

Approved 7/22/14



**OMAHA CITY COUNCIL**

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Pete Festersen  
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Aimee Melton

July 1, 2014

RECEIVED  
CITY OF OMAHA  
JUL 1 2014

Honorable President

and Members of the City Council,

The attached Ordinance, introduced by City Council President Pete Festersen, Council Vice President Ben Gray, Councilmember Garry Gernandt and Councilmember Chris Jerram, creates the Omaha Municipal Land Bank.

The Ordinance amends Chapter 2 of the Omaha Municipal Code by adding to Article VI a new Division 5 to create and provide for an Omaha Municipal Land Bank, as authorized by the Nebraska Municipal Land Bank Act. The Nebraska Municipal Land Bank Act authorizes a municipality to create a Municipal Land Bank to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use. A second ordinance appointing the initial Land Bank board membership will be introduced at a later date.

Respectfully submitted,

James S. Dowding  
City Council Chief of Staff

Amended by  
CCIR No. 8378  
of 7/22/14 (JSM)

ORDINANCE NO. 40052

1 AN ORDINANCE to amend chapter 2 of the Omaha Municipal Code by adding to article VI a  
2 new division 5, entitled "Omaha Municipal Land Bank," consisting of new sections 2-  
3 235 through 2-241; to create and provide for an Omaha Municipal Land Bank, as  
4 authorized by the Nebraska Municipal Land Bank Act; and to provide the effective date  
5 thereof.

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

7 Section 1. That Omaha Municipal Code chapter 2, article VI is hereby amended by  
8 adding a new division 5, consisting of new sections 2-235 through 2-242, reading as follows:

9 Division 5. Omaha Municipal Land Bank

10 Sec. 2-235. Established.

11 Pursuant to the Nebraska Municipal Land Bank Act, as amended, there is hereby  
12 created an Omaha Municipal Land Bank.

13  
14 Sec. 2-236. Definitions.

15  
16 For the purposes of this division, the following terms shall have the following  
17 meanings:

18  
19 Act: The Nebraska Municipal Land Bank Act, also known as Neb. Rev. Stat.  
20 sections 19-5201 et seq. (2013 Supp.), as it may be amended from time to time.

21  
22 Board: the board of directors of the land bank.

23  
24 Land bank: The Omaha Municipal Land Bank, established pursuant to this  
25 division.

26  
27 Sec. 2-237. Nature.

28  
29 The land bank shall be deemed to be a public corporation acting in a  
30 governmental capacity and a political subdivision of the state, and shall have permanent  
31 and perpetual duration until terminated and dissolved in accordance with the Act. The  
32 land bank, and all of its assets, liabilities, bond obligations, employees, rights, and duties,  
33 shall be separate from the city. The land bank shall have and possess all of the powers.

1 rights, and duties provided by the Act. The land bank's records and documents shall be  
2 considered public records under the state public records laws.

3  
4 Sec. 2-238. Board of directors.

5  
6 (a) The land bank shall be governed by a board of directors, as provided in the  
7 Act.

8  
9 (b) The board shall consist of:

10  
11 (1) seven voting members appointed by the mayor and confirmed by a  
12 two-thirds vote of the city council;

13  
14 (2) the planning director, or his or her designee, serving as a non-voting,  
15 ex-officio member;

16  
17 (3) such other non-voting members as are appointed by the mayor.

18  
19 (c) Persons to be appointed as voting members of the board shall meet the  
20 following qualifications:

21  
22 (1) Each city council district shall be represented by one resident of such  
23 district who shall serve as a voting member of the board.

24  
25 (2) The voting members of the board shall have, collectively, verifiable  
26 skills, expertise, and knowledge in market rate and affordable residential,  
27 commercial, industrial, and mixed-used real estate development,  
28 financing, law, purchasing and sales, asset management, economic and  
29 community development, and the acquisition of tax sale certificates.

30  
31 (3) The seven voting members of the board shall include:

32  
33 (A) at least one member representing realtors;

34  
35 (B) at least one member representing the banking industry;

36  
37 (C) at least one member representing real estate developers;

38  
39 (D) at least one member representing a chamber of commerce;

40  
41 (E) at least one member representing a non-profit corporation  
42 involved in affordable housing;  
43

1 (F) at least one member representing owners of multiple residential  
2 or commercial properties.

3  
4 (d) The initial members of the board, and their initial respective terms of  
5 office shall be determined by an ordinance approved by two-thirds vote of the city  
6 council.

7  
8 (e) After the initial term of an initial board member, the term of the  
9 subsequent board members shall be three years. A board member shall continue to  
10 serve until his or her successor is appointed and confirmed.

11  
12 (f) Meetings of the board shall be publicized and conducted as public  
13 meetings.

14  
15 Sec. 2-239. Bylaws.

16  
17 The board shall adopt bylaws, by a majority vote of the voting members. The  
18 bylaws shall govern the general organizational structure and meeting rules for the land  
19 bank.

20  
21 Sec. 2-240. Policies and procedures.

22  
23 The board shall adopt policies and procedures, by a majority vote of the voting  
24 members, unless a greater vote is otherwise required in this division or the Act. Policies  
25 and procedures shall include, but not be limited to, the following items:

26  
27 (a) Policies and procedures to specify the conditions that must be met in order  
28 for the land bank to give an "automatically accepted bid" at a sale of real  
29 property, as authorized in the Act. Such policies and procedures shall comply  
30 with the requirements set forth in section 19-5205(11) of the Act. Such policies  
31 and procedures referred to in this subsection (a) shall require approval by  
32 affirmative vote of at least two-thirds of the voting members.

33  
34 (b) The general terms and conditions for consideration to be received by the  
35 land bank for the transfer of real property and interests in real property, which  
36 consideration may take the form of monetary payments and secured financial  
37 obligations, covenants and conditions related to the present and future use of the  
38 property, contractual commitments of the transferee, and such other forms of  
39 consideration as determined to be in the best interest of the land bank.

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41 (c) Rules addressing potential conflicts of interests for board members or  
42 employees of the land bank.  
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- (d) Ethical guidelines for board members and employees of the land bank.
- (e) Policies and procedures for ensuring effective communication between the land bank and citizens and community groups interested in land bank issues. Such policies shall provide procedures for the board and land bank staff to keep the public informed of land bank activities and to solicit input and advice from citizens and community groups such as neighborhood alliance groups and neighborhood associations affected by land bank operations.

Sec. 2-241. Disposition of real property.

In determining the proposed transferee, and the content of any covenants, conditions, or contractual commitments to be required regarding the present and future use of real property to be conveyed by the land bank, the land bank shall comply with the Act, and shall consider the following factors and priorities, which are not listed in any particular order:

- (a) Consistency with the existing land use characteristics of the surrounding neighborhood;
- (b) Whether the use will terminate or mitigate current harmful effects on the surrounding neighborhood caused by the property;
- (c) Whether the use will prevent future harmful effects on the neighborhood caused by the property;
- (d) Whether the eventual long-term user of the property is identified and is the same as, or has some contractual or other close relationship to, the proposed transferee.

Section 2. This ordinance shall be in full force and take effect fifteen days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

*Peter F. ...*  
*Ben J. Gray*  
*Harry Hernandez*  
*Christopher Jerome*

APPROVED BY:

*Jean Stothard* 7/24/14  
MAYOR OF THE CITY OF OMAHA DATE

PASSED JUL 22 2014 *as amended 7-0*

ATTEST:

*Dwight Brown* 7/24/14  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

*Mike Fleck* 6-30-12  
DEPUTY CITY ATTORNEY DATE