



UPDATE
Neighborhood and Community Development
Committee

Standing Committee Meeting Agenda
Monday, February 5, 2018
5:00 PM

Location:

Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name

Absent

Commissioner Brian McKierman, Chair

☐

Commissioner Tom Burroughs

☐

Commissioner Gayle E. Townsend

☐

Commissioner Ann Brandau-Murguia

☐

Commissioner James Walters

☐

I. **Call to Order/Roll Call**

II. **Revisions to February 5, 2018 Agenda**

Blue Sheet – Revised document

Item No. 1 – Ordinance amending Chapter 8 of the Code of Ordinances

III. **Approval of standing committee minutes from December 4, 2017.**

IV. **Committee Agenda**

Item No. 1 - ORDINANCE: AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, BUILDINGS AND BUILDING REGULATIONS CODE

Synopsis: An ordinance amending the Code of Ordinances Chapter 8, Buildings and Building Regulations, Sections 8-471, 8-474, 8-475, 8-476, 8-477, 8-480, 8-481 and 8-483, to strengthen the ordinance so that we can utilize a third-party vendor for its implementation and monitoring, submitted by Wendy Green, Assistant Counsel.

Tracking #: 1866

Item No. 2 - LAND BANK BUSINESS

Synopsis: Request approval of the following Land Bank items, submitted by Chris Slaughter,

Land Bank Manager.

Applications

731 & 733 Lafayette Ave. - Kenthedo Robinson, yard extension

832 Lafayette Ave. - Mazen Iskandrani, yard extension

834 Lafayette Ave. - Mazen Iskandrani, property acquisition

2501 N. 22nd St. - Antonia Ayala, property acquisition

Transfers from Land Bank

714, 716, 718 & 720 Everett Ave. - CHWC, Inc.

(CHWC, Inc. will build two single-family houses in the Douglass/Sumner neighborhood)

727 & 743 Barnett Ave.; 732, 740 & 750 Tauromee Ave. - UG of WyCo/KCK

(Property for the Juvenile Complex project)

Tracking #: 1868

V. Public Agenda

VI. Adjourn

**AGENDA UPDATE
NEIGHBORHOOD AND COMMUNITY DEVELOPMENT
STANDING COMMITTEE MEETING
MONDAY, FEBRUARY 5, 2018**

IV. COMMITTEE AGENDA

REVISED ITEM

**ITEM NO. 1 – 1866...ORDINANCE: AMENDING CHAPTER 8 OF THE CODE
OF ORDINANCES, BUILDINGS AND BUILDING
REGULATIONS CODE**

Synopsis: Submission of a revised clean and redline version of the ordinance amending Chapter 8 of the Code of Ordinances.

Published: _____

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Buildings and Building Regulations, amending Sections 8-471, 8-474, 8-475, 8-476, 8-477, 8-480, 8-481, 8-483 and 8-484 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 8 Buildings and Building Regulations, Section 8-471, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-471. - Registration statement.

Except for owners described in this section, all owners of buildings, structures, or vacant parcels, who do not reside in or occupy such buildings or structures, located within the corporate limits of the city shall file a registration statement with the codes administrator in accordance with the provisions of this Code. This registration requirement shall not apply to:

- (1) Any governmental entity, excluding government sponsored entities (G.S.E.'s) any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
- (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Code 1988, § 8-377; Ord. No. 65152, § 1(21-51), 5-28-1987; Ord. No. 65408, § 2, 3-23-1989; Ord. No. O-12-17, § 2, 6-29-2017)

Section 2. That Chapter 8 Buildings and Building Regulations, Section 8-474, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-474. - Contents of registration statement.

(a) The registration statement shall include the following information:

- (1) An identification of the premises by the street numbers and names of all street contiguous to the building or structure, where such exist, legal description, or by such other description as will enable the codes administrator to locate the premises.

- (2) An identification of the owner by name, e-mail address, residential address and/or business address. If the owner is a corporation or a partnership, the identification shall include the name and addresses of such corporation or partnership, together with the names, residential addresses and business addresses of the principals or operating partners. E-mail addresses are required for the aforementioned entities as well. If the owner is under the age of 18 years or has been judicially declared incompetent, the owner's legal representative shall file the registration statement.
- (3) The name, e-mail address, residential address and/or business address of an agent designated by the owner to receive service of any notice, order or summons issued because of a violation of this code.
- (4) The signatures of the owner, an officer if the owner is a corporation, or a partner if the owner is a partnership, and the registered agent. The registered agent's signature shall indicate consent to the agency.
- (b) The registration statement shall be filed on forms to be provided by the codes administrator or designee.
- (c) Each owner who has previously filed a registration statement shall file an amended registration statement for all future acquired or additional property required to be registered under this division.

(Code 1988, § 8-380; Ord. No. 65152, § 1(21-54), 5-28-1987)

Section 3. That Chapter 8 Buildings and Building Regulations, Section 8-475, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-475. - Change of ownership.

- (a) When any owner required to register by section 8-471 conveys title to the premises to another, the owner conveying the title shall, on the date of such transfer, notify the codes administrator or designee by certified mail of the name and residential address and/or business address of the new owner, or, if the new owner is a corporation, of the name and address of such corporation. If required to register, the new owner shall file a registration statement in accordance with section 8-474 no more than five days from the date of taking title. The failure of a new owner to file such registration statement shall not impair the validity of title.
- (b) When the ownership of the premises changes by operation of law, the new owner, if required to register, shall file a registration statement in accordance with section 8-474 not more than 30 days from the date the title passed to such owner.
- (c) An executor or administrator of a decedent's estate that includes real property located within the city shall file a registration statement in accordance with section 8-474 not more than 30 days from the date of appointment.

(Code 1988, § 8-381; Ord. No. 65152, § 1(21-55), 5-28-1987)

Section 4. That Chapter 8 Buildings and Building Regulations, Section 8-476, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-476. - Change of address or corporate ownership.

An owner who is required to register under this division shall inform the codes administrator or designee in writing, by certified mail, of a change of address of the owner, a change of address of the registered agent, a change in the list of officers of the owner corporation, or partners of the owner partnership, or a change of address of any of such listed officers or partners within five days of that change.

(Code 1988, § 8-382; Ord. No. 65152, § 1(21-56), 5-28-1987)

Section 5. That Chapter 8 Buildings and Building Regulations, Section 8-477, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-477. - Change of registered agent.

- (a) The owner may terminate the designation of a registered agent at any time by filing with the codes administrator or designee notice of such termination. A qualified successor shall be designated by the owner within ten days after notice of such termination, and the owner shall file within the same time a new registration statement designating the successor registered agent.
- (b) The registered agent may terminate the agency by filing with the codes administrator or designee a copy of the written termination notice on the owner. Such termination shall not become effective until ten days after the filing of such notice with the codes administrator or designee. The termination notice shall set forth the identification of the all the premises or parcels and the name and address of the owner, together with an affidavit or proof of service upon the owner. Service of such termination notice upon the owner may be made by delivery of a copy personally to the owner or any partner if the owner is a partnership, or by registered mail to the address of any owner, principal or partner as set forth in the registration statement. Prior to the effective termination date, the owner shall file with the codes administrator a registration statement designating a qualified successor.
- (c) If the designation of a registered agent shall cease to be effective as a result of death or judicial declaration of incompetence of the agent or the agent's removal from the city, the owner shall file a new registration statement with the codes administrator or designee within ten days thereafter designating a qualified successor.
- (d) If an owner fails to designate a registered agent or replace a registered agent whose agency has terminated, the owner shall be deemed to have appointed the unified government clerk or the clerk's designated agent to accept service of any notice, order or summons issued because of a violation of this chapter. The unified government clerk or designated agent shall thereupon mail a copy of such notice, order or summons by registered mail, return receipt requested, to the last known address of the owner and cause the posting of a copy of such

notice, order or summons in or about the premises described in the same. All costs shall be charged against the owner and the property of the owner.

(Code 1988, § 8-383; Ord. No. 65152, § 1(21-57), 5-28-1987)

Section 6. That Chapter 8 Buildings and Building Regulations, Section 8-480, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-480. - Registration statement as prima facie evidence.

- (a) The failure of an owner or a lessee of an entire building or structure to produce the receipt issued by the codes administrator acknowledging the filing of a registration statement or the failure of a registered agent to produce the receipt issued by the codes administrator or designee acknowledging the filing of a notice of termination shall be prima facie evidence of failure to comply with the provisions of this division.
- (b) The current registration statement shall be deemed prima facie proof of the statements contained therein in any action or proceeding instituted by the unified government against the owner or lessee of an entire building or structure or a registered agent.

(Code 1988, § 8-386; Ord. No. 65152, § 1(21-60), 5-28-1987)

Section 7. That Chapter 8 Buildings and Building Regulations, Section 8-481, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-481. - Mortgage Default Registration.

When an owner of a building, structure or vacant parcel has been determined to be in default of a mortgage, the mortgagee or lienor shall inspect the mortgaged property to determine whether such property is vacant or occupied. Within ten days of an inspection, the mortgagee or lienor shall register the property in the manner required regardless of whether it's vacant or occupied.

(a) Definitions.

- 1) **Default** - shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.
- 2) **Foreclosure** - shall mean the legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien

- 3) **Mortgagee** - means the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.
- 4) **Registrable Property** – means, any real property located in the corporate limits of the city, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee, has been the subject of a foreclosure action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a “default/foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured

(b) Registration of Defaulted Mortgaged Real Property.

- 1) Any Mortgagee who holds a mortgage on real property located within the corporate limits of the city shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- 2) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee/Trustee, and the Mortgage Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.
- 3) Mortgagees who have existing registrable property on the effective date of this ordinance have 30 calendar days from the effective date to register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- 4) If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this Article. Any previous unpaid registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee’s non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.
- 5) If the servicing rights for a mortgage on a registrable property are sold or transferred, the registration must be updated to include all the new Servicer information within 10 days of the servicing transfer.
- 6) If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm’s length related person or entity, the transferee is subject to all the terms of this Article and within 5 days of the transfer update the property. Any previous unpaid

registration fees are the responsibility of the new Registrable property owner and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.

- 7) As long as the property is Registrable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration
- 8) A non-refundable annual registration fee of \$200.00 shall accompany each registration pursuant to this section
- 9) If a lis pendens, deed-in-lieu of foreclosure, or other public notice of foreclosure is filed on a property and the property was not registered and the registration fee paid at least 30 days prior to the filing date, a late fee shall be charged. The late fee shall be the equivalent to 10% of the registration fee and shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and 30-day delinquent registration renewals. Registrations delinquent greater than 30 days are also subject to additional fines as described herein
- 10) Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- 11) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.
- 12) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change
- 13) Failure of the Mortgagee to properly register or to modify the registration information from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties and/or property liens
- 14) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Unified Government may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- 15) Properties registered as a result of this section are not required to be registered in the Vacant Property or Rental Property registries

(Code 1988, § 8-387; Ord. No. 65152, § 1(21-61), 5-28-1987; Ord. No. [O-12-17](#), § 5, 6-29-2017)

Section 8. That Chapter 8 Buildings and Building Regulations, Section 8-483, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-483. - Vacant properties.

- (a) Upon any building or structure located within the corporate city limits becoming vacant, the owner of such building or structure shall have 60 days from the first date of vacancy to register such building or structure in the same manner as provided in sections 8-471 and 8-474 and said statement must include an agent designation as provided in section 8-472 as well as a written comprehensive plan of action detailing a timeline for correcting any Code violations, any rehabilitation required, the maintenance that will be performed while the building or structure is vacant and the future use of the building or structure and pay a registration fee of \$200.00.
- (b) The owner of any vacant building or structure subject to this section shall be required to update the plan of action provided with the registration statement and pay a fee of \$200.00 every year the said building or structure remains vacant.
- (c) Any vacant building or structure registered pursuant to this section shall be subject to inspection to verify the status of the plan of action submitted.
- (d) In addition to the registration statement in subsection (a) above, the owner of any vacant building or structure shall provide written notice, within 30 days, of a change in: (1) ownership of the property, including a copy of the deed; (2) contact information for either the owner or the designated agent.
- (e) Upon identification of a vacant building or structure by an enforcement officer that has not been registered under this section, a written notice shall be issued to the property owner by means of personal service, or by first class mail to their last known address of record, and by posting on the property. The owner of said vacant building or structure shall have 30 days from the date the written notice is issued in which to register.
- (f) Properties that are vacant and in default or bank owned (REO) remain subject to the registration requirements as set forth in Section 8-481 and are exempt from the requirements of this section.
- (g) This registration requirement shall not apply to:
 - (1) Any governmental entity, excluding government sponsored entities (G.S.E.'s), any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
 - (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.
 - (3) Any owner who intends for the building or structure to be his/her/its domicile regardless of whether said building or structure is occupied for all twelve months of the year.
 - (4) Any owner who has listed the building or structure for sale with a licensed real estate agent or broker.
- (h) Upon written request from an owner of an unoccupied building or structure, the codes administrator may approve of an existing use of said building or structure if, after verification of the records on file in the codes administration office to determine there have been no code violations on the subject property for the preceding twelve (12) months and after inspection, it is found that such use is a permitted and lawful use under current code requirements, and, provided further, that no fire hazards or other hazards are found in such building or structure or part thereof, and relieve said owner of the registration fee required under this section.

(Ord. No. [O-12-17](#), § 6, 6-29-2017)

Section 9. That Chapter 8 Buildings and Building Regulations, Section 8-484, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-484. - Definitions.

For purposes of this division, certain phrases and words are defined below. Words or phrases not defined in this division but defined in applicable state law or the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Enforcement officer* means any law enforcement officer, building official, fire inspector or code enforcement officer employed by or working on behalf of the unified government, or their designees.
- (2) *Occupy* means to conduct a lawful business or reside in all or any part of the building or structure as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a person occupies a building or structure may include, but shall not be limited to, the regular receipt of deliver of regular mail through the U.S. Postal Service; proof of continual electric, gas, heating, water and sewer services; a valid business license; or the most recent federal or state income tax statements indicating that the subject property is the official business or residence address of the person(s) or business(es) claiming occupancy.
- (3) *Vacant* means any premises intended for residential or commercial use which is not currently occupied or in use wherein no person or persons actually, currently conduct a lawfully licensed business or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or tenant(s) on a permanent, non-transient basis or that is unoccupied and has no evidence of utility usage within the past sixty (60) days.
- (4) *Domicile* means the building or structure at issue is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return.

