

RESOLUTION NO. _____

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA, DIRECTING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY LOCATED AT 2809 PLUM CREEK PARKWAY.

WHEREAS, the governing body of the Community Development Agency of Lexington, Nebraska did, by Resolution No. 2013-06 dated August 19, 2013, recommend the acquisition of real property located at 2809 Plum Creek Parkway, Lexington, Nebraska and generally described in "Exhibit A", through good faith good faith negotiation with the property owner, or through eminent domain proceedings if, after a reasonable period of time, said good faith negotiations to acquire said real property were unsuccessful; and

WHEREAS, the governing body of the City of Lexington, Nebraska did, by Resolution No. 2013-26 dated August 27, 2013, authorize and direct the City Manager to acquire said property, on behalf of the Agency, through good faith negotiation with the property owner, as well as authorize and direct the Agency to acquire the property through eminent domain proceedings if, after a reasonable period of time, said good faith negotiation to acquire said real property was unsuccessful; and

WHEREAS, the Agency has engaged in good faith negotiations for the acquisition of said real property, and such negotiations were unsuccessful over a reasonable period of time, and that said property cannot be acquired except through the exercise of eminent domain.

BE IT THEREFORE RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY, that Joe Pepplichtsch, Lexington City Manager, is hereby directed and authorized on behalf of the Agency, to procure legal Counsel and commence eminent domain proceedings in Dawson County, Nebraska, for the acquisition of property located at 2809 Plum Creek Parkway and generally described in "Exhibit A", to be used for the purposes of Agency.

Passed and approved November 18, 2013.

Community Development Agency
of Lexington, Nebraska

By: _____
Chairman

Exhibit A

Legal Description

A tract of land in the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of section Seventeen (17), Township Nine (9), Range Twenty-one (21) West of the 6th P.M. (6PM) in Dawson County, Nebraska, described as follows:

Beginning at a point which is 90.01' West along the North line of the Northeast corner of the Southeast Quarter of the Southwest Quarter; Thence Southerly deflecting 00 degrees, 14 minutes, 57 seconds east, a distance of 157.42'; Thence Southeasterly deflecting 059 degrees, 10 minutes, 09 seconds left, a distance of 23.29'; Thence Easterly deflecting 88 degrees, 53 minutes, 39 seconds east, a distance of 20.0'; Thence Southerly deflecting 00 degrees, 04 minutes, 17 seconds East, a distance of 175.0' along the westerly existing Highway 283 Right of Way line; Thence westerly deflecting 89 degrees, 57 minutes, 55 seconds West, a distance of 35.0'; Thence Southerly deflecting 00 degrees, 09 minutes, 28 seconds left, a distance of 94.60 feet; Thence West and parallel to the North line, a distance of 264.11'; Thence North and parallel to the East line of said Southeast Quarter of the Southwest Quarter, a distance of 439.0'; Thence West on the North line of the Southeast Quarter of the Southwest Quarter, a distance of 260.03'; to the place of beginning, EXCEPT a tract of land conveyed to The City of Lexington, Nebraska, by Deed dated 8/19/2002 and recorded in Book 2002, Page 3538; and containing 2.34 acres, more or less.

RESOLUTION NO. 2013-06

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO THE REDEVELOPMENT OF SUBSTANDARD AND BLIGHTED AREAS, NECESSARY FOR A REDEVELOPMENT PROJECT, AND CONSISTENT WITH THE MASTER PLAN OF THE CITY AND RECOMMENDING ACQUISITION OF THE SAME BY THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska a municipal corporation and city of the first class ("City"), determined it to be desirable to undertake and carry out development projects in areas of the City determined by the City to be substandard and blighted and in need of redevelopment;

WHEREAS, the Nebraska Community Development Law, Nebraska Revised Statutes sections 18-2101 through 18-2154, as amended ("Development Law"), prescribes the requirements and procedures for the planning and implementation of redevelopment pursuant to the Development Law;

WHEREAS, the City previously created the Community Development Agency of Lexington, Nebraska ("Agency") pursuant to the Development Law;

WHEREAS, the City previously adopted Redevelopment Plan #1, attached as "Exhibit A", for a redevelopment project that includes the real property described herein ("Redevelopment Project"), determined it to be within the best interests of the community impacted by the Redevelopment Project, and directed the Authority to implement the Redevelopment Project in accordance with the Development Law;

