



FORT SCOTT LAND BANK APPLICATION

We want to thank you for your interest in purchasing a property from the inventory of the Fort Scott Land Bank. We appreciate your commitment to your community.

The Fort Scott Land Bank focuses on the conversion of vacant, abandoned, tax-delinquent, or otherwise underused properties into productive use.

Vacant, abandoned, tax-delinquent, or otherwise underused properties are often grouped together as “problem properties” because they destabilize neighborhoods, create fire and safety hazards, drive down property values, and drain local tax dollars. The Fort Scott Land Bank was created to strategically acquire problem properties, eliminate the liabilities, and transfer the properties to new, responsible owners in a transparent manner that results in outcomes consistent with community-based plans.

These opportunities are a collection of parcels owned by the Fort Scott Land Bank. Most of the properties have been acquired through the Bourbon County tax foreclosure sale, though some properties have been donated.

Every transfer of property from the Fort Scott Land Bank will be accompanied by a development agreement, outlining the final use of the property as well as accompanying timelines. The purchase price for Land Bank properties will be negotiated based on the cost to acquire the property as well as the details in the development agreement. The Fort Scott Land Bank Board of Trustees will approve the final agreement and purchase offer.

The Fort Scott Land Bank is an independent agency and instrumentality of the City with the primary responsibility and authority to efficiently acquire, hold, manage, transform, and convey surplus City properties and other abandoned, tax-foreclosed, or otherwise underutilized or distressed properties to convey these properties into productive use.

Land Bank Board of Trustees

The governing body of the City of Fort Scott Land Bank consists of seven members. There is one representative from the Fort Scott City Commission. Also, the Fort Scott City Commission will appoint additional members who represent banking, real estate development, real estate sales and one member at large. This Board of Trustees will make all final decisions on Land Bank property transactions. The present Board consists of:

- Don Tucker, Chairperson
- Matthew Wells, City Commissioner
- Michael Hoyt
- Heather Madison, Treasurer

FORT SCOTT LAND BANK POLICIES & PROCEDURES

When applications are completed and accepted, a review and recommendation of the proposal will be completed by the Land Bank manager. Proposals are forwarded with recommendations to the Land Bank Board of Trustees.

The Fort Scott Land Bank (FSLB) Board of Trustees reserves the right to accept or reject any or all proposals without cause.

30 days prior to the sale of any property owned by the FSLB, the FSLB will publish in the official City newspaper a notice announcing such sale. At the time of publication of such notice, the FSLB will notify adjacent property owners of the proposed sale.

PRIORITIES

The FSLB will give the following priorities in disposing of land bank properties:

1. Housing
2. Protection of properties for historic preservation
3. Government or Public Use such as City, County, School District, etc.
4. Ownership by non-profits, churches, etc.
5. Adjacent property owners for side-lot acquisitions
6. Green or garden spaces for public benefit

ACQUISITION OF PROPERTIES

Property will be acquired through the following methods and any other method approved by the FSLB Board of Directors:

1. Acquisition at tax foreclosure auctions
2. Donations from private entities
3. Bank foreclosure
4. Internal City/County transfers
5. Market purchases

DISPOSITION OF PROPERTIES

The FSLB may sell property and set terms and conditions deemed necessary or appropriate for the best re-utilization of the property. These terms and conditions include but are not limited to:

1. No competitive bidding will be required. Thus the proposed purchase price, though a consideration, will not be the sole deciding factor in acceptance of an application.
2. To purchase a property, an interested party will make an application to FSLB, which application, if incomplete, will be rejected.
3. The FSLB Board will make decisions, with input from the Land Bank manager and City staff, regarding collecting or forgiving Special Assessments on Land Bank properties.
4. No property will be conveyed without a Development Agreement being entered into between FSLB and the potential purchaser setting out the development and construction plans in detail, including time limitations for completion.
5. Failure to abide by the terms and conditions of the Development Agreement will result in the return of the subject to FSLB and the purchaser's peaceful vacation of the premises.
6. A Quitclaim Deed will be issued to the buyer, not a Warranty Deed and the land is not conveyed with any guarantee as to quality or content, as noted by the purchaser's acknowledgement below.
7. The deed to property may be conveyed with Special Covenants from the FSLB.

REQUIREMENTS FOR APPLICANTS

The applicant will meet the following conditions prior to purchasing Land Bank property:

1. The applicant shall not have any delinquent property taxes, City utilities, or City fines. For this purpose, payment plans with the City of Fort Scott or Bourbon County shall be considered delinquent.
2. The applicant must not have a history of Codes violations which is defined as three codes violations in one year or five violations in three years.
3. The applicant will not have a history of tax or mortgage foreclosures.
4. The applicant for property development will also meet the following qualifications:
 - a. Legal status of entity
 - b. Prior experience developing or managing real property.
 - c. Financial health
 - d. Adequate plan for development

LAND BANK DISPOSITION PROCEDURES

- The FSLB reserves the right to set a minimum bid.
- The City staff will notify the Land Bank Trustees of Non-buildable and Buildable lots that have assessments for demolition and mowing for abatement.
- The FSLB will set the price for commercial/industrial zoned properties and properties with structures and will make the determination of abatement for assessments for both.
- A confirmation letter will be mailed to applicants that submit applications to the Land Bank within 30 days of receipt. Please contact the Land Bank manager if you do not receive a confirmation letter.
- The successful applicant will have 30 days to consider and sign a Development Agreement, or the transaction may be cancelled at the option of the FSLB Board of Trustees.

