

April 15, 2011

The Board of Directors represents that the record of the proceedings of the previous session on March 4, 2011 as contained in the Land Reutilization Corporation's official electronic recording and all resolutions attached herein has been reviewed and found to be a full and accurate record of the proceedings.

  
Wade Kapszukiewicz, Chair

Attest:

  
Karen Poore, Secretary of the Board



**Lucas County Land Reutilization Corporation  
Board of Directors Meeting  
Thursday, March 4, 2011 at 12:00 p.m.  
One Government Center, 12<sup>th</sup> Floor**

1. Call to order by the Chairman Kapszukiewicz
2. Additions/Deletions to Agenda
3. Approval of the January 28, 2011 Meeting Minutes
4. Officer Reports
5. Old Business
  - a. Resolution 2011-002: Ratifying the purchase of Directors and Officers, Commercial General Liability, and Employment Practices insurance for 2011
  - b. Resolution 2011-003: Adopting Operating Policies and Procedures
6. New Business
  - a. Resolution 2011-004: Providing for Compensation of Officers
  - b. Resolution 2011-005: Providing for the Annual Payment of Rent for the Land Bank Offices
  - c. 6<sup>th</sup> Annual Land Bank Conference (June 5-7, 2011)
    - i. Payment of Registration Fees?
  - d. Schedule of Meetings
7. Adjournment



**Date:** February 21, 2011

**Resolution No. 2011-002**

**Title:** Ratifying the purchase of Directors and Officers, Commercial General Liability, and Employment Practices insurance for 2011

**Summary/Background:** At the October 5, 2010 meeting, the Board authorized the President to solicit bids related to the insurance needs of the Land Bank. Quotes were solicited from local firms, including Brooks Insurance, Payak-Dubbs Insurance, and Huntington Insurance.

After reviewing the proposals, the President determined that Brooks Insurance had made the best bid for Directors & Officers, Employment Practices, and Commercial General Liability Insurance.

**Authority:** Resolution 2010-008; Purchasing Policy

**Director Gerken offered the following resolution:**

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of Directors, Lucas County Land Reutilization Corporation, that:

Section 1. The purchase of Directors & Officers and Employment Practices insurance from Brooks Insurance, effective February 11, 2011 through February 11, 2012 at a sum of \$2,849.00, is hereby ratified.

Section 2. The purchase of Commercial General Liability insurance from Brooks Insurance, effective February 1, 2011 through February 1, 2012 at an annual sum of \$2,821.00, is hereby ratified.

Section 3. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

Section 4. This resolution shall be in full force and effect from and immediately upon its adoption.

**Action Taken:**

Director Kapszukiewicz voted yes  
Director Wozniak voted yes  
Director Gerken voted yes  
Director Badik voted yes  
Director DeWitt voted yes

Director Geronimo voted yes  
Director Stanbery voted yes  
Director Furney was absent  
Director Gardner was absent

A handwritten signature in cursive script that reads "Karen Poore". The signature is written in black ink and is positioned above a horizontal line.

Karen Poore, Secretary of the Board



**Date:** February 21, 2011

**Resolution No. 2011-003**

**Title:** Adopting Operating Policies and Procedures

**Summary/Background:** The Land Bank endeavors to make its operations both transparent and predictable. To that end, the Land Bank Board and staff have engaged the community in a series of listening sessions over the last three months to receive input about our final operating policies and procedures. This manual is a product of that community input, as well as the valuable advice of the Center for Community Progress and the Cuyahoga County Land Bank, as well as the important input and suggestions of our Board of Directors.

As the Land Bank embarks on its next phase of acquisition and disposition, these operating policies and procedures provide a framework for the community and the staff to understand how the Land Bank will carry-out its mission.

**Authority:** Code of Regs. § 1.4(p)

**Director Geronimo offered the following resolution:**

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of Directors, Lucas County Land Reutilization Corporation, that:

Section 1. The operating policies and procedures manual, herein attached, is adopted. The manual may be amended by the Board at any time through a simple majority vote.

Section 2. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

Section 3. This resolution shall be in full force and effect from and immediately upon its adoption.

