

Land Bank

December 17, 2019

City Commission Room, 701 N. Jefferson, Junction City KS 66441

**Pat Landes
Jeff Underhill
Phyllis Fitzgerald
Tim Brown
Nicholas Allbritton**

1. 7:45 P.M. - CALL TO ORDER:

2. NEW BUSINESS:

- [a.](#) Consideration of Land Bank Minutes for November 19, 2019. (p.2)
- [b.](#) Consideration of Land Bank Resolution R-14-2019, Amending the Olivia Farms Declaration of Covenants, Conditions and Restrictions and Appoint a Designee to the Architectural Control Committee. (p.5)

3. ADJOURNMENT:

Item Attachment Documents:

- a. Consideration of Land Bank Minutes for November 19, 2019.

JUNCTION CITY LAND BANK BOARD OF TRUSTEES MINUTES

November 19, 2019

8:00 p.m.

CALL TO ORDER

A meeting of the Junction City Land Bank Board of Trustees was held on Tuesday, November 19, 2019 with Chairman Pat Landes presiding.

The following members of the Land Bank were present: Pat Landes, Jeff Underhill, Phyllis Fitzgerald and Nicholas Allbritton. Staff present was: Allen Dinkel, Tammy Melton, Britain Stites and Lindsay Miller.

NEW BUSINESS

Land Bank Minutes for November 5, 2019 Meeting was presented for consideration. Trustee Underhill moved to approve Land Bank Minutes for November 5, 2019 Meeting, seconded by Trustee Fitzgerald. Ayes: Landes, Underhill, Fitzgerald and Allbritton. Nays: None. Motion Carried.

The offer from Jacob and Amanda Small to purchase Lot 1, Lot 8 and Lot 9, Block 5, of Mann's Ranch Addition Unit No. 1 in the amount of \$3,000 was presented. City Manager Dinkel gave details and answered questions. Trustee Underhill moved to approve the offer from Jacob and Amanda Small to purchase Lot 1, Lot 8 and Lot 9, Block 5, of Mann's Ranch Addition Unit No. 1 in the amount of \$3,000, seconded by Trustee Allbritton. Ayes: Landes, Underhill, Fitzgerald, and Allbritton. Nays: None. Motion Carried.

The offer from Jeffrie and Cornelia Pollock to purchase the Lot 42, Block 2, of Mann's Ranch Addition Unit No. 2 in the amount of \$2,750 was presented. City Manager Dinkel gave details and answered questions. Trustee Underhill moved to approve the offer from Jeffrie and Cornelia Pollock to purchase the Lot 42, Block 2, of Mann's Ranch Addition Unit No. 2 in the amount of \$2,750, seconded by Trustee Fitzgerald. Ayes: Landes, Underhill, Fitzgerald, and Allbritton. Nays: None. Motion Carried.

The offer from John and Kimberly Clark to purchase the Lot 43, Block 2, of Mann's Ranch Addition Unit No. 2 in the amount of \$2,750 was presented. City Manager Dinkel gave details and answered questions. Trustee Underhill moved to approve the offer from John and Kimberly Clark to purchase the Lot 43, Block 2, of Mann's Ranch Addition Unit No. 2 in the amount of \$2,750, seconded by Trustee Fitzgerald. Ayes: Landes, Underhill, Fitzgerald, and Allbritton. Nays: None. Motion Carried.

ADJOURNMENT

Trustee Fitzgerald moved, seconded by Trustee Allbritton to adjourn at 8:09 p.m. Ayes: Landes, Underhill, Fitzgerald and Allbritton. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 17TH DAY OF DECEMBER AS THE OFFICIAL
COPY OF THE JUNCTION CITY LAND BANK BOARD OF TRUSTEES MINUTES FOR
NOVEMBER 19TH, 2019.

Tammy Melton, Secretary

Pat Landes, Chairman

Item Attachment Documents:

- b. Consideration of Land Bank Resolution R-14-2019, Amending the Olivia Farms Declaration of Covenants, Conditions and Restrictions and Appoint a Designee to the Architectural Control Committee.

