

ORDINANCE NO. 3803

AN ORDINANCE ESTABLISHING THE NEW CASTLE, INDIANA LAND BANK

WHEREAS, the Common Council recognizes that there exists in the City of New Castle a substantial number of tax delinquent and other properties which are nonrevenue generating, vacant, or dilapidated; and,

WHEREAS, these properties contribute to the blight and deterioration of the community and constitute an economic burden to the community; and,

WHEREAS, the 119th Indiana General Assembly, recognizing the magnitude of the problem, passed Senate Enrolled Act No. 232 adding Indiana Code 36-7-38 as a new chapter to the Indiana Code for the purpose of allowing the establishment of a local land bank authority; and,

WHEREAS, the land banks are designed to help communities acquire tax delinquent or other properties which are nonrevenue generating, vacant, or dilapidated in order to foster the public purpose of returning such property to an effective utilization status in order to provide housing, new industry, jobs for community citizens, and revitalization and stabilization of neighborhoods; and,

WHEREAS, the Council desires to address distressed property through a local land bank authority contemplated by I.C. 36-7-38-1 (*et. seq.*); and,

WHEREAS, the Council agrees that the establishment of such a land bank would be beneficial to the people and government of the City of New Castle, Indiana.

NOW THEREFORE BE ORDAINED by the Common Council of the City of New Castle, Indiana as follows:

Section 1. Creation of the New Castle Land Bank.

(A) Pursuant to I.C. 36-7-38-1 (*et seq.*), the Mayor's office is hereby directed to organize a nonprofit corporation under I.C. 23-17, known as "New Castle Land Bank Corp." as an independent instrumentality exercising essential government functions.

(B) The primary purpose of the land bank shall be to acquire, manage, maintain, protect, rent, lease, repair, alter, sell, trade, exchange, or otherwise dispose of distressed real property acquired through tax foreclosure or other methods as provided in I.C. 36-7-38-1 (*et. seq.*) located within the City of New Castle, Indiana (the Territory), and any other governmental entity with which the land bank has agreed or contracted with to perform services.

(C) The land bank shall have nine (9) members on its board of directors comprised of the following:

(1) Three (3) directors, who must be residents of the City, shall be appointed by the Mayor. The initial directors appointed hereunder shall serve a term equal to the remainder of the calendar year in which the land bank is established plus renewable terms equal to one (1) calendar year.

(2) Three (3) directors, who must be residents of the City, shall be appointed by the Council. The initial directors appointed hereunder shall serve a term equal to the remainder of the calendar year in which the land bank is established plus renewable terms equal to two (2) calendar years.

(3) One (1) director, who must be a resident of the City, shall be appointed by the Henry County Treasurer. The initial director appointed hereunder shall serve a term equal to the remainder of the calendar year in which the land bank is established plus renewable terms equal to three (3) calendar years.

(4) The directors appointed pursuant to the above shall appoint two (2) additional directors, who shall not be required to be residents of the City. The initial directors appointed hereunder shall serve a term equal to the remainder of the calendar year in which the land bank is established plus renewable terms equal to three (3) calendar years.

(D) The land bank's goals and priorities concerning the disposition of properties must include the sale or transfer of properties:

- (1) for redevelopment that will act as a catalyst for further development;
- (2) that support a comprehensive development plan or strategic plan for neighborhood revitalization;
- (3) that reduce blight in the community;
- (4) that revitalize or stabilize neighborhoods;
- (5) that will be returned to productive, tax paying status;
- (6) that will be returned to productive uses, including development of side lots, green spaces, and gardens;
- (7) that are available for immediate ownership or occupancy without a need for substantial rehabilitation;
- (8) that will be used for affordable housing; or
- (9) that will generate operating support for the functions of the land bank.

(E) The land bank shall do the following:

- (1) Maintain an inventory of real property held by the land bank.
- (2) Develop policies, guidelines, and procedures for the acquisition, redevelopment, and disposition of property by and from the land bank. The policies, guidelines, and procedures developed under this subdivision must be formulated in plain language with the objective of being clearly understood.
- (3) Make the information described in subsections (1) and (2) above available for inspection at the land bank's offices and on New Castle Land Bank Corp.'s website.

(F) The land bank shall be subject to I.C. 5-14-1.5 (open door law) and I.C. 5-14-3 (public records law).

(G) The land bank may directly employ, or otherwise contract with any staff deemed necessary to carry out its duties and responsibilities. Such staff and contractors shall be paid directly from the funds of the land bank.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS ____ DAY OF _____, 2019.

Greg York, Presiding Officer,
Common Council, City of New Castle, Indiana

AYE

NAY

ATTEST:

Christy York,
Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2019.

Greg York, Mayor of the City
Of New Castle, Indiana