**Action Taken:**

Director Kapszukiewicz voted yes

Director Wozniak voted yes

Director Gerken voted yes

Director Badik voted yes

Director DeWitt voted yes

Director Geronimo voted yes

Director Stanbery voted yes  
Director Furney was absent  
Director Gardner was absent

  
\_\_\_\_\_  
Karen Poore, Secretary of the Board



# LUCAS COUNTY LandBank

## **POLICIES AND PROCEDURES**

*The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the Constitution of Ohio, the laws of the state of Ohio, the articles of incorporation and code of regulations of the Lucas County Land Reutilization Corporation, and the public purposes set forth therein.*

As approved by the Board of Directors on \_\_\_\_\_, 2011

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## Acquisition of Properties

As part of its primary mission, the Lucas County Land Bank ("Land Bank") will acquire properties in order to improve the quality of neighborhoods, increase land values, create diverse housing opportunities, and return properties to the tax rolls.

### Basic Considerations

- All properties acquired must have a maintenance plan and funding in place.
- Properties may be acquired when:
  - Eligible for tax foreclosure
  - Requested by a qualified end-user or other entity for ultimate acquisition and redevelopment, and the property a) acts as catalyst for further development; b) is part of a comprehensive development plan; c) supports infrastructure, public and green space development; or d) reduce blight in the community. In particular, acquisition will be prioritized where the Land Bank participation is necessary to complete the redevelopment
  - Located in reinvestment areas that would support strategic neighborhood stabilization and revitalization plans
  - Demolition will support blight elimination and neighborhood revitalization plans (contingent on Land Bank funding)
  - Eligible to be placed into a Side Lot Disposition Program
  - Available for the creation or expansion of green or community space or urban agriculture of any kind
  - Title issues are preventing the property from being developed to its highest and best use
  - Mortgaged-foreclosed or in receivership and located in a neighborhood that is an area of focus; or with the purpose of preventing the further decline of a neighborhood
  - Available for immediate occupancy without need for substantial rehabilitation
  - Part of a land assemblage development plan by either the Land Bank or partnering entities
  - Fulfilling the community's plan for historic preservation
  - May generate operating support for the functions of the Land Bank

- The Land Bank must be aware of any environmental conditions for Brownfield properties. If any adverse conditions are determined, a remediation plan must be in place before acquisition.
- Any exception to the policies governing acquisition shall be taken to the Land Bank Board for final approval.

## Acquisition through Tax Foreclosure

The Land Bank will acquire a large majority of its properties after a tax foreclosure judgment, conveying a free and clear title on the property. Under current Ohio law, the County Treasurer can initiate a tax foreclosure 60 days after the Auditor publishes the list of properties certified tax delinquent in that calendar year. Practically, this means that a property that becomes tax delinquent at the first collection in January, and remains tax delinquent through the remainder of the year, will be eligible for tax foreclosure by the next February.

When eligible, an expedited tax foreclosure proceeding will be initiated in the Board of Revision for any property certified delinquent where:

- The land has no structures and is non-productive (i.e., vacant), OR
- The land includes unoccupied structures and acquisition will assist in returning this property to productive use (i.e., abandoned)

Post-judgment, the Land Bank will receive free and clear title to such properties and will immediately petition the County Auditor's office to abate the existing property taxes, and future property taxes while in Land Bank possession.

### Steps toward Acquisition

#### A. Identify Eligible Property

- i. The Land Bank will partner with the County Treasurer's office to strategically coordinate tax foreclosures, whenever possible.
- ii. The Land Bank will specifically request tax foreclosure on all properties that meet its Acquisition priorities, especially where an end-user has notified the Land Bank of its interest in returning the land to productive use or eliminating blight.
- iii. The Land Bank will carefully review any other property that the County Treasurer wishes to initiate tax foreclosure proceedings upon, identifying basic benchmarks regarding its future end use.
- iv. The Land Bank may elect, on a case-by-case basis, to allow properties to be auctioned at a traditional Sheriff's sale when staff determines that their acquisition would consume significant Land Bank resources. The decision to permit a Sheriff's sale will be presumed for all non-residential tax foreclosures without an identified end-user. Any exception to this policy must be approved by the Land Bank Board prior to acquisition.