City of Junction City
Land Bank Agenda Memo
December 12, 2019

From: Britain D. Stites, City Attorney

To: Land Bank

Subject: Olivia Farms, Architectural Control Commission, and HOA

Background: Earlier in 2019, the Land Bank agreed to sale some lots in the Olivia Farms Subdivision to Sage Homes, LLC. Olivia Farms is governed by covenants and other restrictions. One such covenant is the formation of an Architectural Control Commission. The two members of it are or were associated with Ford Development. In addition, the agreement with Sage Homes includes creating or beginning the foundations of a Homeowners' Association.

Discussion of Issue: the accompanying resolutions amend the Architectural Control Commission so the members are not from Ford Development but will be invested in the subdivision. In addition, the ACC will have provisions to add to its number as opposed to only having two members.

The HOA is a condition of our agreement; therefore, the Land Bank, to honor its obligations, should pass the amendment allowing for the HOA.

As of this time, Mr. McDonald of Sage Homes and his attorney are reviewing the documentation. There may be an amendment.

Alternatives: It appears that the Land Bank has the following alternatives concerning the issues at hand. The Land Bank may:

1. Approve the resolution/amendment; or,
2. Disapprove of the resolution/amendment.

Recommendation: I recommend that the Land Bank approve the resolution and amendments. I recommend that each one be considered separately.

Possible Motions:

1. Approve and adopt the proposed resolution.
2. Disapprove the proposed resolution.

LAND BANK RESOLUTION R-14-2019

A RESOLUTION TO AMEND THE OLIVIA FARMS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND APPOINT A DESIGNEE TO THE ARCHITECTURAL CONTROL COMMITTEE

Whereas, the Land Bank of the City of Junction City is committed to promoting the effective reutilization of the Olivia Farms Subdivision; and,

Whereas, the Land Bank of the City of Junction City contracted to sale and deed a number of lots to Sage Homes, LLC; and,

Whereas, the Land Bank and Sage Homes, LLC, contracted to modify and amend the restrictive covenants covering the Olivia Farms Subdivision; and,

Whereas, the current restrictions, conditions, and covenants establish an Architectural Control Committee as well as require a third-party, not Ford Development; and,

Whereas, the Land Bank and Sage Homes, LLC, own or control at least ninety percent (90%) of the lots in the Olivia Farms Subdivision; and,

Whereas, the effective reutilization of the properties requires the Land Bank and current owners or developers to more easily develop and build upon the properties.

Now, therefore, be it resolved by the Land Bank of the City of Junction City, Kansas:

1. Adopt the Amendment to the Declaration.
2. Appoint a designee to the Architectural Control Committee.
3. Review and Amend other restrictions, conditions, and covenants in the Declaration.

ADOPTED AND APPROVED by the governing body of the City of Junction City, Kansas this 17th day of December, 2019.

LAND BANK

Pat Landes
Chairman and Trustee

ATTEST:

Tammy Melton, City Clerk

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS**

ARTICLE III

NEW CONSTRUCTION, IMPROVEMENTS, AND ALTERATIONS

1. **Control of the Architectural Control Committee.** A majority of the members of the Olivia Farms Subdivision (as it exists from time to time) shall select the members of the Architectural Control Committee. A member is a landowner within the subdivision. Each landowning member controls as many votes as it has lots of land in the subdivision. If the Owner is a family or corporation, it only gets one vote per lot.
2. **Architectural Control Committee.** There is hereby established an Architectural Control Committee, which shall consist of at least two (2) persons and no more than five (5) persons. The initial Committee will be made up of Ryan McDonald and a designee of the Land Bank. A majority of the Architectural Control Committee may designate a representative to act on its behalf. In the event of death or resignation of any member of the Architectural Control Committee, the landowning members of the subdivision shall elect new members of Architectural Control Committee at an annual or special meeting of such Owners.

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS**

ARTICLE VI

LOTS AND UNITS SUBJECT TO DECLARATION

F. Homeowners' Association ("HOA"). The Owners of Lots in the Subdivision will draft and establish a HOA. As all restrictions, covenants, and conditions apply to all persons, tenant or occupant, of any lot within the subdivision, all persons are members of the HOA. All Owners agree to support and abide by the HOA.