

Agenda Packet

NORTHEAST NEBRASKA REGIONAL LAND BANK MEETING

Monday, April 29, 2024
12:00 p.m.

Created 4/25/2024 3:15 PM

**NOTICE OF MEETING
CITY OF NORFOLK, NEBRASKA**

NOTICE IS HEREBY GIVEN that a meeting of the Northeast Nebraska Regional Land Bank Board, will be held at 12:00 p.m. on Monday, April 29, 2024, in the Norfolk Public Library, Meeting Room A, 308 W Prospect Ave, which meeting will be open to the public.

An agenda for such meeting, kept continually current, is available at the Norfolk Housing Agency, located at 1310 W Norfolk Ave, Suite D, Norfolk, Nebraska during normal business hours.

Published April 24, 2024

Mission: To turn vacant, abandoned and tax-delinquent properties into affordable, habitable properties that enhance community pride, create additional tax revenue, and support our most vulnerable neighborhoods and citizens.



AGENDA
LANDBANK BOARD MEETING

April 29, 2024

CALL TO ORDER

1. 12:00 p.m. Call meeting to order.
2. Inform the public about the location of the Open Meetings Act posted in the Council Chambers and accessible to members of the public
3. Roll call.

CURRENT BUSINESS

- | | |
|---|---------------|
| 4. Approval of full agenda. | Motion |
| 5. Consideration of approval of the minutes of the March 25, 2024 meeting. | Motion |
| 6. Consideration of approval of funding request to the City of Norfolk City Council for 1001 Northdale Dr lot, Norfolk, NE. | Motion |
| 7. Consideration of approval of the Articles of Incorporation to be filed with the State. | Motion |

OTHER BUSINESS

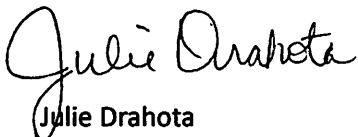
8. Update property acquisition of 110 S 9th St, Norfolk, NE.
9. Review Article 3 of the Acquisition policy.
10. Review Article 4 of the Demolition and Donation policy.
11. Review amending the language of the donation policy to speed up the process so the board or a subcommittee could approve.
12. Open topics on any concerns the Board has towards current and future planning for the Land Bank. No action can be taken on matters discussed.

The Board of Directors of the Northeast Nebraska Regional Land Bank held a board meeting Monday, March 25, 2024, at 12:00 P.M. at the Norfolk Public Library, 308 W Prospect Avenue, Meeting Room C, Norfolk, Nebraska.

1. Call the meeting to order and Inform the public about the location of the Open Meetings Act posted in the Norfolk Public Library, Meeting Room C, and accessible to members of the public.
2. Roll Call. The following board members were present: John Kouba, Ben Temple, Rob Merrill, Randy Wilcox, Rod Johnson, Soshia Bohn, Mayra Mendoza, Juan Sandoval (arrived 12:04 pm) Absent: Brian Lundy
Others present included: Val Grimes, City of Norfolk Director of Planning & Development; Lyle Lutt, City of Norfolk Operations Manager; Mark Craft, Village of Hadar; Gary Bretschneider, NNRLB Executive Director; Julie Drahota, NNRLB Secretary
3. A motion was made by Randy Wilcox, seconded by Ben Temple to approve the agenda as presented. AYES: Kouba, Temple, Merrill, Wilcox, Johnson, Bohn, Mendoza NAYS: None Absent: Lundy, Sandoval Motion carried.
4. Discussion was held on approval of the February 26, 2024 meeting minutes. A motion was made by Soshia Bohn, seconded by Ben Temple to approve the February 26, 2024 meeting minutes. AYES: Kouba, Temple, Merrill, Wilcox, Johnson, Bohn, Mendoza NAYS: None Absent: Lundy, Sandoval Motion carried.
5. Discussion was held on consideration of approval of the acquisition, maintenance, and disposition policy. Board member Juan Sandoval arrived at the meeting. Staff worked off of the policy from Omaha and modified. Lyle Lutt reviewed the policy with the board covering articles 3.04, 3.05, 3.07, 4, 6.02, and 6.03. Article 9 allows the board to amend policies and procedures in the future. We plan to contact contractors for incentives or encouragement of a tax write off and hopefully the word will spread. The lot at 1001 Northdale closes April 5th and will go to the Council April 15th for approval of the money to the land bank. You can fall back on state statute for guidance or questions in regards to what the NNRLB has authority to do. The board would like to break down sections in the policy moving forward and place back on the agenda next month covering articles 3 and 4 acquisition, donation and demolition. Approval is needed so we can proceed with the approval of the purchase agreement which is on the agenda next. A motion was made by Mayra Mendoza, seconded by Randy Wilcox to approve the acquisition, maintenance, and disposition policy. AYES: Kouba, Temple, Merrill, Wilcox, Johnson, Bohn, Mendoza, Sandoval NAYS: None Absent: Lundy Motion carried.
6. Discussion was held on consideration of approval of the Real Estate Purchase Agreement for the property at 110 S 9th St, Norfolk, Nebraska. We have been in contact with the family and were expecting signatures back by now. If we receive the purchase agreement soon we can go forth and get a contractor lined up for demolition. We will have a timeline on the property, value of the property and sale to report back to the City Council as the budget unfolds. There have been some life experiences for the family and that is why this hasn't moved forward. In the future, could we amend language so the board or a subcommittee could speed up the process for a donation. Make sure this is not in violation of the Act. A motion was made by Ben Temple, seconded by Juan Sandoval to approve the Real Estate Purchase Agreement for the property at 110 S 9th St, Norfolk, Nebraska. AYES: Kouba, Temple, Merrill, Wilcox, Johnson, Bohn, Mendoza, Sandoval NAYS: None Absent: Lundy Motion carried.