B. Inspect Property

- i. The Land Bank will inspect each property that it expects to receive through tax foreclosure.
  - a. Relevant public records will be collected from AREIS, Toledo Municipal Court, etc. regarding the structure, ownership, existing liens, public nuisance citations and any other relevant information.
  - b. An on-site inspection of the property's exterior and interior conditions will be made, whenever possible. The inspection will include a determination of vacancy or abandonment, current photographs, and a disposition recommendation.
- ii. When a qualified end-user and the Land Bank are working together to acquire a property through tax foreclosure, an on-site inspection will occur as necessary.

C. Notification of Land Bank Interest to Prosecutor

- i. Upon final inspection, the Land Bank will provide formal notice to the County Prosecutor regarding the condition of the property and the Land Bank's interest in acquiring it.
- ii. Should the Land Bank elect not to acquire the property, the tax foreclosure proceedings may continue and the property may ultimately be auctioned at a Sheriff's sale.

D. Tax Foreclosure Proceedings

- i. Upon initiation of tax foreclosure proceedings at the Board of Revision, the Land Bank will receive title in a window of time between 60 – 135 days.
- ii. The court costs to bring the foreclosure action will range from \$700 - \$900, depending on existing court rules and the number of parties requiring service.
- iii. Upon judgment of foreclosure, the Sheriff will be ordered by the Board of Revision (or Judge in some limited circumstances) to prepare a deed transferring the property to the Land Bank.
  - a. When taxes exceed the fair market value of the property, the previous owner's redemption period ends upon the order to the Sheriff and the Land Bank takes title immediately.
  - b. When the taxes are less than the fair market value of the property, the previous owner's redemption rights terminate 45 day after the foreclosure judgment, and the Land Bank then takes title.

E. Land Bank Acquires Title

- i. The Sheriff will convey a Sheriff's deed to the Land Bank for the property
- ii. The Land Bank will notify the County Auditor's office for removal of the property from the tax duplicate and abatement of the existing taxes and all future taxes while in the Land Bank's possession.

## **Acquisition through Forfeited Land**

Properties that go through two Sheriff's sales without a minimum bidder forfeit to the State of Ohio through the local county Auditor. These include a tremendous number of unbuildable lots and other market forgotten parcels. However, from time to time, properties with present value or neighborhood potential will be available for the Land Bank to acquire.

The Land Bank can acquire properties through the Auditor's Forfeited Land list with simple notice to the Auditor. An Auditor's deed is generated and recorded, extinguishing any subordinate liens, and transferring free and clear title to the Land Bank.

An end-user may notify the Land Bank at any time regarding their interest in a property on the forfeited lands list. Upon notice, and consistent with the Land Bank's acquisition considerations, the Land Bank may acquire the property for final disposition to that end-user.

## Acquisition through Deed In Lieu of Foreclosure

The Land Bank may accept title to a delinquent property in lieu of the County Treasurer pursuing a tax foreclosure. The Land Bank may acquire properties through this process when it will be more efficient than the tax foreclosure and the property is not otherwise encumbered by subordinate liens, because this process does not guarantee the same free and clear title as a foreclosure judgment.

- A. Notice of Deed in Lieu Request
  - a. A delinquent owner or the Land Bank may request a deed in lieu of foreclosure transfer when eligible.
  - b. Upon notification, the Land Bank will document the request and may inspect the property in the same manner as if the property were being tax foreclosed upon.
- B. Acquisition
  - a. The Land Bank will acquire a property through deed in lieu of foreclosure when a qualified end-user has requested the property. An acquisition under this procedure for any other purpose must first be approved by the Land Bank Board.
  - b. When acquiring, the Land Bank will require the proper owner to deliver a free and clear title to the property.
  - c. The Land Bank will require the proper owner or an identified end-user to pay all acquisition costs, including but not limited to the costs of title work and inspection.

## **Acquisition through Donation**

The Land Bank may acquire properties from governmental entities like Fannie Mae & HUD, banks and financial institutions, and from donations by private parties. Such properties will be considered for acquisition when requested by a qualified end-user or when the property will be transferred with resources to facilitate blight elimination.

