition;
- d. Determine when an application is ready to be submitted to the WCLB Board of Trustees;
- e. Engage and educate the community on Land Bank opportunities;
- f. Be a resource for the community;
- g. Set protocols for Land Bank procedures; and
- h. Work with the WCLB Board of Trustees on a strategy for disposition of Land Bank properties.

**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:

- a. Government entities;
- b. Individuals, entities, and non-profits seeking to obtain the property for housing or commercial development;
- c. Entities that are a partnership, limited liability corporation or joint venture comprised of a private non-profit corporation and a private for-profit entity;
- d. Individuals who own and occupy residential property that qualify for the Yard Extension Disposition Program; and
- e. Non-profit institutions such as academic and religious institutions.

**3.2 Transferee Qualifications.**

All applicants seeking to acquire property from the WCLB, or to enter into transaction agreements with the WCLB, are 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. Sufficient plans for development.

In addition, all applicants must be current on their property taxes and have no outstanding code violations on any property within the County.

## **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; and
- 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 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 to determine if the property can be put into the rehab program described in Section 9;
- d. Vacant properties that are appropriate for the yard extension disposition program;
- e. Properties for which reutilization would be in support of adopted plans;
- f. Properties that would form a part of a land assemblage development plan; and
- g. Properties that would allow for the creation or expansion of community, gardens, urban farming, stormwater management, or open space preservation.

### **4.3 Donations 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. The property is a candidate for the WCLB Rehab Program without any conditions that would prohibit a donation;
- d. The property could be utilized for the WCLB garden program; and
- e. The property could be used for UG purposes such as stormwater management, public works projects, etc.

Property(ies) 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. Regarding additional requirements for donations of property to the WCLB:

- a. WCLB requires that donated property(ies) be conveyed with clear and marketable title;
- b. Property(ies) 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 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.

#### **4.4 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 Manager 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.

**4.5 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.

**4.6 State of Kansas 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.

**4.7 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 Standing 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.**

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 and exiting the WCLB Rehab Program. .

**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 Appropriate and Timely Development of Properties.**

The WCLB expects that properties will be developed in a timely manner according 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. Proposed uses must be consistent with the UG's Plans, Zoning, City approved and accepted plans or be able to obtain the necessary land entitlements within the option term, and all new owners are required to comply with all State, City and Federal codes, regulations and statutes.

**5.7 Holds.**

The holding of WCLB parcels for the use of future development by or for a third party is prohibited.

**5.8 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 1<sup>st</sup> 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.

## **Section 6. Yard Extension Disposition Program**

**6.1 Application.**

Yard Extensions shall only be applied for by abutting homeowners.

## **6.2 Qualifications.**

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. Further, the applicant must be current on all property taxes and not have any active code violations. The property to be acquired must share a common boundary at either side of the applicant's property and share the same street name and/or be a contiguous land locked parcel. The property must be a vacant lot; properties with permanent structures are not eligible for this program.

## **6.3 Limitations.**

Applicants can only acquire one (1) property for a yard extension from the WCLB for each home they own as their primary residence and only one primary lot can seek a yard extension, except if there are contiguous undevelopable parcels that can be obtained. The WCLB property must be consolidated with the applicant's property after acquisition. The Land Bank Manager will track such yard extension acquisitions to ensure these limitations are adhered to in perpetuity.

## **6.4 Pricing.**

The price of any yard extension shall be \$0.10 per square foot.

# **Section 7. Land Bank Rehab Program**

## **7.1 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.

## **7.2 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. Save existing housing stock from demolition and return the property to the tax roles;
- b. Create affordable ownership opportunities to stabilize neighborhoods; and
- c. Improve the health, safety, durability and energy - efficiency of rehabilitated properties through the WCLB Housing Standards.

### **7.3 Qualified Rehabber.**

A Qualified Rehabber 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 lack of capacity to perform in accordance with the requirements of the WCLB;
- e. Have defaulted in prior agreements with the WCLB; and
- f. Currently be banned from bidding at the tax sale.

All Qualified Rehabbers must submit their intended use for the property(ies) as required by the WCLB. Failure to submit intended usage or to provide accurate information in the form requested may result in the denial of the application.

### **7.4 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 goals and all UG Plans, or be able to obtain the appropriate land entitlements and the applicant must demonstrate financial and operational capacity to carry out the plans.

Plans that require various land entitlements 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.

### **7.5 Housing Stock.**

All residential property with improvements 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. Rehabilitation – properties that show rehab potential will be made available to qualified rehabbers in the program;
- b. Demolition – properties that are a danger to the public will be recommended to the Unified Government Demo Department to be razed; or

### **7.6 Commercial Property.**

Any commercial property received by WCLB will be evaluated in the same manner as in Section 7.5.