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7. Discussion was held on the Annual Tax Certificate Sale in Madison County that Gary Bretschneider attended. Twenty-five buyers were there picking from the properties listed in the Norfolk Daily News with some individuals and some as groups. You pay \$25 to get in but none were purchased for the land bank. Had a list broken down for Norfolk and Hadar. There are 8 lots remaining. Gary plans to go back to the County and talk to Donna about what is forgiven and discuss the private tax sale. Donna at Madison County is still learning this process.
8. Discussion was held on a company that will go through an older (80-100 yrs) home and salvage any usable items and the land bank may be able to make a little money. Do have to look at the liability insurance for the property. Concerned about the power pole and a tree falling onto the property at 110 S 9th Street, Norfolk, Nebraska.
9. The meeting was adjourned at 1:01 P.M. by the Chair.



Julie Drahotka

Secretary

Northeast Nebraska Regional Land Bank

Mission: To turn vacant, abandoned and tax-delinquent properties into affordable, habitable properties that enhance community pride, create additional tax revenue, and support our most vulnerable neighborhoods and citizens.



1310 W Norfolk Ave, Suite D
Norfolk, NE 68701
P402-844-2080 F402-844-2089
www.norfolkne.gov

To Mayor and Council,

Please accept this letter as a formal request from the Northeast Nebraska Regional Land bank for funding in the amount of \$38,653.00 from the proceeds of the sale of 1001 Northdale Drive as referenced by City of Norfolk Ordinance No. 5862 in the December 18, 2023, City of Norfolk City Council minutes. (see attached ordinance and minutes).

The Board will use these funds to continue to create affordable housing options, enhance community value and establish additional tax revenue for the citizens of Norfolk. Upon request, the Board will provide financial reports that will depict the revenues and expenditures of these designated funds. Any further questions regarding the request can be directed to Gary Bretschneider at (402) 844-2080.

Sincerely,

Rob Merrill
Chairman, Northeast Nebraska Regional Land Bank and the following Board members:
John Kouba
Mayra Mendoza
Brian Lundy
Benjamin Temple
Randy Wilcox
Rod Johnson
Soshia Bohn
Juan Sandoval

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**ARTICLES OF INCORPORATION
OF
NORTHEAST NEBRASKA REGIONAL LAND BANK**

The undersigned hereby associate, incorporate, and adopt the following Articles of Incorporation under the laws of the State of Nebraska.

ARTICLE I

The name of the corporation shall be Northeast Nebraska Regional Land Bank.

ARTICLE II

The corporation is a public benefit corporation.

ARTICLE III

The street address of the corporation's initial registered office is 1310 W Norfolk Avenue, Suite D, Norfolk, NE 68701; and the name of its initial registered agent at this address is Gary Bretschneider.