### **A. General Considerations**

- a. All donated properties must be approved by the Land Bank's Board of Directors by a majority vote.
- b. Properties with immediate maintenance requirements will not be accepted without a funding source secured for such maintenance.
- c. The Land Bank will not accept donated properties with a balance due to Lucas County for outstanding property tax and/or liens.
- d. Brownfield properties with adverse environmental conditions will not be accepted without a satisfactory funded plan for remediation approved by the Land Bank.
- e. The Land Bank will not determine the value of the donated property for the purpose of tax benefits, but will provide a letter describing the property donated.

### **B. Notice of Private Transfer Request**

- a. A private owner may request that the Land Bank acquire a property.
- b. Upon notification, the Land Bank will document the request and may inspect the property in the same manner as if the property were being tax foreclosed upon.

### **C. Acquisition Priorities**

- a. The Land Bank will acquire a property through donation when a qualified end-user has requested the property or when funding will be provided by the current owner to eliminate blight.
- b. When acquiring, the Land Bank will require the current owner to deliver a free and clear title to the property.
- c. The Land Bank will require the current owner or an qualified end-user to pay all acquisition costs, including but not limited to the costs of title work and inspection.

## Disposition of Properties

### Basic Considerations

- Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Land Bank shall be ineligible to be the transferee of such property from the Land Bank.
- The transferee must not own any real property that: a) has any unremediated citation or violation of the state and local codes and ordinances; b) is tax delinquent; c) was transferred to a local government as a result of tax foreclosure proceedings.
- The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time preceding the submission of application (except in rental cases).
- A non-local resident or entity, working with a Lucas County agent with a demonstrable record of successful redevelopment projects in this county, may acquire Land Bank property only with an enforceable plan to place the property into immediate productive use (meaning the property is to be occupied immediately or with the immediate commencement of some form of development project that fits the stated mission of the Land Bank). This applies to all real property.
- Any exception to the policies governing disposition shall be taken to the Land Bank Board for approval.
- All tax incentives and financing necessary for the development to be completed must be committed for the development prescribed in the development agreement prior to actual disposition.
- Options to purchase real estate may be available for a specified percentage of the purchase price with a negotiated time frame to be determined by the Land Bank. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the Land Bank pertaining to property transfers.

- All development projects should require a 'development agreement,' and be started and completed within the negotiated time-frame. Where rehabilitation of a property by the transferee is a condition of the transfer, the requirement for such rehabilitation shall be in accordance with rehabilitation standards as established by the local unit of government and adequate completion of such rehabilitation shall be a condition to the release of restrictions or lien securing such performance.
- A precise narrative description of future use of the property is required. The future use must be in-line with local development plans. A letter of support or opposition for the stated use provided by neighborhood groups and the Toledo-Lucas County Plan Commissions will be a factor in any final decision. The development agreement shall apply to stated use.
- If code or ordinance violations exist with respect to the property at the time of the transfer, the development or transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time be established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.
- The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
- Transactions shall be structured in a manner that permits the Land Bank to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the Land Bank.
- Any exception to the policies governing disposition shall be taken to the Land Bank Board for final approval.

## **End-User Disposition Program**

### Qualification Procedure

In order to facilitate its redevelopment mission and return property to long-term productive use, the Land Bank will require all prospective end-users to qualify for transfers based on criteria approved by the Land Bank Board.

The criteria will be developed based on the best underwriting practices of other long-standing land bank authorities. Among the considerations to qualify as an end-user will be identified funding sources and financial wherewithal, planned improvements, pre-lease agreements with potential tenants, previous experience in community redevelopment, development team qualifications, developer's equity in the project, timeline for completion, evidence of community support, and any other information the Land Bank may require. Qualifying criteria may vary depending on the nature of the end-user.

An end-user will be qualified for a transfer on a project-by-project basis, unless the end-user has pre-qualified.

### Pre-Qualified End-User

An end-user who has previously qualified for a transfer based on the criteria above will be considered pre-qualified, and may not be required to duplicate those efforts for any future transfers. All pre-qualified end-users are qualified for the purposes of these policies and procedures.

A pre-qualified end-user is not guaranteed a property transfer. A pre-qualified end-user will be required to provide the Land Bank all information about its redevelopment plans for a property prior to disposition.