(Ord. No. [O-12-17](#), § 7, 6-29-2017)

Section 10. This ordinance and resolution shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS ____ DAY OF ____ 2018

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Wendy M. Green, Assistant Counsel

Published: _____

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Buildings and Building Regulations, amending Sections 8-471, 8-474, 8-475, 8-476, 8-477, 8-480, 8-481, 8-483 and 8-484 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

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- (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Code 1988, § 8-377; Ord. No. 65152, § 1(21-51), 5-28-1987; Ord. No. 65408, § 2, 3-23-1989; Ord. No. O-12-17, § 2, 6-29-2017)

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- (2) An identification of the owner by name, e-mail address, residential address and/or business address. If the owner is a corporation or a partnership, the identification shall include the name and addresses of such corporation or partnership, together with the names, residential addresses and business addresses of the principals or operating partners. E-mail addresses are required for the aforementioned entities as well. If the owner is under the age of 18 years or has been judicially declared incompetent, the owner's legal representative shall file the registration statement.
- (3) The name, e-mail address, residential address and/or business address of an agent designated by the owner to receive service of any notice, order or summons issued because of a violation of this code.
- (4) The signatures of the owner, an officer if the owner is a corporation, or a partner if the owner is a partnership, and the registered agent. The registered agent's signature shall indicate consent to the agency.
- (b) The registration statement shall be filed on forms to be provided by the codes administrator or designee.
- (c) Each owner who has previously filed a registration statement shall file an amended registration statement for all future acquired or additional property required to be registered under this division.

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- (b) When the ownership of the premises changes by operation of law, the new owner, if required to register, shall file a registration statement in accordance with section 8-474 not more than 30 days from the date the title passed to such owner.
- (c) An executor or administrator of a decedent's estate that includes real property located within the city shall file a registration statement in accordance with section 8-474 not more than 30 days from the date of appointment.

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Section 4. That Chapter 8 Buildings and Building Regulations, Section 8-476, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

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- (b) The registered agent may terminate the agency by filing with the codes administrator or designee a copy of the written termination notice on the owner. Such termination shall not become effective until ten days after the filing of such notice with the codes administrator or designee. The termination notice shall set forth the identification of the all the premises or parcels and the name and address of the owner, together with an affidavit or proof of service upon the owner. Service of such termination notice upon the owner may be made by delivery of a copy personally to the owner or any partner if the owner is a partnership, or by registered mail to the address of any owner, principal or partner as set forth in the registration statement. Prior to the effective termination date, the owner shall file with the codes administrator a registration statement designating a qualified successor.
- (c) If the designation of a registered agent shall cease to be effective as a result of death or judicial declaration of incompetence of the agent or the agent's removal from the city, the owner shall file a new registration statement with the codes administrator or designee within ten days thereafter designating a qualified successor.
- (d) If an owner fails to designate a registered agent or replace a registered agent whose agency has terminated, the owner shall be deemed to have appointed the unified government clerk or the clerk's designated agent to accept service of any notice, order or summons issued because of a violation of this chapter. The unified government clerk or designated agent shall thereupon mail a copy of such notice, order or summons by registered mail, return receipt requested, to the last known address of the owner and cause the posting of a copy of such

notice, order or summons in or about the premises described in the same. All costs shall be charged against the owner and the property of the owner.

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Section 6. That Chapter 8 Buildings and Building Regulations, Section 8-480, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-480. - Registration statement as prima facie evidence.

- (a) The failure of an owner or a lessee of an entire building or structure to produce the receipt issued by the codes administrator acknowledging the filing of a registration statement or the failure of a registered agent to produce the receipt issued by the codes administrator or designee acknowledging the filing of a notice of termination shall be prima facie evidence of failure to comply with the provisions of this division.
- (b) The current registration statement shall be deemed prima facie proof of the statements contained therein in any action or proceeding instituted by the unified government against the owner or lessee of an entire building or structure or a registered agent.

(Code 1988, § 8-386; Ord. No. 65152, § 1(21-60), 5-28-1987)

Section 7. That Chapter 8 Buildings and Building Regulations, Section 8-481, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-481. - ~~Registration of mortgagees and lienors~~Mortgage Default Registration.

When an owner of a building, structure or vacant parcel has been determined to be in default of a mortgage, the mortgagee or lienor shall inspect the mortgaged property to determine whether such property is vacant or occupied. Within ten days of an inspection, the mortgagee or lienor shall register the property in the manner required ~~by section 8-474. If the property is vacant, registration shall also contain the name and telephone number, facsimile number and email address for a direct contact with the mortgagee or lienor and the name and 24-hour contact number for the property management company that will be responsible for the security and maintenance of the property, if different from the mortgagee or lienor~~regardless of whether it's vacant or occupied.

(a) Definitions.

- 1) **Default** - shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.
- 2) **Foreclosure** - shall mean the legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the

mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien

- 3) **Mortgagee** - means the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.
- 4) **Registrable Property** – means, any real property located in the corporate limits of the city, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee, has been the subject of a foreclosure action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured

(b) Registration of Defaulted Mortgaged Real Property.

- 1) Any Mortgagee who holds a mortgage on real property located within the corporate limits of the city shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- 2) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee/Trustee, and the Mortgage Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.
- 3) Mortgagees who have existing registrable property on the effective date of this ordinance have 30 calendar days from the effective date to register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- 4) If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this Article. Any previous unpaid registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.
- 5) If the servicing rights for a mortgage on a registrable property are sold or transferred, the registration must be updated to include all the new Servicer information within 10 days of the servicing transfer.

- 6) If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this Article and within 5 days of the transfer update the property. Any previous unpaid registration fees are the responsibility of the new Registrable property owner and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.
- 7) As long as the property is Registrable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration
- 8) A non-refundable annual registration fee of \$200.00 shall accompany each registration pursuant to this section
- 9) If a lis pendens, deed-in-lieu of foreclosure, or other public notice of foreclosure is filed on a property and the property was not registered and the registration fee paid at least 30 days prior to the filing date, a late fee shall be charged. The late fee shall be the equivalent to 10% of the registration fee and shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and 30-day delinquent registration renewals. Registrations delinquent greater than 30 days are also subject to additional fines as described herein
- 10) Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- 11) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.
- 12) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change
- 13) Failure of the Mortgagee to properly register or to modify the registration information from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties and/or property liens
- 14) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Unified Government may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- 15) Properties registered as a result of this section are not required to be registered in the Vacant Property or Rental Property registries

(Code 1988, § 8-387; Ord. No. 65152, § 1(21-61), 5-28-1987; Ord. No. [O-12-17](#), § 5, 6-29-2017)

Section 8. That Chapter 8 Buildings and Building Regulations, Section 8-483, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-483. - Vacant properties.

- (a) Upon any building or structure located within the corporate city limits becoming vacant, the owner of such building or structure shall have 30-60 days from the first date of vacancy to register such building or structure in the same manner as provided in sections 8-471 and 8-474 and said statement must include an agent designation as provided in section 8-472 as well as a written comprehensive plan of action detailing a timeline for correcting any Code violations, any rehabilitation required, the maintenance that will be performed while the building or structure is vacant and the future use of the building or structure and pay a registration fee of \$200.00.
- (b) The owner of any vacant building or structure subject to this section shall be required to update the plan of action provided with the registration statement and pay a fee of \$500200.00 every six monthsyear the said building or structure remains vacant.
- (c) Any vacant building or structure registered pursuant to this section shall be subject to inspection to verify the status of the plan of action submitted.
- (d) In addition to the registration statement in subsection (a) above, the owner of any vacant building or structure shall provide written notice, within 30 days, of a change in: (1) ownership of the property, including a copy of the deed; (2) contact information for either the owner or the designated agent.
- (e) Upon identification of a vacant building or structure by an enforcement officer that has not been registered under this section, a written notice shall be issued to the property owner by means of personal service, or by first class mail to their last known address of record, and by posting on the property. The owner of said vacant building or structure shall have 30 days from the date the written notice is issued in which to register.
- (f) Properties that are vacant and in default or bank owned (REO) remain subject to the registration requirements as set forth in Section 8-481 and are exempt from the requirements of this section.
- (g) This registration requirement shall not apply to:
 - (1) Any governmental entity, excluding government sponsored entities (G.S.E.'s), any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
 - (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.
 - (3) Any owner who intends for the building or structure to be his/her/its domicile regardless of whether said building or structure is occupied for all twelve months of the year.
 - (4) Any owner who has listed the building or structure for sale with a licensed real estate agent or broker.
- (h) Upon written request from an owner of an unoccupied building or structure, the codes administrator may approve of an existing use of said building or structure if, after verification of the records on file in the codes administration office to determine there have been no code violations on the subject property for the preceding twelve (12) months and after inspection, it is found that such use is a permitted and lawful use under current code requirements, and, provided further, that no fire hazards or other hazards are found in such building or structure or part thereof, and relieve said owner of the registration fee required under this section.

(Ord. No. O-12-17, § 6, 6-29-2017)

Section 9. That Chapter 8 Buildings and Building Regulations, Section 8-484, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-484. - Definitions.

For purposes of this division, certain phrases and words are defined below. Words or phrases not defined in this division but defined in applicable state law or the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Enforcement officer* means any law enforcement officer, building official, fire inspector or code enforcement officer employed by or working on behalf of the unified government, or their designees.
- (2) *Occupy* means to conduct a lawful business or reside in all or any part of the building or structure as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a person occupies a building or structure may include, but shall not be limited to, the regular receipt of deliver of regular mail through the U.S. Postal Service; proof of continual electric, gas, heating, water and sewer services; a valid business license; or the most recent federal or state income tax statements indicating that the subject property is the official business or residence address of the person(s) or business(es) claiming occupancy.
- (3) *Vacant* means any premises intended for residential or commercial use which is not currently occupied or in use wherein no person or persons actually, currently conduct a lawfully licensed business or lawfully reside or live in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or tenant(s) on a permanent, non-transient basis or that is unoccupied and has no evidence of utility usage within the past sixty (60) days.
- (4) *Domicile* means the building or structure at issue is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return.

(Ord. No. [O-12-17](#), § 7, 6-29-2017)

Section 10. This ordinance and resolution shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS ____ DAY OF ____ 2018

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Wendy M. Green, Assistant Counsel

**NEIGHBORHOOD AND COMMUNITY DEVELOPMENT
STANDING COMMITTEE MINUTES
Monday, December 4, 2017**

The meeting of the Neighborhood and Community Development Standing Committee was held on Monday, December 4, 2017, at 5:15 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Walker, Chairman; Commissioners McKiernan, Townsend, Murguia, and Bynum for Walters. Commissioner Walters was absent. The following officials were also in attendance: Gordon Criswell, Assistant County Administrator; Angela Lawson, Deputy Chief Counsel; and Chris Slaughter, Land Bank Manager.

Chairman Walker called the meeting to order. Roll call was taken and members were present as shown above.

Chairman Walker said for the record we do have Commissioner Bynum filling in for Commissioner Walters.

Approval of standing committee minutes from October 2, 2017. **On motion of Commissioner McKiernan, seconded by Commissioner Murguia, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 171402...LAND BANK BUSINESS

Synopsis: Request approval of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager.

Applications

3306 N. 33rd Rd. - Hector Maderos, yard extension
23 S. 11th St. - Guadalupe Villota-Alvidrez, yard extension
3405 Longwood Ave. - Americasa, LLC, yard extension
228 N. Mill St. - Rene Lopez, yard extension
1607 N. 49th St. - Donald Borders, yard extension
736 Quindaro Blvd. - Alexander Andrews, yard extension

49 S. 16th St. - Donna McAbee, property acquisition
 2559 Cissna St. - Sam Soundara, yard extension
 2125 N. 29th St. - Perla Ponce, yard extension
 2737 Waverly Ave. - Perla Ponce, property acquisition
 1215 Ann Ave. - Miguel Cumplido Hernandez, property acquisition
 1219 Ann Ave. - Miguel Complido Hernandez, yard extension
 202 N. 13th St. - Mariana Fernandez, yard extension
 1116 R Douglas Ave. - Patrick Petralie, property acquisition
 1116 R Douglas Ave. - Mark O'Bryan, property acquisition
 (The Land Bank Advisory Board recommended approval of the applications.)

Transfers from Land Bank

13050 Canaan Center Dr. - City of Bonner Springs
 (City wishes to control property that serves property owners within the original Canaan Center.)
 244 Highview Dr. - City of Bonner Springs
 (Property in floodplain and very difficult to develop. City plans to donate to their Housing Authority.)

Donations to Land Bank

1117 N. 19th St. from National Community Stabilization Trust\
 1869 N. 30th St. from National Community Stabilization Trust
 2119 N. 7th St. from National Community Stabilization Trust

Tax Sale #338 properties
 (Reference list of 183 properties.)

Chris Slaughter, Land Bank Manager, said before we get started one of the applications we are going to pull tonight. We will present it at a future meeting and that is the application for 3306 N. 33rd St. That will leave us with 14, applications nine yard extensions, and five property acquisitions. All applicants are current on their taxes and have no code violations.

December 4, 2017



WYANDOTTE COUNTY LAND BANK APPLICATIONS

- ▶ 14 Applications
 - ▶ 9 –Yard Extensions
 - ▶ 5 – Property Acquisitions

All applicants are current on their taxes
and have no Code Violations

Applications

3306 N. 33rd Rd. - Hector Maderos, yard extension
 23 S. 11th St. - Guadalupe Villota-Alvidrez, yard extension\
 3405 Longwood Ave. - Americasa, LLC, yard extension
 228 N. Mill St. - Rene Lopez, yard extension\
 1607 N. 49th St. - Donald Borders, yard extension

December 4, 2017

736 Quindaro Blvd. - Alexander Andrews, yard extension
 49 S. 16th St. - Donna McAbee, property acquisition
 2559 Cissna St. - Sam Soundara, yard extension

2125 N. 29th St. - Perla Ponce, yard extension
 2737 Waverly Ave. - Perla Ponce, property acquisition
 1215 Ann Ave. - Miguel Cumplido Hernandez, property acquisition
 1219 Ann Ave. - Miguel Complido Hernandez, yard extension
 202 N. 13th St. - Mariana Fernandez, yard extension
 116 R Douglas Ave. - Patrick Petralie, property acquisition
 1116 R Douglas Ave. - Mark O'Bryan, property acquisition
 (The Land Bank Advisory Board recommended approval of the applications.)

