

RESOLUTION NO. 2017-09

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING AN AMENDED REDEVELOPMENT PLAN AND RELATED MATTERS

WHEREAS, the city of Lexington, Nebraska, a municipal corporation (the “**City**”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared the area legally described in **Exhibit A** attached hereto (the “**Redevelopment Project Area**”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Development Agency of Lexington, Nebraska (the “**Community Development Agency**”) has prepared an Amended Redevelopment Plan (the “**Redevelopment Plan**”), in the form attached hereto as **Exhibit B**, for the redevelopment of the Redevelopment Project Area; and

WHEREAS, the Community Development Agency and the Planning Commission of the City (the “**Planning Commission**”) have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and City Council of the City; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

WHEREAS, the City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The Redevelopment Plan is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Community Development Agency, that (a) the

redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project.

Section 2. The Redevelopment Plan is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Agency in its sole and absolute discretion.

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area for the benefit of any public body be divided for a period of 15 years after the effective dates for such division as provided in a redevelopment contract and amendments thereto, related to the Plan, as provided in Section 18-2147 of the Act. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

PASSED AND APPROVED this ____ day of _____, 2017.

CITY OF LEXINGTON, NEBRASKA

ATTEST:

By: _____ By: _____
Clerk Mayor

[S E A L]

Exhibit A
Redevelopment Project Area

A TRACT OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION SEVEN (7), TOWNSHIP NINE (9) NORTH, RANGE TWENTY-ONE (21) WEST OF THE 6TH P.M., DAWSON COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SEC. 7-T9N-R21W; THENCE ON AN ASSUMED BEARING OF S00°32'07"E, ALONG THE EAST LINE OF THE NE1/4, A DISTANCE OF 432.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°32'07"E, ALONG SAID EAST LINE, A DISTANCE OF 586.24 FEET TO A POINT BEING THE NORTHEAST CORNER OF CED ADDITION; THENCE S89°51'27"W, ALONG THE NORTH LINE OF SAID CED ADDITION, A DISTANCE OF 32.78 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ADAMS STREET; THENCE S89°28'55"W, ALONG SAID NORTH LINE, A DISTANCE OF 365.82 FEET TO THE NORTHWEST CORNER OF SAID CED ADDITION; THENCE S00°30'48"E, ALONG THE WEST LINE OF SAID CED ADDITION, A DISTANCE OF 1094.81 FEET TO THE SOUTHWEST CORNER OF SAID CED ADDITION; THENCE S89°31'28"W A DISTANCE OF 260.50 FEET TO A POINT ON THE NORTHERLY LINE OF 96 FT. DRAINAGE DISTRICT NO. 1 RIGHT-OF-WAY LINE; THENCE N66°35'56"W, ALONG SAID NORTHERLY DRAINAGE RIGHT-OF-WAY LINE, A DISTANCE OF 176.13 FEET; THENCE N66°53'04"W, ALONG SAID NORTHERLY DRAINAGE RIGHT-OF-WAY LINE, A DISTANCE OF 566.58 FEET; THENCE N00°37'12"E A DISTANCE OF 1832.23 FEET TO A POINT ON THE NORTH LINE OF SAID NE1/4; THENCE S89°44'10"E, ALONG SAID NORTH LINE OF THE NE1/4, A DISTANCE OF 208.57 FEET; THENCE S00°32'07"E A DISTANCE OF 863.21 FEET; THENCE N89°27'53"E A DISTANCE OF 230.00 FEET; THENCE N00°32'07"W A DISTANCE OF 860.00 FEET TO A POINT ON THE NORTH LINE OF SAID NE1/4; THENCE S89°44'10"E, ALONG SAID NORTH LINE OF THE NE1/4, A DISTANCE OF 560.31 FEET; THENCE S00°32'07"E A DISTANCE OF 435.56 FEET TO THE SOUTHWEST CORNER OF REAL ESTATE INVESTORS SUBDIVISION; THENCE N89°35'35"E A DISTANCE OF 303.75 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,940,069 SQUARE FEET OR 44.538 ACRES MORE OR LESS OF WHICH 1.025 ACRES ARE COUNTY ROAD RIGHT-OF-WAY.

Exhibit B

Amended Redevelopment Plan