### **7.7 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.

### **7.8 Availability for Rehabbers.**

Any house that is identified as a rehab will be made available for all Tier I rehabbers. The WCLB will schedule open houses for the rehabbers to attend to assess each property identified. All 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 by a Tier I rehabber will then be offered to the Tier II group.

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.

### **7.9 Rehab Agreements.**

The WCLB will review all offers received based on criteria maintained by the Land Bank Manager to determine the highest and best offer. The WCLB will negotiate with the offeror and put an agreement together. If approved, the awarded offeror will be sent an award letter and any non-offerors will be sent a non-award letter.

### **7.10 Filings.**

A Sale Contract with Land Use Restrictions detailing the terms of the rehab agreement will be recorded 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 Land Bank Manager.

### **7.11 Inspections and Permits.**

The WCLB will require copies of all inspections conducted by the UG Building Inspection Department, which 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; and
- d. Final - house has passed all final inspections and copies have been received by the WCLB, the Land Bank Manager will do the final walk thru.

Any Tier II rehab will consist of monthly inspections done by Land Bank Manager (or designee) and will incorporate the Tier I inspections but also allow the WCLB to closely monitor the progress.

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

All 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.

### **7.12 Extensions and 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 Land Bank Manager's discretion and, if granted, will be under the following guidelines:

- a. The request for extension must be made to the Land Bank Manager in writing.. The request must include the cause of the delay and plan to complete the rehab in time requested.
- b. The request for extension must be received by the Land Bank Manager no later than five (5) calendar days prior to the expiration date of the WCLB Rehab Program Extension Request Form given at beginning of the project.
- c. The extension will be granted for a maximum of 90 calendar days.

- d. The granting of an initial extension period does not obligate the WCLB to grant additional extensions.

**7.13 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 at any given time 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 reach this threshold.

**Section 8. Option Agreements**

**8.1 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, which has the same requirements as in Section 8.3.
- b. The Option Agreement must be executed by the applicant within forty-five (45) days of approval by the WCLB Board of Trustees.
- c. For each proposed project, the WCLB will allow one (1) year for that agreement, which begins on the date of approval by the WCLB Board of Trustees, and may renew the agreement for up to two (2) years at the Land Bank Manager discretion. Any further extensions must be approved by the WCLB Board of Trustees.
- d. The applicant may not occupy or use the property unless approved in writing by the WCLB.
- e. A fee will be due upon execution and an additional fee may be imposed for extension of the agreement or contract. This fee is non-refundable.
- f. A first-time applicant will be charged an additional fee which will be held in escrow during the term of the Option Agreement and will be refunded upon disposition of the property.
- g. 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.
- h. The WCLB shall provide written notice of its intent to terminate the agreement to the applicant within thirty (30) days of said termination.



Option Agreements will be issued only for those projects which the WCLB deems feasible and which the WCLB can recommend for approval by WCLB Board of Trustees after the developer secures the necessary entitlements, financing, tenants and/or approvals.

All WCLB Option Agreements must be approved by the WCLB Board of Trustees.

## **8.2 Disposition.**

Upon the applicant providing proof of funding and acquisition of all required permits and land entitlements, the WCLB shall convey the property.

## **Section 9. WCLB Garden Program**

### **9.1 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.

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 Land Bank Managers and with community support. Community-managed open spaces are spaces available to the public and may be used for recreational purposes or passive activities. All necessary entitlements must still be obtained in accordance with the Unified Government Cod of Ordinances.

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 reference federal and state requirements for contaminants in the soil before growing or consuming produce grown on site.

## **9.2 Requirements for Community Gardens.**

All WCLB property approved for a community garden must adhere to the following criteria:

- a. Entity must work with the WCLB and Staff Advisory Team of the Unified Government to determine where the garden will be located within the boundaries of a neighborhood;
- b. Entity must provide a site plan;
- c. Entity must provide a 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. Entity must comply with all State and/or local laws, codes or ordinances;
- h. 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;
- i. Entity must agree not to grow any plants regulated or prohibited by federal laws on the lot; and
- j. Entities must agree to use the property at their own risk and accept the property "as-is".

## **9.3 Personal Garden.**

An application for a personal garden shall be treated in the same manner as an application for a yard extension.

## **9.4 Urban Farm.**

An urban farm is the cultivation of land for the purpose of income creation related to urban agriculture.

An applicant for a parcel(s) to be used as an urban farm must provide proof of relevant education, certification or comparable relevant experience that proves they have the ability to operate and maintain a successful urban farm. Applicants must meet all the requirements of a Community Garden listed in

Section 10.2 above. An applicant shall be given an option agreement as needed for any requisite permits or land entitlements to be obtained. If an option agreement is required, at the end of one year, either the agreement will be extended, or the property will be conveyed if all guidelines have been met.