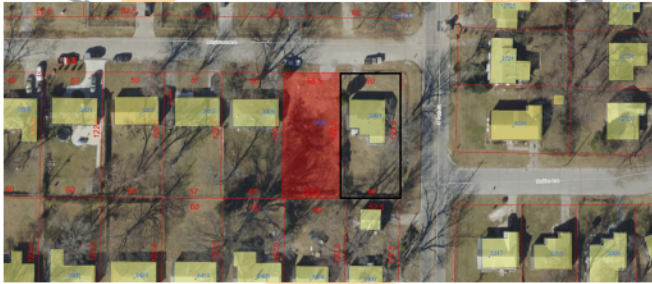
YARD EXTENSION – 23 S 11TH ST
GUADALUPE VILLOTA-ALVIDREZ – 1024 LOWELL AVE



We have a yard extension for 23 S. 11th St. The property here in red. The applicant is here at 1024 Lowell.

December 4, 2017

YARD EXTENSION – 3405 LONGWOOD AVE
AMERICASA, LLC – 3401 LONGWOOD AVE



3405 Longwood Avenue is the Land Bank in red. The applicant is 3401 Longwood.

YARD EXTENSION – 228 N MILL ST
RENE LOPEZ – 232 S MILL ST



Another yard extension 228 N. Mill. The applicant is next door at 232 S. Mill and that should be 228 S. Mill.

December 4, 2017

YARD EXTENSION – 1607 N 49TH ST
DONALD BORDERS – 1601 N 49TH ST



Yard extension at 1607 N. 49th St. indicated in red. The applicant to the south 1601 N. 49th St.

YARD EXTENSION – 736 QUINDARO BLVD
ALEXANDER ANDREWS – 734 QUINDARO BLVD



December 4, 2017

Yard extension at 736 Quindaro in red and the applicant at 734 Quindaro.

PROPERTY ACQUISITION – 49 S 16TH ST
DONNA MCABEE – 43, 45 & 47 S 16TH ST



We have a property acquisition at 49 S. 16th St. This is located here in red. The applicant is the owner of 43, 45 and 47 S. 16th St.

YARD EXTENSION – 2559 CISSNA ST
SAM SOUNDARA – 2557 CISSNA ST



Another yard extension for 2559 Cissna with the applicant being at 2557 Cissna.

December 4, 2017

YARD EXTENSION – 2125 N 29TH ST
PROPERTY ACQUISITION – 2737 WAVERLY AVE
PERLA PONCE - 2127 N 29TH ST



A yard extension and property acquisition. These are actually two properties. 2737 Waverly and 2125 N. 29th St. with the applicant being at 2127 N. 29th.

December 4, 2017

YARD EXTENSION – 1219 ANN AVE
PROPERTY ACQUISITION – 1215 ANN AVE
MIGUEL HERNANDEZ – 1217 ANN AVE



A yard extension and property acquisition. The applicant is here at 1217 Ann and here is 1215 and on the other side is 1219.

December 4, 2017

YARD EXTENSION – 202 N 13TH ST
 MARIANA FERNANDEZ – 200 N 13TH ST



Yard extension, 202 N. 13th St. here in red. The applicant is 200 N. 13th St.

PROPERTY ACQUISITION – 1116 R DOUGLAS AVE
 MARK O'BRYAN – 1640 S BALTIMORE ST
 PATRICK PETRALIE – 1116 DOUGLAS AVE



We have a property acquisition for this property here, 1116R Douglas Avenue. One of the applicant's their home is here off Lawrence and they own the property here at 1116 Douglas.

December 4, 2017

We also have an application from Mr. O'Bryan who resides at 1640 S. Baltimore St. Both are interested in the property here.

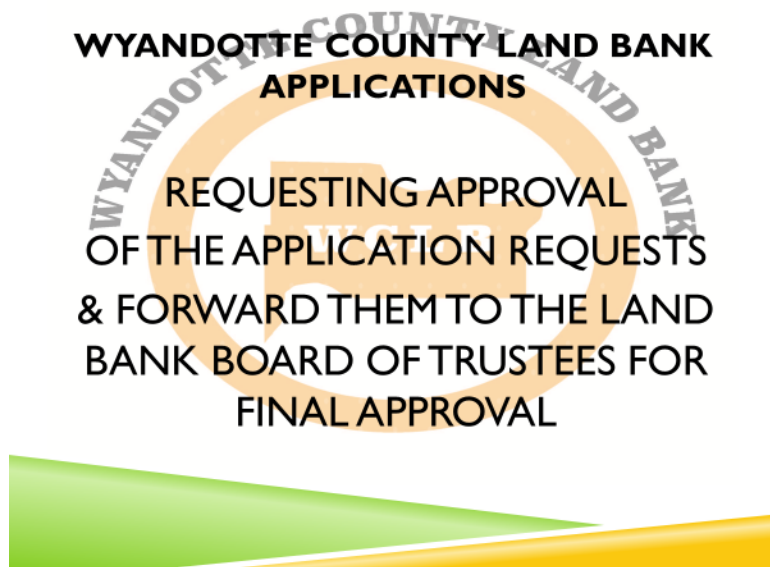
LAND BANK ADVISORY BOARD
RECOMMENDATION

The Land Bank Advisory Board
recommends forwarding the applications
to the Land Bank Board of Trustees for
final approval.



The Advisory Board has reviewed those applications and really we have the two for the Douglas and since we can't award it to both, I can answer any questions on that property if needed or any of the other properties we have.

December 4, 2017



Commissioner Townsend said just so I'm clear with the two blue in the lower left hand corner. The property being purchased is the larger section and the applicant, one of the applicant's who seeks to buy it is to the left of that in a smaller. **Mr. Slaughter** said yes, the property outlined in red is the 1116R. One of the applicants, this is their house and they also own this property here in blue and then we went ahead and made green, the other applicant which is over here. **Commissioner Townsend** said it's the highlighted property in red that's before us. **Mr. Slaughter** said yes.

Commissioner McKiernan asked, Mr. Slaughter, the property on Ann Avenue, the two properties on Ann, 1217 you said is the address of the existing house, does the applicant live at 1217? Because Landsweb would indicate the applicant doesn't and I thought the applicant had to live at the property if they were going to ask for a yard extension. **Mr. Slaughter** said the applicant just has to be the owner, the owner of the property. **Commissioner McKiernan** asked do we know is this property rental licensed? **Mr. Slaughter** said I do not have that information. **Commissioner McKiernan** said is the applicant here this evening? **Mr. Slaughter** said yes, he is here. **Commissioner McKiernan** asked can he come forward to the podium in the center of the room please. Mr. Slaughter, while he is coming up, you said that everything here is tax

current and there's no history of code violations on these properties. **Mr. Slaughter** said correct, there's no current code violations. **Commissioner McKiernan** said we have a history of code violations on this address. **Commissioner McKiernan** said you are Mr. Hernandez. **Mr. Hernandez** said yes.

Commissioner McKiernan asked, Mr. Hernandez, is this a rental property? **Mr. Hernandez** said no. I'm going to live there, but on the side of the house it's only three feet. There is no backyard. There is nothing on the back. I'm going to live there. I'm going to get it so my kids can play and all that. **Commissioner McKiernan** asked did you recently acquire this property? **Mr. Hernandez** said I just bought it three months ago and I'm going to move there. **Commissioner McKiernan** said I have no further questions about that property.

Mr. Slaughter said we have two applicants. We would need you guys to recommend or approve one and we would have to deny the other to move forward to the Board of Trustee's.

Action: **Commissioner Walker made a motion, seconded by Commissioner McKiernan, to approve all but this one and then we will come back and vote on it separately.** Roll call was taken and there were five "Ayes," Bynum, Murguia, Townsend, McKiernan, Walker.

Mr. Slaughter said I will state that both applicants are in attendance tonight.

Chairman Walker asked who's paying the most money? **Mr. Slaughter** said they would both be offered the same price.

Chairman Walker asked, Commissioner Murguia, it's your district isn't it.

Commissioner Murguia said yes, it's my district but what's the committee's recommendation? I don't know either of these people. **Mr. Slaughter** said if our recommendation is needed, our recommendation would be solely on that the property owner to the south, that would be our recommendation just based on the adjacence of the two properties.

Action: **Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve staff's recommendation.**

Chairman Walker said that would be Patrick Petralie.

Mark O'Bryan said I'm to the northeast there. I've been there 56 years. My folks moved in 1940. In of April of last year, I was approved of the property to the north of the 1116R Douglas and was pending approval by the Public Works Department. I put a call in back then and I've been waiting ever since. I just happen to look into the other property a couple of months ago. Actually, I put a request into the Delinquent Property back in 12/14 and never received any correspondence. I happened to go in October and learned that it was being turned over to the Land Bank and they have never afforded the Land Bank or I of that change of that situation.

On the prior, speaking of April of 2016, as I said, I never heard back from Public Works and that process never went forward. Had it gone forward, the properties to the north of that would have been in my possession. That's kind of the condry where' I'm at.

Commissioner Murguia asked is this the case where it came in front of us, Chris, and I asked Public Works to look at the situation with the underground springs. **Mr. O'Bryan** stated that was the erosion problem, worry about erosion if it was overcutting, there would be problems with erosion. It was approved pending Public Works follow through regarding addressing any concerns on that. **Commissioner Murguia** asked is this the ground, Chris, that we're talking about tonight. **Mr. Slaughter** said no, that property in questions is geared to the west. **Mr.**

O'Bryan said there's like six lots/parcels that is directly adjacent to me. **Mr. Slaughter** said it was in the tax sale in August. It just came into our inventory November 9. **Commissioner Murguia** said and that was the property that Public Works was supposed to look at? **Mr. Slaughter** said not this Douglas property. The property they were supposed to look at were the several here. **Commissioner Murguia** asked did that get done? **Mr. Slaughter** said I was never notified of what they found. **Mr. O'Bryan** said had it been done, I would have acquired it by now. **Commissioner Murguia** said on the current property that's up, this is the first time we've seen this, correct? **Mr. Slaughter** said it just came to us last month.

Chairman Walker asked how many acres are we talking about. **Mr. O'Bryan** said on tonight's property a little over five acres. On the five parcels I requested last year just under four acres and I've got 3.7 where I live right now. It's all timber and I want to keep it that way.

Chairman Walker said do you have anything else to add? **Mr. O'Bryan** said other then I put a request in last December and was never notified on the current property, the five acres.

Commissioner Murguia asked, Chris, can we move that along one way or the other on the property that we delayed. **Mr. Slaughter** said we would still be willing to sell that other property to Mr. O'Bryan. We can do that. Just the property that we addressed last year. **Commissioner Murguia** said right.

Commissioner McKiernan said it's to the north of the one we're currently considering correct? **Mr. Slaughter** said yes, and to the west of the highlighted green. This is like one big and I believe there's—**Mr. O'Bryan** said on the west side there is 1.8 and there is like another five parcels, lots divided up on the east side of that so like six.

Commissioner McKiernan said since we've heard from Mr. O'Bryan, is it possible to hear from the other applicant as well? **Chairman Walker** said yes. Thank you, Mr. O'Bryan.

Patrick Petralie said we live in the house to the west. We bought our house actually around the property. It was something that got us there. We have a little trailer to cut through. Like Mark, it's our sanctuary. It's a very developable spot, it's 70 ft. of elevation down. I was also interested in the properties that had an application to the north. I'm no longer after meeting him, as long as one of us ties this up. I'm still interested in the property that we're talking about today. I did put a notice in for it to go to auction. I went to auction and got outbid and I talked to the guy who outbid me and he didn't realize it was landlocked. He was cutting through my property to get to it, 1116. His idea was to put a ATV track back there and me and Mark are just both thankful that's not happening. It's kind of like both of our sanctuaries. Our property touches it. Eventually we'd like to get it zoned agriculture both and put in some housing to possibly sell or burn. It's just kind of our ten-year plan.

Commissioner Murguia said just for clarity, let's go over it again. Mr. Petralie lives where? **Mr. Slaughter** said right there. **Commissioner Murguia** asked and what property does he currently own besides that square? **Mr. Slaughter** said the one outlined in blue. **Commissioner Murguia** said Mr. O'Bryan lives where? **Mr. Slaughter** said in the green. **Commissioner Murguia** said he owns all the property around the green, within the green border. **Mr. Slaughter** said he could if we go ahead and honor the sale from last year. **Commissioner Murguia** said I just mean within the green border. **Mr. Slaughter** said everything within the green border, yes.

Commissioner McKiernan said he currently lives there. **Commissioner Murguia** said he currently lives there. The two parcels, the two red parcels, which parcel are we talking about tonight? **Mr. Slaughter** said only this one. **Commissioner Murguia** said then the upper parcel is the one Mr. O'Bryan was talking about, correct? **Mr. Slaughter** said correct. **Commissioner**

Murguia said so with that in mind, they seem like both good applicants. Since you're talking about you've been speaking to Mr. O'Bryan, I assume that you are good neighbors to each other. **Mr. Petralie** said we just met tonight officially. **Commissioner Murguia** said you should know your neighbors. You live right next door to each other. This is a tough one, they both seem like good applicants and they both meet the criteria.

Action: **Commissioner Murguia** made a motion that we move **Mr. O'Bryan's** property forward that we detoured him from at the last meeting, which is directly behind his property and then approve **Mr. Petralie's** application for the property that is in closest proximity to his. I'm sure the two of them, if they decide to do anything bigger can work it out between the two themselves. **Commissioner McKiernan** said I second that That's just a modification of your original motion because you had originally motioned for **Mr. Petralie** to get the property in question, now you've just added that we work with **Mr. O'Bryan** to get the other property. **Commissioner Murguia** said but there has been a significant delay on **Mr. O'Bryan's** property, so I'm only making that part of the motion, so it's on the record so **Mr. O'Bryan's** plans cannot be do delayed any further. I know, Chris, that wasn't you, that was me. I'm disappointed At this point we haven't heard back yet, but I think that's fine. We just need to move **Mr. O'Bryan's** property forward as well as **Mr. Petralie's**. It seems like a fair situation. They butt up to each other's property so. Roll call was taken and there were five "Ayes," Bynum, Murguia, Townsend, McKiernan, Walker.