ARTICLE IV

The names and street addresses of the incorporators are the same as the initial directors as set forth in Article VI hereof.

ARTICLE V

This corporation will not have members.

ARTICLE VI

The names and street addresses of the individuals who are to serve as the initial directors of the corporation as are set forth below:

<u>Name</u>	<u>Address</u>
Brian Lundy	815 N. Birch St. Norfolk, NE 68701
John Kouba	1702 Sheridan Dr. Norfolk, NE 68701
Benjamin Temple	403 W. Norfolk Ave. Norfolk, NE 68701

<u>Name</u>	<u>Address</u>
Rob Merrill	1215 W. Nebraska Ave. Norfolk, NE 68701
Randy Wilcox	2802 Mimick Dr. Norfolk, NE 68701
Rod Johnson	3416 Golf View Dr. Norfolk, NE 68701
Soshia Bohn	1628 Mulberry Dr. Norfolk, NE 68701
Mayra Mendoza	209 W. Spruce Ave. Norfolk, NE 68701
Juan Sandoval	902 N. Victory Rd. Norfolk, NE 68701

ARTICLE VII

The corporation shall have no capital stock, nor shall it pay dividends or income to the Directors, Officers, or Employees, except if necessary for the reasonable compensation of services. All income shall be used only to accomplish the purposes of the corporation. In the event of dissolution, the distribution of assets will be performed in accordance with the Nebraska Municipal Land Bank Act the Nebraska Nonprofit Corporation Act and the corporation's bylaws.

ARTICLE VIII

The main purpose of this corporation is to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use, in accordance with the Nebraska Municipal Land Bank Act.

Dated this _____ day of _____, 2024.

Brian Lundy

John Kouba

Benjamin Temple

Rob Merrill

Randy Wilcox

Rod Johnson

Soshia Bohn

Mayra Mendoza

Juan Sandoval

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made and entered into this 25th day of March, 2024, by and between Jeremy Osborne and Alicia A. Osborne, husband and wife, hereinafter called SELLER, and Northeast Nebraska Regional Land Bank, a Political Subdivision of the State of Nebraska, hereinafter called BUYER, WITNESSETH:

1. **PROPERTY.** That SELLER agrees to sell to BUYER and BUYER agrees to purchase from SELLER the property addressed as 110 S. 9th Street, Norfolk, Nebraska, and described as follows:

Lot 13, Block 3, Koenigstein's 3rd Addition to Norfolk, Madison County, Nebraska.

upon the following terms and conditions, together with all appurtenances relating thereto and improvements located thereon and subject to all easements, covenants and restrictions of record.

2. **PURCHASE PRICE.** The purchase price to be paid by the BUYER to the SELLER is ~~One Dollar (\$1.00)~~ which BUYER agrees to pay to SELLER upon closing.

3. **TITLE SEARCH.** BUYER has obtained a title search which reflects there are no liens of record, however, there are delinquent and unpaid real estate taxes for the years 2022 and 2023, respectively.

4. **TITLE INSURANCE.** BUYER may obtain a title insurance policy in the amount of Five Thousand Dollars (\$5,000.00), at BUYER's own expense, upon the execution of this Agreement.

5. **NO LIENS.** SELLER agrees to not place or allow to come into existence any liens on the subject property prior to closing.

6. **CLOSING.** The date of closing of this Agreement shall be on or before the 1st day of May, 2024, except that if it is necessary for SELLER to cure defects in title to the real property, as provided for herein, then the date of closing shall be as soon as possible after said defects are cured.

7. **REAL ESTATE TAXES.** SELLER shall pay all real estate taxes and personal property taxes on the property being sold hereunder for calendar year 2022 and all prior years. All such taxes for 2023 and subsequent years shall be the responsibility of BUYER.

8. **DEED.** At the time of closing when BUYER shall have paid the entire purchase price, the SELLER shall deliver a Warranty Deed to the BUYER.

9. SURVEY. BUYER may have the property surveyed at BUYER's expense. If a survey discloses material items inconsistent with previous representations, this Agreement may be voided by BUYER.