The Land Bank will review all pre-qualified end-users from time to time and retains sole discretion to require an end-user to follow the standard qualification procedure prior to any transfer.

### Disposition Procedure

- To request a property that the Land Bank has acquired or may acquire based on its acquisition procedures, an end-user must provide a completed transfer application to the Land Bank. Applications will be posted on the Land Bank's website and available through regular mail.
- A completed transfer application will trigger the Land Bank's qualification process. Within 30 days of application, the Land Bank will notify the prospective end-user whether they have qualified based on the criteria described above.

- A qualified end-user that has requested the Land Bank acquire a particular property has first priority to receive that property post-acquisition.
- Consideration
  - The Land Bank will collect at sale, at a minimum, the fair market value of the property, including all acquisition costs (e.g., inspection costs, court fees, title work, etc.)
  - The Land Bank Board may, on a case-by-case basis, waive certain acquisition costs and/or accept non-monetary consideration for any transfer.
- Transfer Restrictions
  - Consistent the above general considerations, a development agreement, restrictive covenants, or deed restrictions may be required to facilitate a transfer to a qualified end-user, on a project-specific basis.
  - No more than 5 individual parcels may be transferred to a qualified end-user per fiscal year without prior action by the Board. Every transfer thereafter must be approved by the Land Bank Board prior to conveyance, unless individually waived by Board action.
- Closing
  - Once all Land Bank conditions have been satisfied, the Land Bank will notify the end-user and proceed toward closing.

## Side Lot Disposition Program

Individual parcels of property may be acquired by the Land Bank and transferred to individuals in accordance with the following policies and the basic considerations outlined above. The transfer of any given parcel of property in the Side Lot Disposition Program is subject to override by higher priorities as established by the Land Bank.

### Side Lot Disposition Policies and Procedures

Qualified Properties Parcels of property eligible for inclusion in the Side Lot Disposition Program shall meet the following minimum criteria:

- 1) The property shall be vacant unimproved real property.
- 2) The property shall be physically contiguous to adjacent occupied (owner) residential property with not less than a 50% common boundary line on one side.
- 3) Initial priority shall be given to the disposition of properties of insufficient size to permit independent development.
- 4) No more than one lot may be transferred per contiguous lot, except with the authorization of the Land Bank Board.
- 5) Intended use for lot must be disclosed.
- 6) The transfer may include a deed restriction requiring the use of the property to be consistent with the stated use.
- 7) The transfer shall include a deed restriction requiring the side-lot property be combined to the adjacent property.

### Transferees

- 1) All transferees must hold title to and personally occupy the contiguous property. The transferee must not own any real property (including both the contiguous lot and all other property within the county) that is subject to any un-remediated citation of violation of the state and local codes and ordinances.
- 2) The transferee must not own any real property (including both the contiguous lot and all other property in the county) that is tax delinquent.
- 3) The transferee must not have been the prior owner of any real property that was transferred to the Treasurer or to a local government as a result of tax foreclosure proceedings ten years prior to the disposition.

### Pricing

- 1) Properties sold as a side lot to an adjacent owner shall be priced at \$100 inclusive of all recordable fees. Title insurance is not included in the sale price.

### Transfer Procedure

- 1) Utilizing existing property records and the Land Bank's software tools, Land Bank staff will work to identify potential side-lot users.
- 2) Once identified, the Land Bank will offer the property to the potential end-user as a side lot.
- 3) The Land Bank will attempt to facilitate a transfer of the parcel to a single side-lot owner whenever possible.
- 4) In the event that multiple adjacent owner-occupied property owners desire to acquire the same side lot, the property will be divided and transferred among the interested contiguous property owners. To facilitate such a transaction, the adjacent owners may be required to pay the costs of a required survey of the land in order to split the parcel, in addition to the standard consideration.
  - a. If both parties do not agree to this resolution, then the property will be sold based on the highest offer.
  - b. In the event of two or more interested owners, a contiguous property needs land for a driveway or other local code compliance issues will receive priority.
- 5) Having identified a side-lot end user or users, Land Bank staff will be authorized to facilitate a transfer of the property without prior Board approval.
- 6) The Land Bank will prepare and provide a quit-claim deed for the property and otherwise facilitate closing.