Commissioner Murguia said, **Mr. O'Bryan**, if you do not hear from anybody from the city within the next seven working days, give me a call directly.

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TRANSFERS FROM THE LAND BANK

13050 CANAAN CENTER DR – CITY OF BONNER SPRINGS

- ▶ Property was approved as a donation in April 2017
- ▶ City of Bonner Springs plans holding property, it is a detention pond



TRANSFERS FROM THE LAND BANK

244 HIGHVIEW DR – CITY OF BONNER SPRINGS

- ▶ Property was approved as a donation in July 2017
- ▶ City of Bonner Springs plans on donating it to their Housing Authority



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Mr. Slaughter said we have two. We have 13050 Canaan Center Drive to the city of Bonner Springs and 244 Highview Drive, city of Bonner Springs.

On the Canaan Center property, and again, it's outlined in red. This was approved as a donation last April. They just plan on holding on to it. It's a detention pond, that's kind of really their plans. If anything future gets developed out there, they're going to deal with it.

The other is 244 Highview, it's outlined here in black. This was also approved as a donation in 2017 and their plan is to donate it to the Bonner Housing Authority which is located right adjacent to it. We would ask to recommend approval for both of those.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve. Roll call was taken and there were five "Ayes," Bynum, Murguia, Townsend, McKiernan, Walker.

WYANDOTTE COUNTY LAND BANK DONATIONS TO LAND BANK

- ▶ 1117 n 19th St
- ▶ 1869 N 30th St
- ▶ 2119 N 7th St
- ▶ Located in Washington, DC
- ▶ NCST is a non-profit organization working to restore vacant/abandoned properties to productive use.
- ▶ Various partnerships:
 - ▶ Fannie Mae/Freddie Mac
 - ▶ LISC
 - ▶ NeighborhoodWorks America
 - ▶ others

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Mr. Slaughter said we have three houses that the request is from the National Community Stabilization Trust. This is a non-profit organization. It is a very similar goal to kind of what we're trying to do through the Land Bank and the SOAR Program is restore vacant/abandoned properties for productive use. Some of the partnerships, very familiar that are listed up there. We will show a slide about each current property.

DONATIONS TO THE LAND BANK
NATIONAL COMMUNITY STABILIZATION TRUST

- ▶ 1117 N 19th St
- ▶ 2017 AV \$24,300
- ▶ Historic Westheight Manor Neighborhood



1117 N. 19th St., this year was appraised at \$24,300. It is in the Historic Westheight Manor Neighborhood.

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DONATIONS TO THE LAND BANK
NATIONAL COMMUNITY STABILIZATION TRUST

- ▶ 1869 N 30th St
- ▶ 2017 AV \$39,600



The next property is 1869 N. 30th St. It's current appraised value is just a little bit under \$40,000.

DONATIONS TO THE LAND BANK
NATIONAL COMMUNITY STABILIZATION TRUST

- ▶ 2119 N 7th St
- ▶ 2017 AV \$13,550



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2119 N. 7th St with an appraised value this year of \$13,550. We've been in negotiations with them for some time. We've reached out to some of the contractor's in our rehab pool who have been very favorable if we could get our hands on these. We don't anticipate a problem of having them sit there. We should get these moved pretty quick. Myself and Mr. Brockman have at least had the opportunity to go in and look in the properties. They're in good shape, a lot better than some of the stuff we get out of the tax sale. We think this is three properties that we can continue what we're doing through the rehab program and benefit the community.

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**WYANDOTTE COUNTY LAND BANK
DONATIONS TO LAND BANK**

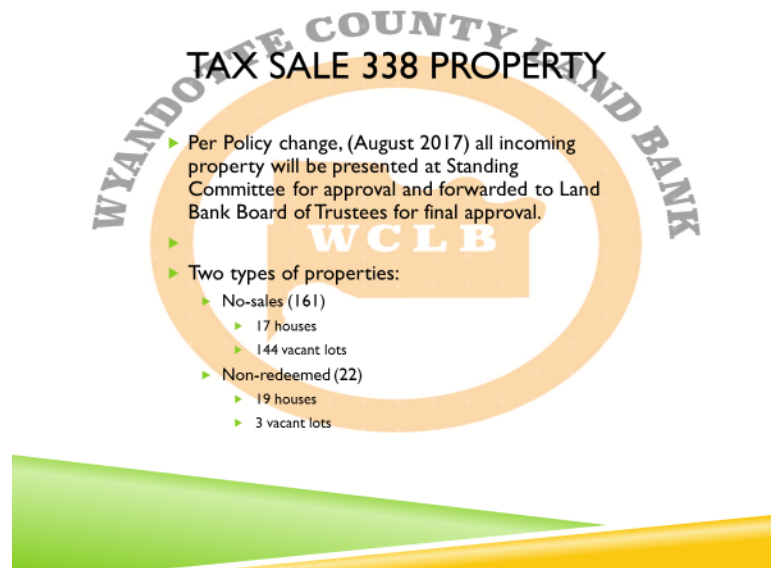
**REQUESTING APPROVAL
OF THE DONATION REQUESTS
BE FORWARD TO THE LAND BANK
BOARD OF TRUSTEES FOR
FINAL APPROVAL**

Action: Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve.

Commissioner Townsend said just a question about that property in particular that's on the screen. Since you've been in it, is that a multi-family dwelling? **Mr. Slaughter** said I believe it's a duplex. **Commissioner Townsend** said a duplex. Okay, that would certainly be an improvement.

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Roll call was taken and there were five “Ayes,” Bynum, Murguia, Townsend, McKiernan, Walker.



Mr. Slaughter said if you remember back in August we changed the policy that all incoming property from the tax sale would be brought before you and approved. You should have the list of those properties in your packet. This is mainly because these are how we’re going to get the houses in for the Rehab Program. So just some information about it. We did receive them through two deeds and what’s specific about those is if it’s a no sale at the auction, that’s the first deed we get. Anything that is bid on and not redeemed we generally get those about a month later. We got 161 the first which 17 of those were houses in the program. The second we got 22 properties and 19 of those were houses. Just have a motion to accept those properties into the Land Bank.

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**WYANDOTTE COUNTY LAND BANK
TAX SALE 338 PROPERTY**

**REQUESTING APPROVAL
TO ACCEPT THE PROPERTY FROM
TAX SALE 338 AND TO BE FORWARD
TO THE LAND BANK BOARD OF
TRUSTEES FOR FINAL APPROVAL**

Action: Commissioner Murguia made a motion, seconded by Commissioner McKiernan, to approve.

Commissioner McKiernan said I'll second, but I just want to verify if you could flip back to the previous slide please. In terms of the vacant lots, those are vacant lots that would just come immediately into the Land Bank and be part of our inventory for Land Bank. **Mr. Slaughter** said correct. **Commissioner McKiernan** said in terms of the houses, those are houses that are going to come in, they're going to be under our control, they're going to be put into our Rehab Program, hopefully successfully rehabbed and if not, they'll just be added to our demo list since we would have demoed them anyway if they qualify. **Mr. Slaughter** said correct. Once we obtain ownership then we go in and inspect them again through the assistance of Mr. Brockman. He'll then make an assessment on whether it should be rehabbed or demoed. If it's demoed, then we'll contact Erin out at demo and once she makes it available to be demoed then we'll knock it down. **Commissioner McKiernan** said the advantage to use in terms of taking these houses into the Land Bank is that we control that property and we can control ultimately what happens to it

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and we can control the exterior. We can control that property itself in terms of securing it and keeping the grounds. **Mr. Slaughter** said correct. I know in previous presentations you were presented with a scenario called purgatory. Let's just say we've done away with that. If a property makes it to a tax sale, it's either going to be bid on and paid for by someone in the public or it's going to come to the Land Bank for us to take care of.

Roll call was taken and there were five "Ayes," Bynum, Murguia, Townsend, McKiernan, Walker.



Mr. Slaughter said lastly, real quickly I wanted to give you an update on the Rehab Program. currently we have 38 contractors in our pool. We have 85 houses, 65 of those are in the Rehab Program and 20 we have determined need demoed. Four houses have been completed. We will deed over our fifth house tomorrow. Fifteen houses have had the rehab start. We still have eight that we're just waiting for Title Reports and that kind of stuff to close on. We have fourteen houses that have been through open house. We've had people look at it. We still haven't

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received offers. We anticipate that changing shortly. Then we have 24 houses from the tax sale in August that we're just finalizing the final inspection and boarding and then we'll have open houses hopefully by the end of the year.



This one 234 S. Ferree had just been completed since the last time we met so we thought we would give you an update. Just some simple photographs of some of the before and after.

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234 S FERREE ST



234 S FERREE ST



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This was very interesting. Down in the basement this was just a large pile of dirt that I think Charles is still scratching his head on why that was there, but as you can see this is actually two pictures. This one here was what the contractor did to them. It's definitely an improvement.

234 S FERREE ST

- ▶ Rehab time – 3.75 months
- ▶ Appraised Value (Jan 1) \$26,400
- ▶ Owners of M & K Repairs are currently occupying property.



There's the front of the house now. Again, it took just a little under four months to complete the rehab. This is what it was appraised. We don't have any updated appraisal information on it. The owners are also living there too. They relocated from California. I like to say because of the program, but I'm sure there was other reasons that they came here. Hopefully, we can chalk this up to another success. We want to point one more thing out.

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NEIGHBORHOOD IMPACT



Charles had to go over there last week and so the owners were there and some of the other neighbors started coming out.

NEIGHBORHOOD IMPACT



This is the house across the street. This house is now going through a total rehab. This is right across the street from that house.

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This property here has been painted as you can see. It's literally like the opposite. The trim is now the base and the base is now their trim of the house we just looked at plus a new porch installed. This property here had a new roof and was painted. One of the neighbors came down and said you guys are putting a lot of pressure on me to fix my house up. We really wanted to point out that this is the benefit that we hope you guys see from this program. Not only are we taking care of the individual house, but this is starting to ripple through the existing neighborhoods. As we continue to just grow and grow this program and hopefully this ripple just keeps getting bigger and bigger and we can just keep telling more of these kind of success stories to you guys.

Chairman Walker said good work Chris to see this kind of progress being made with the Land Bank. **Mr. Slaughter** said thank you. I appreciate it. I understand that this is your last standing committee with at least Land Bank so I want to appreciate—**Chairman Walker** said I might be buying some of these properties. **Mr. Slaughter** said we have plenty for you, but just want to appreciate the time that you've helped out with the program and good luck in the future.

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Action: **No action taken.**

Public Agenda

Item No. 1 – 171403...APPEARANCE: MATTHEW KLEINMANN REGARDING MOBILE FOOD MARKETS

Synopsis: Appearance of Matthew Kleinmann to propose ordinance changes to allow mobile food markets.

Chairman Walker said you have Nozella Brown with you from Kansas State Research and Extension, the Executive Director.

Matthew Kleinmann said I'm going to have Nozella start, but thank you for the opportunity to come before you. I'm actually representing in my capacity, the Community Health Council of Wyandotte County and this is a project that we've been working on for a little while the KCK Mobile Market as it's tentatively called right now.

Nozella Brown, Director of Kansas State Extension, said I just want to start out by saying I actually grew up in the Dotte. As a little girl I was able to go one block east to the Kroger store and I could go one block west and I could go to Frank's Market. Fast forward, about 15 years ago I came back to the Dotte to teach nutrition education. I discovered that we no longer had access to the food that we thought we had. I was teaching people to have good nutrition and they didn't know where to find the foods that we were talking about. At that time, I joined with several agencies, many are represented here today with KC Healthy Kids and the Healthy Communities Wyandotte, over 100 organizations have joined with me and I represent the Foods System Access team which we have about 25 to 50 organizations.

What we did was, we knew there weren't grocery stores. You've heard a lot about that. You've heard about how poor health is and all that. We began to look for creative ways that we could get access to food to our communities. Tonight, I'm here to really to talk to you about a

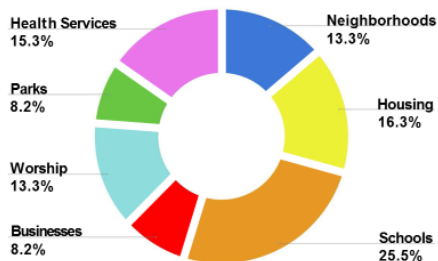
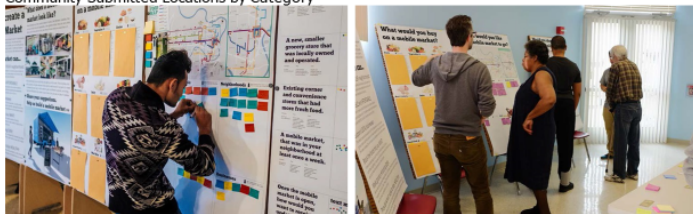
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proposal to help address our current UG's planning and development zoning ordinance that pertains to mobile markets. A mobile market is really defined as a truck, a large vehicle, a mobile unit that sells fruits, vegetables, beets and other fresh and packaged grocery goods. It's usually authorized for staff and with vendors and it's regularly sell's in multiple locations. They're usually like a small neighborhood grocery store and they often sometimes focus on low income or low access communities. Otherwise, we call them food deserts but they don't necessarily only go to food deserts. There are subtle differences a mobile market concept and what we know as like a food truck and I think that's what we want to talk about that. A food truck is usually making food, a farmers market is stationary and both of them are referenced in the UG ordinances, but what we're finding is we really would like for you to consider amending that ordinance so that it really includes the definition for mobile market. One that really is appropriate to the scale of a mobile market operation and one that makes a healthy food choices more accessible to our Wyandotte County residents.

Specifically, if we're to look at codes you're going to see in Section 27-612 of the UG Code of Ordinances, it outlines acceptable accessory uses for zoning districts. That's C-1, C-D, C-2, and C-3 which represent planned business and commercial districts. The same acceptable accessory use stipulations apply to zoning in M1, M2, and 3 and TND which represent industrial district and traditional neighborhood design districts. The current ordinance language allows for food trucks and mobile vending to operate, but only within zoning districts that are outlined above that I was talking about.

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Mobile Market Ordinance
Community-Submitted Locations by Category



For any non-commercial or non-industrial district a food truck or a mobile vendor must submit to the Department of Urban Planning and Land Use for special use permit and this can really present an undue burden on this small business such as a mobile market because they can visit several different community locations in a single day, sometimes up to 25. This quickly becomes costly and time-consuming for the businesses and the Planning Department alike.