10. SMOKE DETECTION UNIT. BUYER and SELLER each recognize and mutually agree to waive any smoke detection unit requirements as provided by Sec. 81-5,141 through 81-5,146 of the Nebraska Revised Statutes.

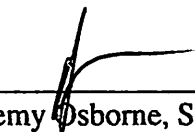
11. UTILITIES. SELLER shall be responsible for the payment of all final utility bills for the subject property.

12. DISCLOSURE STATEMENT NOT REQUIRED. Pursuant to Sec. 76-2,120(6)(j) of the Nebraska Revised Statutes, a Disclosure Statement is not required for this transfer.

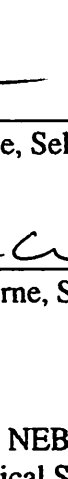
13. POSSESSION AND RISK OF LOSS. BUYER understands that BUYER is purchasing the property in "AS-IS" condition with no warranties expressed or implied. Possession and risk of loss shall pass to the BUYER upon closing.

14. AGREEMENT BINDING. This Agreement shall be binding upon the heirs, successors, personal representatives and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Agreement the day and year first above written.



Jeremy Osborne, Seller

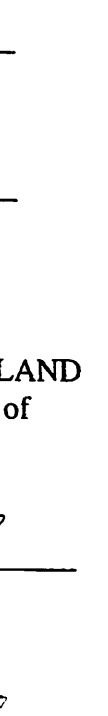


Alicia A. Osborne, Seller

NORTHEAST NEBRASKA REGIONAL LAND
BANK, a Political Subdivision of the State of
Nebraska, Buyer

By 

Rob Merrill, Chairman

By 

Gary Bretschneider, Executive Director

Executive Director or NNRLB staff under the supervision of the NNRLB Executive Director the authority:

- A. To receive and execute offers to purchase property on behalf of the NNRLB subject to Board of Directors approval;
- B. To contract with third parties on behalf of the NNRLB in accordance with these Policies and Procedures;
- C. To determine the sales value of a property offered and/owned by the NNRLB within the guidelines of these Policies and Procedures;
- D. To determine the potential for renovation of a structure; and
- E. To expend NNRLB funds to achieve property acquisitions and dispositions consistent with its approved annual budget;

The authority provided in this Article may only be exercised consistent with these Policies and Procedures. The action of an NNRLB staff member inconsistent with these Policies and Procedures will have no effect unless ratified by the Board of Directors of the NNRLB. Exceptions to these Policies and Procedures may be approved by the Board of Directors after a complete presentation by the NNRLB staff.

2.02 Authority for Disposition of Properties Based on Value

- A. Value of more than \$1,000.** The sale, lease, encumbrance, or alienation of real property or improvements thereon, with a value of more than \$1,000, shall occur only upon the approval of a majority of the voting members of the board. For purposes of this policy, "value" shall mean fair market value. Upon such board approval, the executive director or their designee shall be authorized to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of real property or improvements by the land bank.²
- B. Value of \$1,000 or less.** The executive director shall have the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the sale, lease, encumbrance, or alienation of real property or improvements thereon with a value of \$1,000 or less, without need for board approval.³

Article III. Acquisition of Real Property

3.01 General Considerations for Parcel Acquisition. The NNRLB may acquire improved or unimproved, vacant, abandoned, and tax-delinquent property to further its mission. In determining whether to acquire a property, the NNRLB may prioritize those properties that meet one or more of the following criteria which are listed in no particular order:

- A. In neighborhoods with an active neighborhood plan or plans, developed with direct input from neighborhood residents, organizations, and institutions;

² Neb. Rev. Stat. § 18-3405 (9)(e).

³ Neb. Rev. Stat. § 18-3405 (9)(e).

