

ORDINANCE NO. 2312

AN ORDINANCE TO AMEND SECTIONS 2-26 THROUGH 2-29 OF THE LEXINGTON CITY CODE; TO CREATE THE COMMUNITY DEVELOPMENT AGENCY; TO REPEAL ORIGINAL SECTIONS 2-26, 2-27, 2-28, AND 2-29, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

Section 1. That Section 2-26 through 2-29 of the Lexington City Code is hereby amended to read as follows:

Article IV. Community Development Agency of Lexington, Nebraska:

Sec. 2-26 Findings of Council.

It is hereby found and declared that there exist in the City of Lexington, Nebraska, areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable land uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire community, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of the municipality, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private

property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination.

Sec. 2-27 Created; Membership; Appointment of Members; Powers and Authority.

- (1) There is hereby established pursuant to section 18-2101.01 of the Nebraska Revised Statutes a Community Development Agency for the City of Lexington, Nebraska, composed of seven members with two members being City Council members, to be appointed by the City Manager with the approval of the governing body.
- (2) The term of office of the members shall be for five years, except, that the members of the Agency initially appointed shall be one member each for one year, two years, and five years, and two members each for three years and four years, as designated by the City Manager in making the respective appointments.
- (3) The Agency shall organize by electing one of its members chairperson and another vice-chairperson, the City Manager shall be the executive director and the city clerk shall be the secretary. The Agency shall adopt by-laws at their first organizational meeting.
- (4) The Community Development Agency shall have the power and authority to exercise those powers and authority granted to a community redevelopment authority under sections 18-2101 to 18-2144 of the Nebraska Revised Statutes. The Community Development Agency shall also have the power and authority to do all community development activities, and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as a grantee, or as an agent or otherwise, under the provisions of the Federal Housing and Community Development Act of 1974, as amended through the Housing and Community Development Amendments of 1981. The Community Development Agency may levy taxes for the exercise of such jurisdiction and authority and may issue general obligation bonds, general obligation notes, revenue bonds, and revenue notes including those general obligation and revenue refunding bonds and notes for the purposes set forth in such sections and under the powers granted to any community redevelopment authority described therein.

Sec. 2-28 Rights; Effective Date.

All of the rights and property, both real and personal of the existing Community Redevelopment Authority of Lexington, Nebraska, and all obligations including leases, bonds, redevelopment contracts, agreements and other evidence of debt of said Authority are hereby transferred to and assumed by the Community Development Agency of Lexington, Nebraska, created pursuant to this ordinance. Upon this ordinance becoming effective, the Community Redevelopment Authority of Lexington, Nebraska, shall be dissolved. The effective date of transfer from Community Redevelopment Authority of Lexington, Nebraska to Community

Development Agency of Lexington, Nebraska shall be February 28, 2012.

Sec. 2-29 State Law Adopted by Reference.

The Community Development Law, Sections 18-2101 to 18-2144 of the Reissue Revised Statutes, 1943, as amended from time to time, shall, so far as applicable, be a part of this Article, and by reference are incorporated in this Section.

Section 2. That original Sections 2-26, 2-27, 2-28, and 2-29, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 3. That an emergency exists, and this Ordinance shall be published in pamphlet form and take effect immediately upon passage.

Passed and approved February 28, 2012.

Mayor

Attest:

City Clerk