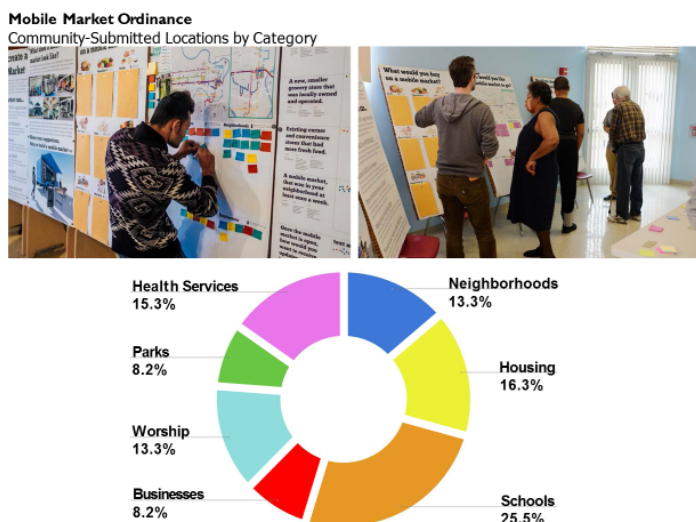
We're not really suggesting that the mobile market should be exempt from the specific guidelines that are really set forth for trucks and mobile vending that are intended to ensure order and safety. We do believe that the specific conditions that apply to food trucks and to mobile vending are appropriate for the mobile markets as well. For example, your mobile markets also should be held to the standard that include not blocking sidewalks, not operating no parking zones, not occupying parking intended for other businesses or making sure that the trash receptacles are available and utilized and not exceeding the hours of operation which now they wouldn't work past 9 p.m. on weekdays or 11 p.m. on weekends.

It's really the land use restrictions that we seek to address which only allow for the food truck and the mobile vending operations within commercial and industrial zoned districts. This really makes the mobile-market unnecessarily problematic and introducing just some additional barriers for food access for Wyandotte County residents.

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You have several documents that we sent to you and Matthew here will show you a few slides so you can and kind of see what that looks like. We have actually done a lot of legwork on this. We've checked with a lot of different areas that are doing this successfully. KC Healthy Kids has actually drafted some possible sample language that we might use. I just wanted you to know that you have support from several agencies that are here. We have a Letter of Support from the Housing Authority and several other agencies as well. What we'd like Matthew to do is actually show you what this looks like because we talk about the fact that where they would be going right now is only commercial or industrial zoning. You can kind of see what that really would look like for our residents.

Mr. Kleinmann said this is really slides just to provide context to give a sense of what's available. I won't belabor the point, but health access is a big part of this what's driving it where there is limited grocery stores where the majority of the population in the county is east of I-635.

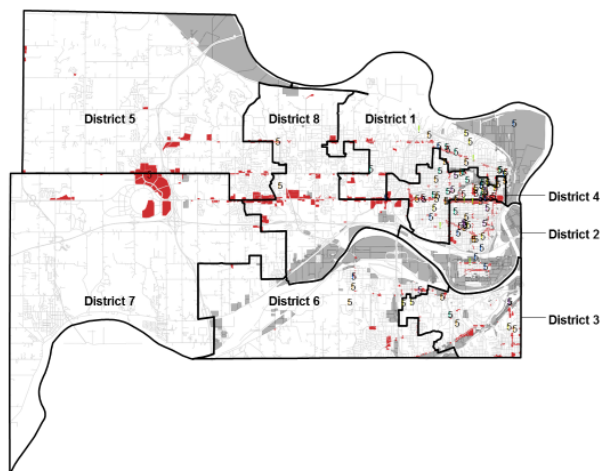


We've done our legwork with community engagement. We have met over 100 residents and this is just a summary of the categories of places they'd like to see a mobile market arrive at. It was an open-ended question, but you see as business there's only 8.2% of those locations. That's not

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zoning, that's just categorizations. It gives you a sense of where residents want to see a mobile market potentially arrive at.

Mobile Market Ordinance
Community-Submitted Locations by Commission Districts



Mapping out our district, you see in gray and red, red being commercial you see your corridors like Quidaro, State Avenue, Central, you also see the industrial areas in gray—the clustering of circles that are color-coded represents those locations that the community has submitted.

Mobile Market Ordinance
District 1 Example: Parkwood



Population: within 1/4 mi: 744 within 1/2 mi: 2,274

Currently Allowed

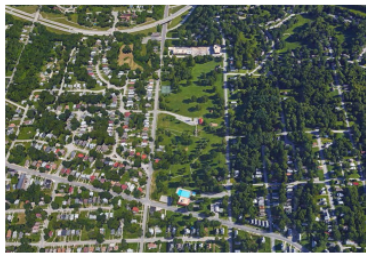


1. Commercial properties along Quidaro (limited parking and vacant buildings).

2. Commercial properties along Quidaro (limited parking).

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Mobile Market Ordinance
District 1 Example: Parkwood



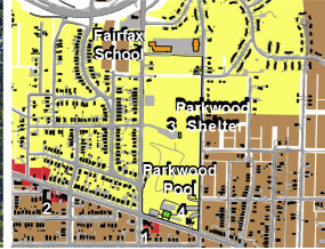
Population: within 1/4 mi: 744 within 1/2 mi: 2,274

Currently Not Allowed



3. (Rendering) Parkwood Shelter - Zoned R-1(B) Single Family District

Nearest grocery store:
 8 minute drive, 36 minute bus ride, or 53 minute walk.



Industrial Commercial Multi-Family Single Family

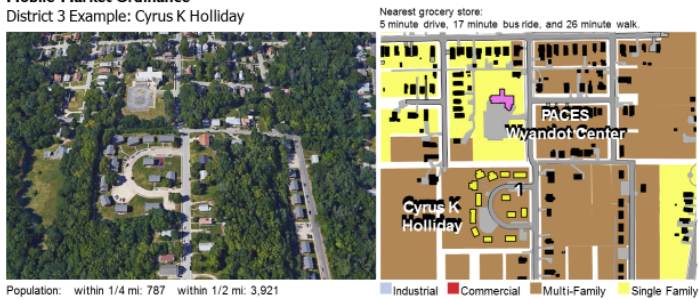


4. (Rendering) Parkwood Pool - Zoned R-1(B) Single Family District

I just want to point out three of these and this was in the packet you guys were handed. In District One in Parkwood we have a good relationship with Parkwood Neighborhood Association. Looked at what would it be like to park around it. This is not to say this is a location that is definitively, no, but this is one example of where the ordinance would allow for us to potentially park across the street at a commercial property that has limited parking or down the block which also has limited parking which could potentially be a traffic issue as opposed to where we could park potentially at Parkwood shelter or the pool with more available parking. That would not be currently allowed by a current zoning planning ordinance without a special use permit. Almost all of the locations will not be allowed without a special use permit which might mean 25 special use permits for a mobile market location.

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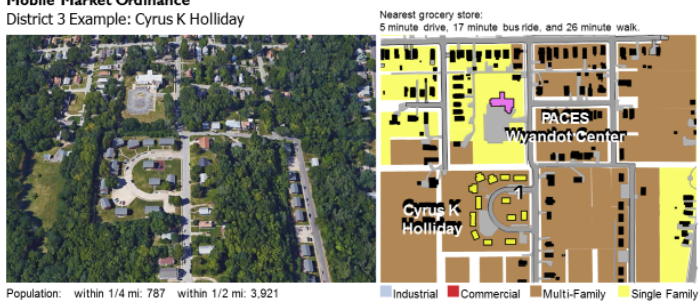
Mobile Market Ordinance
 District 3 Example: Cyrus K Holliday



Currently Allowed



Mobile Market Ordinance
 District 3 Example: Cyrus K Holliday



Currently Not Allowed



In District 3, you see Cyrus K. Holliday as the example. The closest locations for a commercial district aren't necessarily well-suited for that. Also, it sometimes difficult to get there. It might be a 15- minute walk if you don't have a car or bus route that will get you there, whereas we can just park at the location itself. This is multi-family RP-5 so that's a zoning consideration, could we park in that location?

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Mobile Market Ordinance

District 4 Example: Douglass-Sumner Neighborhood

Nearest grocery store:
6 minute drive, 23 minute bus ride, and 38 minute walk.



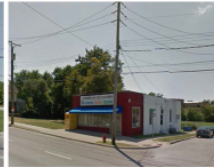
Population: within 1/4 mi: 393 within 1/2 mi: 1,844



Currently Allowed



1. Vacant Industrial Lot



2. Commercial Lot (Jayhawk Cleaners)



3. Vacant Commercial Lot

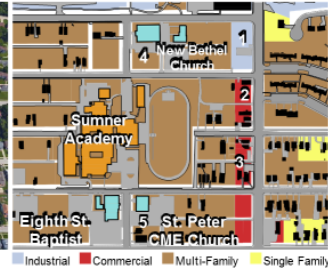
Mobile Market Ordinance

District 4 Example: Douglass-Sumner Neighborhood

Nearest grocery store:
6 minute drive, 23 minute bus ride, and 38 minute walk.



Population: within 1/4 mi: 393 within 1/2 mi: 1,844



Currently Not Allowed



4. (Rendering) New Bethel Church Parking Lot - Zoned RP-6: Planned Apartment District



5. (Rendering) St. Peter CME Church Lot - Zoned RP-6: Planned Apartment District

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For District 4, this is just showing the Douglas/Sumner Neighborhood. There are a number of available properties with adequate parking capacity, but when you look at what is commercially allowed for and what is industrially allowed for, certainly they're close proximity, but there adequateness isn't well situated. Parking in a vacant lot or a small gravel parking lot or a business that doesn't have commercial parking isn't necessarily the best option for us whereas, potentially as an example, parking at the New Bethel Church or the St. Peter's Church would be essentially more appropriate. Again, this is multi-family as just in one example.

Mobile Market Ordinance

Current UG Zoning Ordinance for mobile markets:

Sec. 27-613. - Districts M-1, M-2, & M-3 (Industrial)¹; TND²; C-1, C-D, C-2 & C-3 (Commercial)³

In the (above) districts, accessory uses are as follows:

(10) Food truck and mobile vending:

a. Food trucks are allowed upon submitting an annual agreement with the department of urban planning and land use in this district. Food trucks that **operate outside of the following zoning districts require a special use permit**. All vending vehicles must comply with the following stipulations:

1. The sales or vending area does not block an interior sidewalk & sidewalk remains ADA compliant.
2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
3. Vendor does not install any permanent improvement on the sidewalk.
4. Vehicle is not parked in a no-parking zone.
5. Does not occupy parking required for other businesses.
6. If in a metered spot, meter is paid.
7. Proper trash receptacles are available and utilized.
8. Hours of operation do not exceed 9 p.m. Sun. through Thurs. and 11 p.m. Fri. through Sun.

¹ (Code 1988, § 27-1277; Ord. No. 64690, § 1(27-61.7), 8-30-1984; Ord. No. O-14-12, § 1, 3-1-2012; Ord. No. O-66-15, § 1, 12-10-2015; Ord. No. O-67-15, § 1, 12-10-2015)

² (Ord. No. O-66-15, § 1, 12-10-2015; Ord. No. O-67-15, § 1, 12-10-2015)

³ (Code 1988, § 27-1277; Ord. No. 64690, § 1(27-61.7), 8-30-1984; Ord. No. O-14-12, § 1, 3-1-2012; Ord. No. O-66-15, § 1, 12-10-2015; Ord. No. O-67-15, § 1, 12-10-2015)

This is the ordinance, specifically again I mention special use permits. This is what we have on the books. It's basically right there, commercial, industrial, and TNB lots are where it's currently allowed, everything else would require a special use permit.

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Mobile Market Ordinance

Wichita's ordinance for mobile markets (under Business - Regulations and Licensing)

Sec. 3.15.070. - Operating conditions:

All Mobile Food Vendors operating within the city limits of the City of Wichita shall comply with the following conditions:

- (a) LOCATION. Mobile Food Vendors may vend on property within the City as permitted by the Wichita/ Sedgwick County Unified Zoning Code and subject to the following:
 - (1) Mobile Food Vendors may not be parked or operate on public or private property where the Unit, signage, a line of customers or any other aspect of the Unit's operation would:
 - (1) hinder the flow of traffic on any street, hinder the flow of bicycles within any bike lane;
 - (2) hinder the flow of pedestrians along any sidewalks;
 - (3) reduce to less than five feet in width any accessible route to persons with disabilities;
 - (4) block or obstruct access to any driveway or access point to any property.
 - (3) No Mobile Food Vendor shall vend on public property within 150 feet as measured from the front door of any restaurant which is open for business unless authorized in writing by the owner or manager of any such restaurant.
 - (4) No Mobile Food Vendor shall vend on public property within 500 feet of the location for which a community event permit has been issued during the hours of the event as specified in the event permit, unless authorized in writing by the event promoter.
- (b) WRITTEN PERMISSION OF PROPERTY OWNER. All Mobile Food Vendors operating on private property or on public property other than public right-of-way shall acquire the written permission of the property owner, manager, tenant or other person in charge of the property allowing the use and location of the Mobile Food Unit on said property.

I'm not going to go into these in detail, but Wichita has an entire chapter dedicated towards mobile ordinances.

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Mobile Market Ordinance

Minneapolis's ordinance for mobile markets (under Food Code)

188.480. - Limited mobile food vehicle vending.

It shall be unlawful to open, to operate any limited mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

- (2) Licensee shall not park his vehicle within thirty (30) feet of an intersection.
- (3) Licensee shall not park in such a manner so as to create a traffic hazard.
- (8) Licensee shall not be allowed to operate on and within the area bounded by the following streets:
Commencing at the intersection of Second Avenue North and Washington Avenue;

188.485. - Mobile food vehicle vendors.

(b) PLAN SUBMISSION. Application for a mobile food vehicle license shall be made at the licensing division before beginning the construction of a mobile food vehicle vending operation. The licensing official may require such information on the application as it deems reasonable and necessary, including but not limited to, the following information:

- (2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.
- (3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
- (4) The anticipated volume of food to be stored, prepared, and sold.

(c) LOCATION REVIEW AND RESTRICTIONS. Proposed operating locations shall be reviewed as follows:

- (1) The licensing official shall maintain a map of eligible operating locations that is available for review by the public.