- B. In neighborhoods that are historically impoverished, and where an investment will support housing and economic development opportunities for residents with low to moderate income levels, including incomes less than 80% of Area Median Income as defined by the U.S. Department of Housing and Urban Development;
- C. Where the targeted elimination of blight will make an impact on the overall stability of the neighborhood and community;
- D. Where unrestricted dollars can bridge funding gaps to stabilize neighborhoods and preserve property values;
- E. Where an investment will support mixed-use development; or
- F. Where an investment will leverage funds from existing federal, state, or local housing programs.
- G. Where there is a Qualified End User committed to purchasing and developing the property;
- H. Where there is a prospective end user, neighborhood resident, local governmental entity, community stakeholder, or other interested party who has requested that the NNRLB review the property for acquisition;
- I. Where the redevelopment of the property will support strategic development efforts, is likely to act as catalyst for further development, or is part of a comprehensive development plan;
- J. Where acquisition will support public infrastructure and green space development;
- K. Where acquisition will help create or preserve homeownership opportunities;
- L. Where there is an existing market for the property, but title issues prevent the property from being developed to its highest and best use;
- M. Where acquisition of the property will help fulfill an existing plan for historic preservation; and/or
- N. Where acquisition of the property will further the NNRLB's mission and the NNRLB has the resources to maintain and market the property.

3.02 Pre-Acquisition Considerations

- A. The NNRLB will assess the condition, marketability, potential holding and maintenance costs, and possible end users of every property prior to acquisition. When possible, the NNRLB will conduct a complete condition assessment of all structures prior to acquisition.
- B. Prior to acquisition, the NNRLB will ensure that it has available funds to hold and maintain the property for an extended ownership period.
- C. The NNRLB may generally only acquire property that has clear and marketable title, except for delinquent property taxes or special assessments which may be abated under Nebraska law. The NNRLB may, on a case-by-case basis with approval of the Board of Directors and in accordance with the priorities identified in these Policies and Procedures, consider acquisitions of property with a clouded title.
- D. If a property is in a local historic district, the NNRLB will endeavor to communicate with the appropriate historic commission to determine potential disposition options prior to acquisition.

3.03 Post-Acquisition Considerations

- A. Upon acquiring or inventorying any property, the NNRLB will do the following: conduct a complete condition assessment (if not already conducted), notify insurance carrier to add property to the insurance schedule, secure the

property, add the property to its maintenance schedule, and prepare a marketability assessment for the property.

- B. As soon as practical, the NNRLB may move forward with property disposition, demolition, or marketing following acquisition.
- C. Upon acquiring or inventorying a property, the NNRLB will make its inventory/ownership known to the public. If the NNRLB has been in contact with a prospective end user, neighbor, community-based organization, or other interested party prior to acquisition, it will communicate its inventory/ownership of the property to the interested party or parties.

3.04 Acquisition from the Madison and Pierce Counties Annual Tax Certificate Sales

- A. The NNRLB may participate in Madison and Pierce Counties' annual tax sales held on the first Monday of March pursuant to Nebraska Revised Statute § 77-1801 et seq.
- B. The NNRLB may bid at the sales as a regular bidder at the discretion of the Executive Director.
- C. Upon the expiration of three years from the date of purchase, the NNRLB may foreclose on all remaining unredeemed tax certificates pursuant to Nebraska Revised Statute § 77-1902, et seq.
- D. The NNRLB may take a deed from the property owner in lieu of foreclosure if there are no other liens against the property that cannot be abated through resolution of the Board.
- E. Upon acquisition after the confirmation of the sheriff's sale of the property Nebraska Revised Statute § 77-1913 or a deed in lieu of foreclosure, and upon appropriate resolution of the Board, the NNRLB shall request that the County Treasurer exempt the property from future taxes and assessments for the entire period the NNRLB owns the property.

3.05 Acquisition from the Madison and Pierce Counties Private Tax Certificate Sales

- A. The NNRLB may participate in private tax sales in Madison and Pierce Counties pursuant to Nebraska Revised Statute § 77-1801 et seq.
- B. The NNRLB may bid at the sales as a regular bidder at the discretion of the Executive Director, and following preapproval from the Board.
- C. After the acquisition of a tax sale certificate through the private tax lien sale and after the redemption period has expired, the NNRLB may file a tax foreclosure action pursuant to Nebraska Revised Statute § 77-1902, et seq.
- D. The NNRLB may take a deed from the property owner in lieu of foreclosure if there are no other liens against the property that cannot be abated through resolution of the Board.

- E. Upon acquisition after the confirmation of the sheriff's sale of the property pursuant to Nebraska Revised Statute § 77-1913 or a deed in lieu of foreclosure, and upon appropriate resolution of the Board, the NNRLB shall request that the County Treasurer exempt the property from future taxes and assessments for the entire period the NNRLB owns the property.