PROPERTY CLASSIFICATION

Properties accepted by the FSLB will fit in the following classifications:

1. Properties with Structures
 - a. Properties that can be sold "as-is" for fair market value
 - b. Properties with dilapidated structures requiring demolition
 - c. All properties must be vacant at time of transfer, the FSLB will not be a landlord
2. Vacant Buildable Lots
 - a. Property will be marketed for infill housing projects
 - b. Properties available for play areas, community gardens, or other temporary public use
 - c. Properties that may be for sale to adjacent landowners (side lots)
3. Vacant non-buildable lots
 - a. Properties not meeting City Zoning requirements for development
 - b. Priority given to sale to adjacent landowners
 - c. Property utilized for long-term play areas, community gardens, or other public use
4. Banked Properties (Future development)

APPLICATION DEADLINE

ALL APPLICATIONS MUST BE RECEIVED BY THE LAND BANK MANAGER BY 5:00 P.M. ON THE THURSDAY PRIOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE LAND BANK BOARD OF TRUSTEES. NO APPLICATION SUBMITTED AFTER THIS TIME WILL BE CONSIDERED BY THE BOARD AT SUCH MEETING IN THE EVENT THERE ARE MULTIPLE APPLICATIONS FOR THE SAME PROEPRTY.

A) **APPLICANT INFORMATION:**

1. Applicant Name: _____

2. Address:

3. Telephone: _____

4. Email: _____

5. List properties owned in Bourbon County: _____

6. Spouse's name (if applicable): _____

5. Business or Corporation Name: _____

8. List any code violations on property owned by applicant in the last 3 years: _____

9. List any delinquent taxes, fees or licenses in Bourbon County: _____

B) PROPOSED PURCHASE INFORMATION:

1. Address of Property: _____

2. Classification:

_____ Property with Structure

_____ Buildable Lot

_____ Non buildable Lot

3. Type of proposed ownership:

_____ Individual

_____ Business

_____ Non-profit

_____ Other: _____

4. Proposed Use of Property:

_____ Construction/Rehabilitation of Residential Structure (*Go to Section C*)

_____ Parking, Garage, Home Addition, Storage or other Use (*Go to Section C*)

_____ Yard extension – No construction (*Go to Section D*)

C) PROJECT INFORMATION

1. Specify intended use: _____

2. Does intended use comply with current zoning? (Contact Codes Department) _____

3. Intended project timeline:

Start date: _____ Completion date: _____

4. Provide supporting documentation:

_____ Evidence of project financing, such as a Letter of Credit or bank preapproval

_____ Floor Plan (including square footage), front elevation (indicating type and color of finished material) and site plan (showing setbacks to property line)

_____ If rehabilitation project, attach scope of work

D) NON-CONSTRUCTION USE:

Describe the intended use and attach drawings if they will aid in understanding proposed use:

E) ADDITIONAL COMMENTS AND/OR EXPLANATIONS:

F) PURCHASE PRICE OFFERED: _____

Note: An incomplete application will not be considered and will be returned to the sender.

As the applicant, I (we) attest that the information in this application is accurate. I (we) attest that I have read the Land Bank policy above and agree to the terms and conditions of it. I (we) understand that the Land Bank Board of Trustees reserves the right to reject any proposal without cause.

I (we) further acknowledge that if the above-described property is conveyed by the Fort Scott Land Bank, the same is being conveyed by virtue of a "quitclaim deed" as opposed to a "warranty deed". A warranty deed warrants that the Fort Scott Land Bank is the legitimate owner of the property, holds clear title to the same and has the authority to convey it, that there are no encumbrances against the property and that the transferee's title will withstand the claims of third parties, among other warranties. Because of the inability of the Land Bank or applicant/purchaser to obtain a title commitment from a title insurer, the Land Bank cannot make these guarantees. Thus the Land Bank is conveying title to the aforementioned real property by a quit claim deed, which means that the applicant/purchaser receives whatever interest the Fort Scott Land Bank has in the property and nothing more. The applicant/purchaser has no recourse against the Fort Scott Land Bank in the event that a title defect is shown in the future. The land is being conveyed "as is" regarding condition of the property as well as regarding title. The Fort Scott Land Bank makes no warranty as to the sub-surface condition of the property. The undersigned further acknowledges that this may impact the ability to obtain mortgage financing for the development of the property. Further, the applicant/purchaser must enter into a development agreement and pay the agreed consideration within 15 days after the expiration of the 30 day notice period required by K.S.A. 12-5907(f) or the agreement to sell to the applicant/purchaser will be null and void.

Signature

Name _____
Transferee/Purchaser

Dated: _____

Signature

Name _____
Transferee/Purchaser

Dated: _____