Mobile Market Ordinance

Draft Mobile Market Ordinance prepared by KC Health Kids

Proposed Ordinance

Mobile Market: means a truck, large vehicle or mobile unit selling fruits, vegetables, meats and other fresh and packaged grocery goods, that is an authorized SNAP or WIC vendor and regularly sells from multiple locations.

Green Cart: means a truck, large vehicle or mobile unit selling whole fruits, vegetables, meats, other local farm produce regularly from multiple locations.

Accessory Use Zoning

Allowed accessory use in the following districts and their planned equivalent counterparts: **AG, A-G, C-0, C-1, C-D, C-2, C-3, M-1, M-2, M-3, R (except R-1) and TND. (Agricultural, Commercial, Industrial and limited Residential).**

Mobile Markets and Green Carts are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. Mobile Markets and Green Carts that operate outside of the aforementioned districts require a special use permit. All Mobile Markets and Green Carts must comply with the following regulations:

1. The sales or vending area does not block and interior sidewalk and sidewalk remains ADA compliant.
2. There is sufficient stacking area for pedestrians to wait on a sidewalk.
3. Vendor does not install any permanent improvement on the sidewalk.
4. Vehicle is not parked in a no-parking zone.
5. Does not occupy parking required for other businesses.
6. If in a metered spot, meter is paid.
7. Proper trash receptacles are available and utilized.
8. Hours of operation do not exceed 9pm Sunday through Thursday and 11pm Friday through Saturday.
9. May not operate within 50 feet of a public entrance of an established business offering similar products during the hours that the business is open to the public.

Kansas City has quite a few. It's been referred to as the Wild West which is not the way we want to go, but there are some ideas in there that are applicable. Minneapolis actually has a really strong mobile market ordinance as well and that's what KCK Healthy Kids referenced when they made an addendum to the current mobile vending ordinance. Basically, including

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residential as one potential area that it could be done with the exception of R-1 and having a stipulation that it can't be parked close to basically a retail business that's already offering a similar product. It's not for us to say what we want exactly, but it would be nice to have an opportunity just to consider this.

Mobile Market Ordinance
In Closing:

- Better access to groceries is linked to better health outcomes.
- Mobile markets provide another option for improving food access in Wyandotte County food deserts.
- Mobile markets would better meet the community's demand for increased access to food if they were allowed to park in areas currently prohibited by the current zoning ordinance.
- Special-use permits for each location are an unnecessary barrier, while currently available locations are less appropriate.
- A mobile market ordinance represents a low-risk and no-cost option to the Unified Government for increasing access to food.

Just in closing, we think that better access to groceries is linked to better health outcomes. Research backs that up. Mobile markets do provide another option for food access. It can meet the communities demand of where people would go and where people live. Special use permits do represent a barrier that we view as somewhat unnecessary considering the number of locations we'd like to serve. A mobile market, we believe, is a low-risk and no cost option for the Unified Government to just amend the zoning ordinance.

I also have additional booklets. I've handed these out in the past, but if you'd like another one, I'd be happy to distribute more.

Commissioner McKiernan said just to make sure that I'm clear on what you're asking, you're asking the Unified Government to move quickly with all due haste to update our ordinance so that it doesn't require a special use permit to go to each of the locations that have been identified by people in your community engagement. **Mr. Kleinmann** said we understand that there is a

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lot of nuance to what that ordinance should look like. We're not asking for that answer specifically to be determined right now. We just want an opportunity to sit down with Planning and potentially Legal to just go over what the options are, what's appropriate, and then that, I believe, will come back to the committee to be voted on later. Our mobile market, the KCK Mobile Market, as it's tentatively called right now, we're looking to launch, a kind of soft launch, early next year with a full launch shortly after so yes, we'd love the opportunity to get this resolved sooner rather than later.

Commissioner McKiernan said I know that you've talked with Mr. Richardson in the past about our current ordinance and he has identified some locations where you could park right now. Do I understand your presentation to suggest that even though locations have been identified that they wouldn't be suitable or wouldn't be the best locations? **Mr. Kleinmann** said it's certainly the case that there would be locations that could be suitable, but from both meeting the communities demand for where that food access could be and also adequate parking and not to be a nuisance or have a traffic issue. There are locations that would just simply require a special use permit for every single location and our hope would be that could be amended so it doesn't require a special use permit, but we would still have to submit that potentially as other ordinances have outlined. You still submit locations to Planning Development, it just doesn't require a special use permit. All of that is open to be determined through that process. We're hoping just to have that process begin.

Commissioner McKiernan said, Mr. Richardson, aren't we undertaking an ordinance revision coming up soon. **Rob Richardson, Director of Planning**, said we have the consultant under contract to rewrite the entire zoning ordinance. Last year when the previous mobile market ceased operating we put it on our list for that and we've already had discussions with consultants about doing that. I wasn't aware of a new initiative for this until I was aware of this meeting tonight. I haven't had a chance to see any of this until tonight. It looks like something we could do. We weren't really going to make any zoning modifications in the interim while we were studying this since we're going to have a lot of public involvement going. I'm certainly not

opposed to considering this and moving forward with something like this. **Commissioner McKiernan** said and I don't know what the timeline for the whole ordinance revision process. Is it possible that this might be accelerated in time? **Mr. Richardson** said that's what I'm saying, the zoning code will probably still be 15 months away from being adopted so that wouldn't work for what they want to do because that's a whole other year. If we'd want to do something like this, we would need to move it forward in advance. Before the previous one went away we were going to work on that, but when it went away I directed staff in other directions. I didn't know it was coming back or we would have already been doing that.

Commissioner Murguia said, Commissioner McKiernan, the way I look at this is and tell me if I'm wrong. On the meeting I had with you and Rob and the way the ordinance reads is that right now a mobile market can only locate in an industrial/commercial location. If people could get to industrial/commercial locations, they could probably get to a grocery store somewhere if they had some sort of transportation. From my perspective, they're just talking more into the neighborhood and since it's not full-service grocery store, I didn't view it as any kind of threat to areas that have grocery stores and I think that Matt used the example with me of Cyrus K Holliday, which is a housing authority property which isn't on a bus route. Those people have to walk a substantial distance to get to a bus route in Argentine, to get to the Walmart and the Save-A-Lot. When we talked I specifically said I'm okay with places like that and since the majority of tenants don't have access to vehicles and are paying large amounts of money to neighbors that do have access to get somewhere, it just is a better option.

I'm completely in favor of this, but since you're talking about revamping the entire ordinance and looking at how we distribute for food in our community, I will bring up again what I brought up last year and a year and a half ago, which is what I'm concerned about. I don't mind that people set-up food or meal shops as long as they are feeding people on-site and in an enclosed facility where somebody has the responsibility of being feed. My objection to all this food distribution is the groups that pass out things like sack lunches at a public park. They just hand them out to anybody and they walk off and eat them on the way home because what ends up happening is there ends up being trash all over the neighborhood. I have no objection to

food pantries or mobile food markets. I do think the ordinance also needs to address the number of food pantries in a particular area. Now even more specifically it would access to a mobile market, the concentration of that many food pantries in one area is a problem. If they're all in one area., then they're not serving where there's a greater need at. I don't have any issue with the mobile market and what they want to do with the ordinance. I do have an issue with passing out sack lunches, unless like I said, they're contained and how we resolve the issue. In Argentine they were passing out lunches in the park, kids were taking them and they were littering all over the place so all Parks did is move them into the community center, they could sit there and eat and then leave their trash there and then leave and go home. As long as the ordinance addresses issues like that, I'm completely supportive. **Mr. Richardson** said this is a for sale mobile market, correct? This isn't a food pantry. This is a you go in and buy stuff. **Commissioner Murguia** said it's unlikely, unless I'm interpreting it wrong, that you go there and buy a gallon of milk and open it up and drink it on the way home. That's different than a carton of milk. I'm not concerned about that issue of trash.

Commissioner Townsend said the materials that you've shown tonight, did you say they were already sent to us? I'd like a copy of them again. They weren't in the packet that I received. To use your example with Parkwood, let's say you're geared up right now and you could roll right into someplace but using Parkwood since you use that. What would prevent you now with regard to the cold from going there now? **Mr. Kleinmann** said Parkwood Park, the example that I'm showing is currently zoned R-1 Residential, specifically R-1B. The yellow area designates at it is R1-B. **Commissioner Townsend** said I would so love to see this be successful. As we talked about a week ago my concern would be that the mobile grocery go to places that have adequate parking. There would not be obstructions to residents. Some of the hours that you mentioned seem kind of long to be in a residential district, even grocery stores aren't opened as long as that so. **Ms. Brown** said my understanding is that's what the ordinance already allows, it's not necessarily what we recommend, that's just how the ordinance already is. **Mr. Richardson** said that's in a commercial district though. **Ms. Brown** said those are kinds of things that when you specifically look at the mobile market that you would adjust.

Commissioner Townsend said and that's what you're asking to get away from just the restriction to commercial. **Mr. Kleinmann** said to something that's appropriate to your point, that it can handle the capacity. How we do that I think is something that we still want to have that conversation about. **Commissioner Townsend** said those are big issues if you are trying to get into residential area. Make it convenient for your targeted market, but in the same instance not making it a nuisance either. **Ms. Brown** said and that's the intention.

Commissioner Townsend said so the reason you're saying again that the permits do not work is why? **Mr. Kleinmann** said just from the burden of a special use permit. If every location required that, that's immediately 25 locations for us in a week. That might be 25 locations we'd like to go to. In addition, as has happened in the past of previous mobile markets, if a community organization called up and said we'd like you to come to this location in a week, we would have to get a special use permit in a week. That's impossible. **Mr. Richardson** said we don't want to process 25 of those. **Ms. Brown** said we were working with Farmers Markets, the same issue came up, should they have to get a special use permit every time they were going to operate and we were able to relax that so that the Farmers Market is different than a commercial unit.

Chairman Walker said does the committee have a recommendation for this (inaudible, Commissioner Walker was not talking in mic) develop an ordinance that would meet the needs of the mobile food market in the community. **Commissioner McKiernan** said absolutely. I think this is a phenomenal idea. I fully support it. I think you've done a great amount of legwork and certainly the community has identified a need and the ability to meet that need, sooner rather than later I think would be a great. **Chairman Walker** said it needs sooner finality than when we're going to do the overall zoning. I can't believe it's that difficult to—Kansas City, MO, I mean you've got lots of events.

Commissioner Townsend said one question I have about that, would let's say a proposed ordinance, that would come back to this committee. I would like to see that. **Mr. Richardson** said actually it would go to Administration & Human Services. That's my standing committee

typically for zoning amendments? It would go to AHS and then to Planning Commission. I suppose that we would go to get authorization to do the ordinance from AHS. If you make the motion, I'll speak with the Chairman of that committee and Doug and see if that's acceptable to move forward from you guys and not have to reschedule and go back and wait to do that because I think I could probably have this on the January—I'm trying to think when the notices have to go out. I don't know if it will be January or February, but it will be much sooner than if we had to go to AHS to do that. **Commissioner Townsend** asked how did it come to us and not to that standing committee or did it go to that standing committee also. **Mr. Richardson** said it hasn't been there that I'm aware of. **Commissioner McKiernan** said it came here just based on the fact that they're talking about things that are going to be in the neighborhoods, so it seemed like a reasonable place to start. This isn't an action item, so we can't necessarily take a motion and a second and a vote on it. It certainly sounds like there's consensus from those of us who are here on this committee that we do what you just suggested Mr. Richardson. **Mr. Richardson** said I'll speak with the Administrator about it and see if we can move it forward from there and not delay it to AHS again.

Commissioner Murguia said you have a mobile market, does it exist right now? **Mr. Kleinmann** said the truck exits, we're close to halfway through completion in the construction of it. We have the funding all lined up, it's just completing at this point and we will be launching—we have a title license and will be launching probably early January, mid-January.

Commissioner Bynum asked when you say you're going to launch in January. Do you mean you're going to launch when the ordinance allows or are you going to seek a special use permit for somewhere? **Mr. Kleinmann** said there's been a lot of conversations on our own team about that. The best answer I can give you is that I don't believe we'll be full-service, everything stocked, we'll be running through our places in January. What I can tell you is that when I have met with neighborhood groups they have asked me to come back and I want to come back with the truck. We're not going to be selling groceries in January necessarily, but we will be potentially handing out oranges just to get familiar with the experience to see it firsthand. That's

what the community has asked us to do. I believe our full-service launch will be a little bit shortly after, possibly as soon as the ordinance is completed if that's available. **Commissioner Bynum** said prior to this mobile market there was the mobile grocer and they did have a calendar and stops in Wyandotte County and there were places where they could legally be. There are places where you can legally be right now if you chose to. **Mr. Kleinmann** said absolutely. Our understanding and this is—they initially brought this issue up with us as Rob has mentioned. They had four locations and they're challenge was they weren't always sure how to play by the rules and weren't always sure if the rules were what they needed to be doing. We're working with them separately to see if they can come back, but they might not be coming back to KCK though, KCMO where they have 40 locations.

Adjourn

Chairman Walker adjourned the meeting at 6:15 p.m.

tk

December 4, 2017



Staff Request for Commission Action

Tracking No. 1866

Full Commission Meeting Date: 2/22/18

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 2/5/18

(If none, please explain):

Publication Required: Yes 03/01/2018

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
01/23/2018	Wendy Green	x5679	wmgreen@wycokck.org	Legal

Item Description:

Amending the Code of Ordinances Chapter 8, Buildings and Building Regulations, Sections 8-471, 8-474, 8-475, 8-476, 8-477, 8-480, 8-481 and 8-483, to strengthen the ordinance so that we can utilize a 3rd party vendor for its implementation and monitoring.

Action Requested:

To approved the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ord. Prop. Reg Red, Ord. Prop. Reg Clean

Published: _____

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Buildings and Building Regulations, amending Sections 8-471, 8-474, 8-475, 8-476, 8-477, 8-480, 8-481 and 8-483 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 8 Buildings and Building Regulations, Section 8-471, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-471. - Registration statement.

Except for owners described in this section, all owners of buildings, structures, or vacant parcels, who do not reside in or occupy such buildings or structures, located within the corporate limits of the city shall file a registration statement with the codes administrator in accordance with the provisions of this Code. This registration requirement shall not apply to:

- (1) Any governmental entity, excluding government sponsored entities (G.S.E.'s) any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
- (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Code 1988, § 8-377; Ord. No. 65152, § 1(21-51), 5-28-1987; Ord. No. 65408, § 2, 3-23-1989; Ord. No. O-12-17, § 2, 6-29-2017)

Section 2. That Chapter 8 Buildings and Building Regulations, Section 8-474, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-474. - Contents of registration statement.