3.06 Acquisition through Interlocal Agreement with Madison and Pierce Counties

- A. The NNRLB will regularly be in contact with the Madison and Pierce County Treasurers and Madison and Pierce County Attorneys' offices to strategically coordinate acquisition of property through the tax foreclosure process thru an interlocal agreement or agreements between the NNRLB and Madison and Pierce County, Nebraska as provided for in the Interlocal Cooperation Act of Nebraska.
- B. When a property is eligible under Nebraska law and is an acquisition priority for the NNRLB, the NNRLB will coordinate with the Madison and Pierce County Treasurers and Madison and Pierce County Attorneys' offices to investigate and file a tax foreclosure action through the Madison and Pierce County District Courts.
- C. Upon acquisition after completion of the tax foreclosure and adoption of appropriate Board resolution, the NNRLB will instruct the Madison and Pierce County Treasurers' offices to remove all existing delinquent taxes, assessments, charges, penalties, and interest, and exempt the property from future taxes and assessments for the entire period the NNRLB owns the property.

3.07 Acquisition through Donation

- A. The NNRLB may generally only acquire property that has clear and marketable title, except for delinquent property taxes or special assessments which may be abated under Nebraska law. The NNRLB may acquire a property by private donation if clean, marketable title has been verified. On a case-by-case basis, upon Board of Directors Approval and in accordance with the priorities in these Policies and Procedures, the NNRLB may accept property donations that require NNRLB investment to clear title upon transfer. The NNRLB may require prospective donors to provide at the donor's expense a competent title examination prior to acquisition.
- B. The NNRLB will conduct a complete condition assessment of any property before acquiring the property through private donation.
- C. If requested by the donor, the NNRLB, as an eligible charitable organization, will acknowledge the donation. The donor will be solely responsible for reporting and determining the value of any property donated.
- D. At its discretion, the NNRLB may require prospective donors to pay all delinquent taxes, assessments, charges, penalties, and interest prior to private donation.

3.08 Acquisition through Purchase

- A. The NNRLB may acquire a property through direct market purchase if no other means of acquisition is available and acquiring the property is a priority.

Article IV. Demolition Policies and Procedures

4.01 Demolition Decision-Making

- A. Upon acquiring a property that may be demolished, the NNRLB will conduct a complete condition assessment on the property and reasonably estimate the cost of returning the structure to a safe, habitable, and code compliant condition.
- B. The NNRLB will review the property's complete condition assessment, estimate renovation costs, fair market value, and the input of neighbors, preservationists, and community stakeholders before making a final demolition decision.
- C. The NNRLB may make demolition decisions based on a complete exterior inspection if nuisance conditions necessitate expediency.

4.02 Demolition Partners

- A. The NNRLB will partner with the public sector, and private partners and contractors to facilitate the demolition of a property swiftly after a demolition decision has been made.

4.03 Demolition Quality

- A. Every NNRLB demolition will conform to the City of Norfolk and Village of Hadar codes.
- B. Salvage on a property owned by the NNRLB and scheduled for demolition may be permitted to recover important historic materials or architectural details or salvageable materials. An organization with experience in salvage may contact the NNRLB at least thirty (30) days prior to the scheduled demolition and request salvage rights. Entities engaged in salvage activities must document satisfactory commercial general liability insurance and have its individual representatives sign a salvage waiver prior to entering the property.
- C. Where health and safety concerns or timely coordination of the demolition make salvage impracticable, the NNRLB may deny a salvage rights request.
- D. The NNRLB may expend funds to undertake deconstruction demolition, when feasible and when funding is available.

Article V. Property Maintenance Policies and Procedures

5.01 Maintenance General Conditions

- A. The NNRLB will maintain properties in its inventory in compliance with state and local law.
- B. The NNRLB will endeavor to maintain property in a way that reduces or eliminates nuisance conditions, maintains, or increases the property values of adjacent and nearby properties, and ensures the future marketability of the property.
- C. The NNRLB will utilize public sector and qualified contractors for all maintenance necessary on a property owned by the NNRLB, and will utilize Small and Emerging businesses in Norfolk and Hadar zip codes wherever feasible. All contractors shall be duly licensed pursuant to state and local law.