## **Blight Elimination**

Because the Land Bank will generally be on the receiving end of the most challenged and damaged property in Lucas County, the best use for many of the properties the Land Bank acquires will be blight elimination. As a result, many of these properties will be demolished.

Demolition may occur in conjunction with a transfer to a qualified end-user. Demolition may also occur while the Land Bank works to identify a side-lot end-user or users who will take title to the future unimproved land, or in coordination with land assembly for future use.

### Demolition Procedure

- Post-Acquisition Property Inspection
  - For any property not acquired for a qualified end-user, the Land Bank, upon possession, will engage a property inspector who will evaluate the current condition of the property and the estimated cost of making the structure habitable and code compliant.
  - That inspection will be delivered to the Land Bank within 30 days of ownership. Upon return of the inspection, the Land Bank will coordinate its triage resources to make a final decision regarding demolition of the property.
- Demolition Partners
  - The Land Bank will partner with public-sector and private partners to facilitate the demolition of properties as swiftly as possible after a demolition decision has been made.
  - To coordinate resources efficiently, the Land Bank will offer the City of Toledo the right of first refusal on all demolitions.
  - For any demolition that the City of Toledo is unable to undertake, the Land Bank will request proposals from private contractors on a competitive basis.
  - The Land Bank will work with these partners to coordinate a check-list of demolition requirements, including utility kills, neighborhood notification, and environmental remediation.
- Quality of the Demolition
  - Every Land Bank demolition will include the total removal of the structure, including any foundation or substructure, unless impracticable.

- Deconstruction of the structure may be permitted to recover important historic materials or architectural details. A nonprofit or community group with experience in deconstruction must contact the Land Bank a minimum of 30 days prior to the posting of a scheduled demolition on the Land Bank's website to undertake deconstruction. Where health and safety concerns or timely coordination of the demolition make deconstruction impracticable, a request may be denied.

## Maintenance

As a general policy, the Land Bank will work with qualified end-users, community-minded neighbors, and others to return a property to productive, private ownership as soon as possible. However, the Land Bank will acquire parcels that will require regular maintenance for extended periods of time while an end-user is solicited.

The Land Bank's resources are best used to identify an end-user who will take title to the property and return it to productive use. With this in mind, the Land Bank will attempt to achieve an appropriate balance between necessary maintenance and the efficient use of its resources.

### Operating Procedure

- Maintenance Property
  - When a post-acquisition inspection determines that structure has marketable potential and recommends against demolition, OR when the Land Bank acquires an unbuildable lot without immediate side-lot potential, the parcel shall be considered a Maintenance Property.
- Maintenance Generally
  - The Land Bank will seek qualified vendors for all maintenance necessary on the property for the duration of the Land Bank's ownership.
  - To use resources most efficiently, the Land Bank will prioritize maintenance partnerships with the City of Toledo, LMHA, or another public-sector vendor whenever possible.
  - When necessary, the Land Bank may solicit bids from private vendors in order to meet its maintenance needs. A request for proposals of this nature may include a block of properties or properties on an individual basis.
- Maintenance Standards
  - Working with appropriate vendors, the Land Bank will require all newly acquired properties to be:
    - Initially cleaned and cleared out
    - Boarded up and otherwise secured
    - Winterized (when necessary)

- The Land Bank recognizes that the appropriate level of maintenance may vary property-to-property. Maintenance resources will be coordinated in such a way to most efficiently return the property to a productive use. When contracting with the City of Toledo, the Land Bank will coordinate its maintenance with the existing maintenance schedule of the City.
- Adopt-a-Lot
  - Any residents, businesses, neighbors, block watches or other organizations interested in caring for vacant Land Bank properties are eligible to adopt a lot.
  - The Adopt-a-Lot program will be offered at no cost. Interested parties may fill out and return an application in order to apply.

## Consideration

The Land Bank will consider the following factors as general guidelines for determination of the consideration to be received for the transfer of properties.