(a) The registration statement shall include the following information:

- (1) An identification of the premises by the street numbers and names of all street contiguous to the building or structure, where such exist, legal description, or by such other description as will enable the codes administrator to locate the premises.

- (2) An identification of the owner by name, e-mail address, residential address and/or business address. If the owner is a corporation or a partnership, the identification shall include the name and addresses of such corporation or partnership, together with the names, residential addresses and business addresses of the principals or operating partners. E-mail addresses are required for the aforementioned entities as well. If the owner is under the age of 18 years or has been judicially declared incompetent, the owner's legal representative shall file the registration statement.
- (3) The name, e-mail address, residential address and/or business address of an agent designated by the owner to receive service of any notice, order or summons issued because of a violation of this code.
- (4) The signatures of the owner, an officer if the owner is a corporation, or a partner if the owner is a partnership, and the registered agent. The registered agent's signature shall indicate consent to the agency.
- (b) The registration statement shall be filed on forms to be provided by the codes administrator or designee.
- (c) Each owner who has previously filed a registration statement shall file an amended registration statement for all future acquired or additional property required to be registered under this division.

(Code 1988, § 8-380; Ord. No. 65152, § 1(21-54), 5-28-1987)

Section 3. That Chapter 8 Buildings and Building Regulations, Section 8-475, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-475. - Change of ownership.

- (a) When any owner required to register by section 8-471 conveys title to the premises to another, the owner conveying the title shall, on the date of such transfer, notify the codes administrator or designee by certified mail of the name and residential address and/or business address of the new owner, or, if the new owner is a corporation, of the name and address of such corporation. If required to register, the new owner shall file a registration statement in accordance with section 8-474 no more than five days from the date of taking title. The failure of a new owner to file such registration statement shall not impair the validity of title.
- (b) When the ownership of the premises changes by operation of law, the new owner, if required to register, shall file a registration statement in accordance with section 8-474 not more than 30 days from the date the title passed to such owner.
- (c) An executor or administrator of a decedent's estate that includes real property located within the city shall file a registration statement in accordance with section 8-474 not more than 30 days from the date of appointment.

(Code 1988, § 8-381; Ord. No. 65152, § 1(21-55), 5-28-1987)

Section 4. That Chapter 8 Buildings and Building Regulations, Section 8-476, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-476. - Change of address or corporate ownership.

An owner who is required to register under this division shall inform the codes administrator or designee in writing, by certified mail, of a change of address of the owner, a change of address of the registered agent, a change in the list of officers of the owner corporation, or partners of the owner partnership, or a change of address of any of such listed officers or partners within five days of that change.

(Code 1988, § 8-382; Ord. No. 65152, § 1(21-56), 5-28-1987)

Section 5. That Chapter 8 Buildings and Building Regulations, Section 8-477, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-477. - Change of registered agent.

- (a) The owner may terminate the designation of a registered agent at any time by filing with the codes administrator or designee notice of such termination. A qualified successor shall be designated by the owner within ten days after notice of such termination, and the owner shall file within the same time a new registration statement designating the successor registered agent.
- (b) The registered agent may terminate the agency by filing with the codes administrator or designee a copy of the written termination notice on the owner. Such termination shall not become effective until ten days after the filing of such notice with the codes administrator or designee. The termination notice shall set forth the identification of the all the premises or parcels and the name and address of the owner, together with an affidavit or proof of service upon the owner. Service of such termination notice upon the owner may be made by delivery of a copy personally to the owner or any partner if the owner is a partnership, or by registered mail to the address of any owner, principal or partner as set forth in the registration statement. Prior to the effective termination date, the owner shall file with the codes administrator a registration statement designating a qualified successor.
- (c) If the designation of a registered agent shall cease to be effective as a result of death or judicial declaration of incompetence of the agent or the agent's removal from the city, the owner shall file a new registration statement with the codes administrator or designee within ten days thereafter designating a qualified successor.
- (d) If an owner fails to designate a registered agent or replace a registered agent whose agency has terminated, the owner shall be deemed to have appointed the unified government clerk or the clerk's designated agent to accept service of any notice, order or summons issued because of a violation of this chapter. The unified government clerk or designated agent shall thereupon mail a copy of such notice, order or summons by registered mail, return receipt requested, to the last known address of the owner and cause the posting of a copy of such

notice, order or summons in or about the premises described in the same. All costs shall be charged against the owner and the property of the owner.

(Code 1988, § 8-383; Ord. No. 65152, § 1(21-57), 5-28-1987)

Section 6. That Chapter 8 Buildings and Building Regulations, Section 8-480, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-480. - Registration statement as prima facie evidence.

- (a) The failure of an owner or a lessee of an entire building or structure to produce the receipt issued by the codes administrator acknowledging the filing of a registration statement or the failure of a registered agent to produce the receipt issued by the codes administrator or designee acknowledging the filing of a notice of termination shall be prima facie evidence of failure to comply with the provisions of this division.
- (b) The current registration statement shall be deemed prima facie proof of the statements contained therein in any action or proceeding instituted by the unified government against the owner or lessee of an entire building or structure or a registered agent.

(Code 1988, § 8-386; Ord. No. 65152, § 1(21-60), 5-28-1987)

Section 7. That Chapter 8 Buildings and Building Regulations, Section 8-481, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-481. - ~~Registration of mortgagees and lienors~~Mortgage Default Registration.

When an owner of a building, structure or vacant parcel has been determined to be in default of a mortgage, the mortgagee or lienor shall inspect the mortgaged property to determine whether such property is vacant or occupied. Within ten days of an inspection, the mortgagee or lienor shall register the property in the manner required ~~by section 8-474. If the property is vacant, registration shall also contain the name and telephone number, facsimile number and email address for a direct contact with the mortgagee or lienor and the name and 24-hour contact number for the property management company that will be responsible for the security and maintenance of the property, if different from the mortgagee or lienor~~regardless of whether it's vacant or occupied.

(a) Definitions.

- 1) **Default** - shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.
- 2) **Foreclosure** - shall mean the legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the

mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien

- 3) **Mortgagee** - means the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.
- 4) **Registrable Property** – means, any real property located in the corporate limits of the city, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee, has been the subject of a foreclosure action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured
- 5) **Semi-Annual Registration** - shall mean 6 months from the date of the first action that requires registration, as determined by the <GOVERNED AREA>, or its designee, and every subsequent 6 months. The date of the initial registration may be different than the date of the first action that required registration

(b) Registration of Defaulted Mortgaged Real Property.

- 1) Any Mortgagee who holds a mortgage on real property located within the corporate limits of the city shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- 2) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee/Trustee, and the Mortgage Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.
- 3) Mortgagees who have existing registrable property on the effective date of this ordinance have 30 calendar days from the effective date to register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- 4) If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this Article. Any previous unpaid registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's non-payment of previous

- fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.
- 5) If the servicing rights for a mortgage on a registrable property are sold or transferred, the registration must be updated to include all the new Servicer information within 10 days of the servicing transfer.
 - 6) If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this Article and within 5 days of the transfer update the property. Any previous unpaid registration fees are the responsibility of the new Registrable property owner and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.
 - 7) As long as the property is Registrable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration
 - 8) A non-refundable semi-annual registration fee of \$250.00 shall accompany each registration pursuant to this section
 - 9) If a lis pendens, deed-in-lieu of foreclosure, or other public notice of foreclosure is filed on a property and the property was not registered and the registration fee paid at least 30 days prior to the filing date, a late fee shall be charged. The late fee shall be the equivalent to 10% of the registration fee and shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and 30-day delinquent registration renewals. Registrations delinquent greater than 30 days are also subject to additional fines as described herein
 - 10) Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
 - 11) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.
 - 12) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change
 - 13) Failure of the Mortgagee to properly register or to modify the registration information from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties and/or property liens
 - 14) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the <GOVERNED AREA> may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
 - 15) Properties registered as a result of this section are not required to be registered in the Vacant Property or Rental Property registries

(Code 1988, § 8-387; Ord. No. 65152, § 1(21-61), 5-28-1987; Ord. No. [O-12-17](#), § 5, 6-29-2017)

Section 8. That Chapter 8 Buildings and Building Regulations, Section 8-483, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-483. - Vacant properties.

- (a) Upon any building or structure located within the corporate city limits becoming vacant, the owner of such building or structure shall have 30 days from the first date of vacancy to register such building or structure in the same manner as provided in sections 8-471 and 8-474 and said statement must include an agent designation as provided in section 8-472 as well as a written comprehensive plan of action detailing a timeline for correcting any Code violations, any rehabilitation required, the maintenance that will be performed while the building or structure is vacant and the future use of the building or structure.
- (b) The owner of any vacant building or structure subject to this section shall be required to update the plan of action provided with the registration statement and pay a fee of \$500.00 every six months the said building or structure remains vacant.
- (c) Any vacant building or structure registered pursuant to this section shall be subject to inspection to verify the status of the plan of action submitted.
- (d) In addition to the registration statement in subsection (a) above, the owner of any vacant building or structure shall provide written notice, within 30 days, of a change in: (1) ownership of the property, including a copy of the deed; (2) contact information for either the owner or the designated agent.
- (e) Upon identification of a vacant building or structure by an enforcement officer that has not been registered under this section, a written notice shall be issued to the property owner by means of personal service, or by first class mail to their last known address of record, and by posting on the property. The owner of said vacant building or structure shall have 30 days from the date the written notice is issued in which to register.
- (f) Properties that are vacant and in default or bank owned (REO) remain subject to the registration requirements as set forth in Section 8-481 and are exempt from the requirements of this section.
- (g) This registration requirement shall not apply to:
 - (1) Any governmental entity, excluding government sponsored entities (G.S.E.'s), any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
 - (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Ord. No. [O-12-17](#), § 6, 6-29-2017)

Section 9. This ordinance and resolution shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF ____ 2018**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Wendy M. Green, Assistant Counsel

Published: _____

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 8, Buildings and Building Regulations, amending Sections 8-471, 8-474, 8-475, 8-476, 8-477, 8-480, 8-481 and 8-483 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 8 Buildings and Building Regulations, Section 8-471, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-471. - Registration statement.

Except for owners described in this section, all owners of buildings, structures, or vacant parcels, who do not reside in or occupy such buildings or structures, located within the corporate limits of the city shall file a registration statement with the codes administrator in accordance with the provisions of this Code. This registration requirement shall not apply to:

- (1) Any governmental entity, excluding government sponsored entities (G.S.E.'s) any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
- (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Code 1988, § 8-377; Ord. No. 65152, § 1(21-51), 5-28-1987; Ord. No. 65408, § 2, 3-23-1989; Ord. No. O-12-17, § 2, 6-29-2017)

Section 2. That Chapter 8 Buildings and Building Regulations, Section 8-474, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-474. - Contents of registration statement.

(a) The registration statement shall include the following information:

- (1) An identification of the premises by the street numbers and names of all street contiguous to the building or structure, where such exist, legal description, or by such other description as will enable the codes administrator to locate the premises.

- (2) An identification of the owner by name, e-mail address, residential address and/or business address. If the owner is a corporation or a partnership, the identification shall include the name and addresses of such corporation or partnership, together with the names, residential addresses and business addresses of the principals or operating partners. E-mail addresses are required for the aforementioned entities as well. If the owner is under the age of 18 years or has been judicially declared incompetent, the owner's legal representative shall file the registration statement.
 - (3) The name, e-mail address, residential address and/or business address of an agent designated by the owner to receive service of any notice, order or summons issued because of a violation of this code.
 - (4) The signatures of the owner, an officer if the owner is a corporation, or a partner if the owner is a partnership, and the registered agent. The registered agent's signature shall indicate consent to the agency.
- (b) The registration statement shall be filed on forms to be provided by the codes administrator or designee.
 - (c) Each owner who has previously filed a registration statement shall file an amended registration statement for all future acquired or additional property required to be registered under this division.

(Code 1988, § 8-380; Ord. No. 65152, § 1(21-54), 5-28-1987)

Section 3. That Chapter 8 Buildings and Building Regulations, Section 8-475, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-475. - Change of ownership.

- (a) When any owner required to register by section 8-471 conveys title to the premises to another, the owner conveying the title shall, on the date of such transfer, notify the codes administrator or designee by certified mail of the name and residential address and/or business address of the new owner, or, if the new owner is a corporation, of the name and address of such corporation. If required to register, the new owner shall file a registration statement in accordance with section 8-474 no more than five days from the date of taking title. The failure of a new owner to file such registration statement shall not impair the validity of title.
- (b) When the ownership of the premises changes by operation of law, the new owner, if required to register, shall file a registration statement in accordance with section 8-474 not more than 30 days from the date the title passed to such owner.
- (c) An executor or administrator of a decedent's estate that includes real property located within the city shall file a registration statement in accordance with section 8-474 not more than 30 days from the date of appointment.

(Code 1988, § 8-381; Ord. No. 65152, § 1(21-55), 5-28-1987)

Section 4. That Chapter 8 Buildings and Building Regulations, Section 8-476, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-476. - Change of address or corporate ownership.

An owner who is required to register under this division shall inform the codes administrator or designee in writing, by certified mail, of a change of address of the owner, a change of address of the registered agent, a change in the list of officers of the owner corporation, or partners of the owner partnership, or a change of address of any of such listed officers or partners within five days of that change.

(Code 1988, § 8-382; Ord. No. 65152, § 1(21-56), 5-28-1987)

Section 5. That Chapter 8 Buildings and Building Regulations, Section 8-477, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-477. - Change of registered agent.

- (a) The owner may terminate the designation of a registered agent at any time by filing with the codes administrator or designee notice of such termination. A qualified successor shall be designated by the owner within ten days after notice of such termination, and the owner shall file within the same time a new registration statement designating the successor registered agent.
- (b) The registered agent may terminate the agency by filing with the codes administrator or designee a copy of the written termination notice on the owner. Such termination shall not become effective until ten days after the filing of such notice with the codes administrator or designee. The termination notice shall set forth the identification of the all the premises or parcels and the name and address of the owner, together with an affidavit or proof of service upon the owner. Service of such termination notice upon the owner may be made by delivery of a copy personally to the owner or any partner if the owner is a partnership, or by registered mail to the address of any owner, principal or partner as set forth in the registration statement. Prior to the effective termination date, the owner shall file with the codes administrator a registration statement designating a qualified successor.
- (c) If the designation of a registered agent shall cease to be effective as a result of death or judicial declaration of incompetence of the agent or the agent's removal from the city, the owner shall file a new registration statement with the codes administrator or designee within ten days thereafter designating a qualified successor.
- (d) If an owner fails to designate a registered agent or replace a registered agent whose agency has terminated, the owner shall be deemed to have appointed the unified government clerk or the clerk's designated agent to accept service of any notice, order or summons issued because of a violation of this chapter. The unified government clerk or designated agent shall thereupon mail a copy of such notice, order or summons by registered mail, return receipt requested, to the last known address of the owner and cause the posting of a copy of such

notice, order or summons in or about the premises described in the same. All costs shall be charged against the owner and the property of the owner.

(Code 1988, § 8-383; Ord. No. 65152, § 1(21-57), 5-28-1987)

Section 6. That Chapter 8 Buildings and Building Regulations, Section 8-480, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-480. - Registration statement as prima facie evidence.

- (a) The failure of an owner or a lessee of an entire building or structure to produce the receipt issued by the codes administrator acknowledging the filing of a registration statement or the failure of a registered agent to produce the receipt issued by the codes administrator or designee acknowledging the filing of a notice of termination shall be prima facie evidence of failure to comply with the provisions of this division.
- (b) The current registration statement shall be deemed prima facie proof of the statements contained therein in any action or proceeding instituted by the unified government against the owner or lessee of an entire building or structure or a registered agent.

(Code 1988, § 8-386; Ord. No. 65152, § 1(21-60), 5-28-1987)

Section 7. That Chapter 8 Buildings and Building Regulations, Section 8-481, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-481. - Mortgage Default Registration.

When an owner of a building, structure or vacant parcel has been determined to be in default of a mortgage, the mortgagee or lienor shall inspect the mortgaged property to determine whether such property is vacant or occupied. Within ten days of an inspection, the mortgagee or lienor shall register the property in the manner required regardless of whether it's vacant or occupied.

(a) Definitions.

- 1) **Default** - shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.
- 2) **Foreclosure** - shall mean the legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien

- 3) **Mortgagee** - means the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement.
- 4) **Registrable Property** – means, any real property located in the corporate limits of the city, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee, has been the subject of a foreclosure action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a “default/foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured
- 5) **Semi-Annual Registration** - shall mean 6 months from the date of the first action that requires registration, as determined by the <GOVERNED AREA>, or its designee, and every subsequent 6 months. The date of the initial registration may be different than the date of the first action that required registration

(b) Registration of Defaulted Mortgaged Real Property.

- 1) Any Mortgagee who holds a mortgage on real property located within the corporate limits of the city shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- 2) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee/Trustee, and the Mortgage Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.
- 3) Mortgagees who have existing registrable property on the effective date of this ordinance have 30 calendar days from the effective date to register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- 4) If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this Article. Any previous unpaid registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee’s non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.

- 5) If the servicing rights for a mortgage on a registrable property are sold or transferred, the registration must be updated to include all the new Servicer information within 10 days of the servicing transfer.
- 6) If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this Article and within 5 days of the transfer update the property. Any previous unpaid registration fees are the responsibility of the new Registrable property owner and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.
- 7) As long as the property is Registrable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration
- 8) A non-refundable semi-annual registration fee of \$250.00 shall accompany each registration pursuant to this section
- 9) If a lis pendens, deed-in-lieu of foreclosure, or other public notice of foreclosure is filed on a property and the property was not registered and the registration fee paid at least 30 days prior to the filing date, a late fee shall be charged. The late fee shall be the equivalent to 10% of the registration fee and shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and 30-day delinquent registration renewals. Registrations delinquent greater than 30 days are also subject to additional fines as described herein
- 10) Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- 11) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.
- 12) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change
- 13) Failure of the Mortgagee to properly register or to modify the registration information from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties and/or property liens
- 14) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the <GOVERNED AREA> may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- 15) Properties registered as a result of this section are not required to be registered in the Vacant Property or Rental Property registries

(Code 1988, § 8-387; Ord. No. 65152, § 1(21-61), 5-28-1987; Ord. No. [O-12-17](#), § 5, 6-29-2017)

Section 8. That Chapter 8 Buildings and Building Regulations, Section 8-483, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 8-483. - Vacant properties.

- (a) Upon any building or structure located within the corporate city limits becoming vacant, the owner of such building or structure shall have 30 days from the first date of vacancy to register such building or structure in the same manner as provided in sections 8-471 and 8-474 and said statement must include an agent designation as provided in section 8-472 as well as a written comprehensive plan of action detailing a timeline for correcting any Code violations, any rehabilitation required, the maintenance that will be performed while the building or structure is vacant and the future use of the building or structure.
- (b) The owner of any vacant building or structure subject to this section shall be required to update the plan of action provided with the registration statement and pay a fee of \$500.00 every six months the said building or structure remains vacant.
- (c) Any vacant building or structure registered pursuant to this section shall be subject to inspection to verify the status of the plan of action submitted.
- (d) In addition to the registration statement in subsection (a) above, the owner of any vacant building or structure shall provide written notice, within 30 days, of a change in: (1) ownership of the property, including a copy of the deed; (2) contact information for either the owner or the designated agent.
- (e) Upon identification of a vacant building or structure by an enforcement officer that has not been registered under this section, a written notice shall be issued to the property owner by means of personal service, or by first class mail to their last known address of record, and by posting on the property. The owner of said vacant building or structure shall have 30 days from the date the written notice is issued in which to register.
- (f) Properties that are vacant and in default or bank owned (REO) remain subject to the registration requirements as set forth in Section 8-481 and are exempt from the requirements of this section.
- (g) This registration requirement shall not apply to:
 - (1) Any governmental entity, excluding government sponsored entities (G.S.E.'s), any public authority or any quasi-public, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
 - (2) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Ord. No. [O-12-17](#), § 6, 6-29-2017)

Section 9. This ordinance and resolution shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF ____ 2018**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Wendy M. Green, Assistant Counsel

WYANDOTTE COUNTY LAND BANK - APPLICATIONS

APPLICANT	APPLICANT ADDRESS	LAND BANK ADDRESS	PROPOSED USE	STANDING COMMITTEE RECOMMENDATION
Kenthedo Robinson	723 Lafayette Ave	731 & 733 Lafayette Ave	Yard Extension	
Mazen Iskandrani	824 Lafayette Ave	832 Lafayette Ave	Yard Extension	
Mazen Iskandrani	824 Lafayette Ave	834 Lafayette Ave	Property Acquisition	
Antonia Ayala	2106 Cleveland Ave	2501 N 22nd St	Property Acquisition	

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Application to Purchase a Vacant Land Bank Property as Yard Extension**Use this application if the following is correct:**

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Kentredo Robinson

Date Oct 11, 2017

Sign here

Kentredo Robinson

Print Name

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 731 Lafayette Ave

Parcel ID Number: 111540

Applicant Information (Please Print)

Name: Kentredo Robinson

Company/Organization: _____

Mailing Address: 157 Hopkinson Ave, Brooklyn, NY 11233

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: 723 Lafayette

Do you live in the adjacent structure above? Yes ☒ No ☐

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Kentredo Robinson Date Oct 11, 2017
Sign here

Kentredo Robinson
Print Name

#3

RECEIVED
JAN 16 2018

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Application to Purchase a Vacant Land Bank Property as Yard Extension

Use this application if the following is correct:

- You are the Owner of Record of an adjacent occupied structure that shares a property line with an undeveloped Land Bank lot and wish to acquire the lot to expand your property.

Separate applications are available to purchase property for new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for the Yard Extension program.

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- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners.
- Splitting a Land Bank lot for two adjacent owners – In a case where two property owners of record apply for a lot, the WCLB may split the parcel between the two owners.
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the restrictions placed on the property.
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Sign here

Date 1/16/18

Print Name

Mazen Iskander

Application to Purchase a Vacant Land Bank Property as Yard Extension

Land Bank Property You Wish to Purchase: 832 Lafayette Ave

Parcel ID Number: 111610

Applicant Information (Please Print)

Name: Mazen Iskandrani

Company/Organization: _____

Mailing Address: 213 Pinecore Dr, Lawrence, KS 66046

Phone Number(s): _____

E-mail(s): _____

Address of the adjacent structure you own: _____

Do you live in the adjacent structure above? Yes ☐ No ☒

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒
2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.
Yes _____ No ☒

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

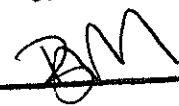
Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

 Date 11/16/18
Sign here

Mazen Iskandrani
Print Name

#4

RECEIVED
JAN 16 2018


Application for Land Bank Property Acquisition

Use this application if:

- You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

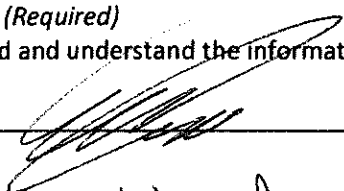
Program Requirements and Policies:

- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale—if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
- Applications will automatically be rejected if the applicant is currently tax delinquent or has any outstanding code violations on any property owned in Wyandotte County.
- WCLB reserves the absolute right to accept or reject any and all applications and offers for purchase. In cases of multiple applications, the WCLB will give precedence to applications from adjacent, occupied homeowners
- All transfers include deed restrictions and/or a reversionary clause allowing the WCLB to regain ownership and possession of the property if the buyer fails to meet the following restrictions placed on the property.
 - Property owner must not obtain any code violations
 - Property owner must pay property taxes within the allotted time frame
 - Property owner must not sell the property for a period of 36 months
- The Wyandotte County Land Bank Board of Trustees (LBBOT) must approve all application(s) in order for the WCLB to transfer property.
- Closings are held at the WCLB offices. The WCLB will only accept cashier's checks or money orders made payable to the **Wyandotte County Land Bank**.
- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.

Sign here


Maza Iskandani
Print Name

Date

1/16/18

Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: 834 Lafayette Ave

Parcel ID Number: 111635

Intended Usage of Property: add a little yard to the House

Applicant Information (Please Print)

Name: Mazen Iskandani

Company/Organization: _____

Mailing Address: 213 Pinecone Dr

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.

Yes _____ No X

2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.

Yes _____ No X

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Sign here

Date 1/16/18

Mazen Iskandani
Print Name

#10

RECEIVED
JAN 18 2018

Application for Land Bank Property Acquisition

Use this application if:

- You are purchasing an undeveloped Land Bank property that is not adjacent to any property that you own.

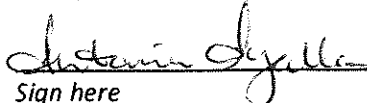
Separate applications are available to purchase property for yard extension, new construction or the rehab of an existing residential or commercial structure. WCLB property that is determined to be developable may not qualify for this program.

Program Requirements and Policies:

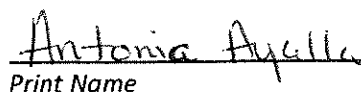
- All properties for sale are listed on the WCLB website. Not all land bank properties are available for sale— if a property is on the "Hold" listing, it may not currently be for sale.
- An application is required for all purchases of property. Applications are not considered until all required information is provided. If an application is incomplete, it may be rejected or other completed applications will be given priority.
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- All property is sold "as-is". The buyer agrees to accept the property in its "as is" condition, without any warranties or representations by the WCLB. The buyer agrees to hold harmless and release the WCLB and the Unified Government of Wyandotte/KCK (UG) for all conditions known or unknown to the property.
- The WCLB will discuss the asking price for each property upon the receipt of a completed application.
- The buyer agrees to indemnify, protect, hold harmless, defend, and release the WCLB and UG from any claims, losses, damages, costs, or expenses including, without limitation, all reasonable attorneys' fees asserted against, incurred, or suffered by the WCLB resulting from any contract breaches, personal injuries, or property damages occurring in, on, about, or related to the property resulting from any causes, except resulting from the acts or omissions of the WCLB or the WCLB agents, employees, or contractors. Nothing in this article restricts the WCLB rights and remedies available at law or in equity.

Signature (Required)

I have read and understand the information provided above and contained in this application.


Sign here

Date 1/4/18


Print Name

Application for Land Bank Property Acquisition

Land Bank Property You Wish to Purchase: 2501 N 22nd St.

Parcel ID Number: 159206

Intended Usage of Property: _____

Applicant Information (Please Print)

Name: Antonia Ayalla

Company/Organization: _____

Mailing Address: 2106 Cleveland Ave

Phone Number(s): _____

E-mail(s): _____

Please Respond to the Following Questions:

1. Are you currently delinquent on property taxes for any property owned in Wyandotte County?
Please explain a "yes" answer on a separate attachment.

Yes _____ No X

2. Do you currently have a notice from the Code Enforcement Department indicating that you are in violation of City Code? Please explain a "yes" answer on a separate attachment.

Yes _____ No X

Note: As a part of the review of this application, WCLB staff will review records from other UG Offices, such as Code Enforcement, Treasury and other available records. Failure to honestly answer these questions may result in the rejection of the application.

Signature (Required)

I hereby authorize the Wyandotte County Land Bank to obtain information necessary to verify the information supplied in this application. All the information that I have provided is accurate to the best of my knowledge, and will remain confidential.

Antonia Ayalla Date 1/4/18
Sign here

Antonia Ayalla
Print Name

TRANSFERS FROM LAND BANK

Recipient	Property Address	Parcel	Comments	Standing Committee Recommendation
CHWC, INC	714 Everett Ave	081864	CHWC, Inc will be building 2 Single Family Houses in the Douglas/Sumner neighborhood.	
CHWC, INC	716 Everett Ave	081863		
CHWC, INC	718 Everett Ave	081862		
CHWC, INC	720 Everett Ave	081861		
Unified Government Wyco/KCK	727 Barnett Ave	081431	This is for the Juvenile Complex project.	
Unified Government Wyco/KCK	743 Barnett Ave	081437		
Unified Government Wyco/KCK	732 Tauromee Ave	081449		
Unified Government Wyco/KCK	740 Tauromee Ave	081447		
Unified Government Wyco/KCK	750 Tauromee Ave	081443		

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