- In each and every transfer of real property the Land Bank shall require good and valuable consideration in an amount determined by the Land Bank in its sole discretion. The Land Bank will consider the fair market value of the property in its determination of consideration for each property.
- All property that is transferred shall be based upon consideration equal to the fair market value of the property, but not less than \$250. Fair market value shall be determined by Land Bank staff. Such consideration shall be paid in full at the time of transfer.
- The consideration to be provided by the transferee to the Land Bank may take the form of cash, deferred financing, performance of contractual obligations, imposition of restrictive covenants, or other obligations and responsibilities of the transferee, or any combination thereof.
- The Land Bank will consider alternative financing options (e.g. Land Contract) as a method of disposition in any transactions.
- Any exception to the policies governing consideration shall be taken to the governing body of the Land Bank for approval.

## Insurance

All properties that the Land Bank acquires will be covered by general liability insurance for the duration of the Land Bank's ownership.

The Land Bank may secure property insurance for those parcels with structures present that are not scheduled for blight elimination. Factors to consider regarding the purchase of property insurance include

- the proposed length of Land Bank ownership and
- the present fair market value of the property.

## Land Assembly

The Land Bank is willing to receive title to properties from qualified end-users and other Board-approved entities and hold title to such properties pending future use by the Land Bank, by the transferor of the property, or by other third parties. The receipt by the Land Bank of any and all conveyances of real property shall at all times be solely within the discretion of the Land Bank Board, and nothing in this policy shall be deemed to require the Land Bank to take title to any properties nor to limit the discretion of the Land Bank in negotiating the terms of its acquisition of any property, whether as donated transfers or otherwise.

All conveyances received by the Land Bank in its land assembly capacity must comply with the requirements set forth below in Part A, and will be reviewed and considered by the Land Bank in accordance with the procedures set forth in Part B. If the transfer is approved by the Land Bank, the Land Bank shall hold the subject property(s), and may use or convey the subject property(s) or any interest in the subject project, subject only to the right of repurchase set forth in Part B.

Following the transfer of any properties to the Land Bank in accordance with this land assembly policy, the Land Bank shall have the right, but not the obligation, to maintain, repair, demolish, clean, and grade the subject property and perform any and all other tasks and services with respect to the subject property as the Land Bank may deem necessary and appropriate in its sole discretion.

### **A. Requirements for Conveyances to the Land Bank in its Land Banking Capacity**

1. Property that is intended to be conveyed to the Land Bank and to be held by the Land Bank in its land assembly capacity shall be clearly designated as such in the proposal for the transfer, and in the records of the Land Bank.
2. No property shall be transferred to the Land Bank pursuant to this Land Banking policy unless the transferor is a qualified end-user.
3. The subject property must not be occupied by any party or parties as of the date of transfer to the Land Bank.
4. The subject property must be located in Lucas County, Ohio.
5. The subject property must, as of the date of the transfer to the Land Bank, be free of any and all liens for taxes, special assessments, and other liens or encumbrances in favor of local, state or federal government entities.
6. The subject property must, as of the date of the transfer to the Land Bank, be free of all outstanding mortgages and security instruments.

7. The Land Bank shall not receive and hold, at any given time, in excess of fifty separate parcels of property from any given transferor.
8. Any exception to the policies governing disposition shall be taken to the Land Bank Board for approval.

#### **B. Right of Repurchase by the Transferor**

1. The transferor shall have a right to repurchase the subject property from the Land Bank at any time within a period of three years from the date of transfer to the Land Bank by giving notice to the Land Bank.
2. The right of repurchase may be exercised by the transferor upon payment to the Land Bank of the Purchase Price. The Purchase Price shall be an amount equal to (i) all expenditures of the Land Bank (whether made directly by the Land Bank or through payments to a third party contractor) in connection with the subject property incurred subsequent to the date of conveyance to the Land Bank, and (ii) an amount determined by the Land Bank as its average indirect costs, on a per parcel basis, of holding its portfolio of properties.
3. The Land Bank shall have the right, at any time within the three year period following the date of the original transfer, to require the transferor to exercise its right of repurchase by giving written notice to the transferor of the requirement that it exercise its right of repurchase and the amount of the Purchase Price. The transferor must exercise its right of repurchase, and close the reconveyance of the property within sixty (60) days of receipt of such notice. Failure of the transferor to exercise and close upon its right of repurchase within such period of time shall result in a termination of all rights of repurchase with respect to the subject property.



**Date:** February 21, 2011

**Resolution No. 2011-004**

**Title:** Providing for the Compensation of Officers

**Summary/Background:** The Lucas County Land Reutilization Corporation (“Land Bank”) has actively adopted a strategy of “staff-lite” during its initial start-up phase in order to most effectively target its resources toward neighborhood revitalization. Instead of hiring multiple Land Bank employees, the Land Bank has appointed officers who provide key services and a variety of management expertise to the organization.

During the planning and incorporation phase of the Land Bank, the Commissioners entered into a contract with the University of Toledo Urban Affairs Center, funded by the County Treasurer, to secure consulting services from Mike Beazley. That contract expires at the end of February, 2011. The Board now wishes to compensate Mike Beazley, as President and CEO of the Land Bank, for his services at a rate of \$3,000 / month beginning in March 2011.

In addition, the Land Bank has received a reimbursement proposal from the County Treasurer’s office for the services of its employees, Karen Poore and Lila Shousher, who also serve as the Land Bank’s Secretary and Treasurer, respectively. The rate of compensation shall not exceed 25% of their salaries and benefits, beginning January 1, 2011 through the end of the fiscal year.

No compensation is contemplated for David Mann as Vice President, beyond his salary and benefits as Executive Director of the Land Bank.

**Authority:** R.C. 1724.02(L); Code of Regs. art. VI, *et. seq.*

**Director Wozniak offered the following resolution:**

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of Directors, Lucas County Land Reutilization Corporation, that:

Section 1. Mike Beazley, as President and CEO of the Land Bank, is hereby compensated at a rate of \$3,000 per month, payable monthly, beginning March, 2011 for all duties and responsibilities contemplated in the Code of Regulations until so rescinded by the Board.

Section 2. The County Treasurer is hereby reimbursed for 25% of the aggregate salary and benefits of Karen Poore and Lila Shousher for the 2011 fiscal year, but not more than \$43,662.42, for all duties and responsibilities contemplated in the Code of Regulations as Secretary and Treasurer of the Land Bank, respectively.

Section 3. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all

deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

Section 4. This resolution shall be in full force and effect from and immediately upon its adoption.

**Action Taken:**

Director Kapszukiewicz voted yes

Director Wozniak voted yes

Director Gerken voted yes

Director Badik voted yes

Director DeWitt voted yes

Director Geronimo voted yes

Director Stanbery voted yes

Director Furney was absent

Director Gardner was absent

A handwritten signature in cursive script that reads "Karen Poore". The signature is written in black ink and is positioned above a horizontal line.

Karen Poore, Secretary of the Board



**Date:** February 21, 2011

**Resolution No. 2011-005**

**Title:** Providing for the Annual Payment of Rent for the Land Bank office

**Summary/Background:** The work of the Land Bank is best accomplished in proximity to the existing network of individuals and resources that oversee tax foreclosure and delinquent property disposition in the County.

To that end, the Land Bank has leased space within the County Treasurer's office for its own office. In addition to the employee space, the County Treasurer's office is also providing telecommunications, staff support, office supplies, record storage and other necessary resources as part of the terms of the lease. The lease is effective beginning January 1, 2011 for the full calendar year for \$1,000.00 per month, payable on an annual basis.

**Authority:** Code of Regs. § 1.4(p)

**Director Wozniak offered the following resolution:**

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of Directors, Lucas County Land Reutilization Corporation, that:

Section 1. A payment of \$12,000.00, representing the total annual rent due for the Land Bank office and services for its \$1,000.00 per month lease, shall be made to the Lucas County Treasurer.

Section 2. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

Section 3. This resolution shall be in full force and effect from and immediately upon its adoption.

**Action Taken:**

Director Kapszukiewicz voted yes  
Director Wozniak voted yes  
Director Gerken voted yes  
Director Badik voted yes  
Director DeWitt voted yes  
Director Geronimo voted yes  
Director Stanbery voted yes  
Director Furney was absent

Director Gardner was absent

A handwritten signature in cursive script that reads "Karen Poore". The signature is written in black ink and is positioned above a horizontal line.

Karen Poore, Secretary of the Board