WHEREAS, the real property described herein is poorly maintained, vacant, undeveloped land that includes conditions that are insanitary or unsafe; endanger life or property; are conducive to ill health, transmission of disease, juvenile delinquency, and crime; are detrimental to the public health, safety, morals, and welfare; includes defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness; and substantially impairs or arrests the sound growth of the community and constitute an economic or social liability;

WHEREAS, the City previously determined the real property described herein to be substandard and blighted as defined by Nebraska Revised Statutes section 18-2103, subsections (10) and (11), in that such area meets the criteria described in subsection (10) and meets one or more of the factors set forth in subsections (i) through (iv) of subsection (11)(b);

WHEREAS, Nebraska Revised Statutes section 18-2122 provides that the Agency may acquire any real property which it may deem necessary for a redevelopment project, as defined under Nebraska Revised Statutes section 18-2103(12);

WHEREAS, Nebraska Revised Statutes, Chapter 76, Article 7, provides general authority and procedures for a political subdivision, such as the City, to utilize the power of eminent domain;

WHEREAS, the Agency deems the acquisition of the real property described herein necessary for the Redevelopment Project, essential to the removal of blight and substandard conditions in the Redevelopment Project, consistent with the City of Lexington Master Plan ("Master Plan"), and in the best interests of the City and the Authority to acquire said real property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

Section 1. RESOLVED, the Agency finds that the following described undeveloped vacant real property is located within the limits of the City; that said lands are a necessary part of the Redevelopment Project; are substandard and blighted as defined by Nebraska Revised Statute section 18-2103, subsections (10) and (11); are in need of redevelopment; and that such redevelopment is consistent with the Master Plan:

[See Attached Exhibit B]

Section 2. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations of private enterprise without the aids of the Development Law. The elimination of said substandard and blighted condition under the authority of the Development Law is a public purpose and in the public interest.

Section 3. The Agency hereby recommends that the City authorize and direct the City Manager of the City, or his or her designee, to acquire said real property, on behalf of the Agency, through good faith negotiation with the property owner.

Section 4. The Agency hereby recommends the City authorize the Agency to acquire said real property through eminent domain proceedings if, after a reasonable period of time, said good faith negotiations to acquire said real property are unsuccessful.

Section 5. The Agency hereby recommends that the City authorize and direct the Agency to provide for the development and redevelopment of said real property according to the Development Law upon acquisition of said real property.

Section 6. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase,

clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this 19th day of August, 2013.



COMMUNITY DEVELOPMENT
AGENCY OF LEXINGTON, NEBRASKA

Steve R. Smith
Chair

ATTEST:

Camela Burke
Secretary

(SEAL)

RESOLUTION NO. 2013-26

A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO THE REDEVELOPMENT OF SUBSTANDARD AND BLIGHTED AREAS, NECESSARY FOR A REDEVELOPMENT PROJECT, AND CONSISTENT WITH THE MASTER PLAN OF THE CITY, AND AUTHORIZING THE ACQUISITION OF THE SAME BY THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, a municipal corporation and city of the first class ("City"), determined it to be desirable to undertake and carry out development projects in areas of the City determined by the City to be substandard and blighted and in need of redevelopment;

WHEREAS, the Nebraska Community Development Law, Nebraska Revised Statutes sections 18-2101 through 18-2154, as amended ("Development Law"), prescribes the requirements and procedures for the planning and implementation of redevelopment pursuant to the Development Law;

WHEREAS, the City previously created the Community Development Agency of Lexington, Nebraska ("Agency") pursuant to the Development Law;

WHEREAS, the City previously ratified and affirmed Redevelopment Plan #1, attached as "Exhibit A", for a redevelopment project that includes the real property described herein ("Redevelopment Project"), determined it to be within the best interests of the community impacted by the Redevelopment Project, and directed the Agency to implement the Redevelopment Project in accordance with the Development Law;

WHEREAS, the real property described herein is poorly maintained, vacant, undeveloped land that includes conditions that are insanitary or unsafe; endanger life or property; are conducive to ill health, transmission of disease, juvenile delinquency, and crime; are detrimental to the public health, safety, morals, and welfare; include defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness; and substantially impair or arrest the sound growth of the community and constitute an economic or social liability;

WHEREAS, the City previously determined the real property described herein to be substandard and blighted as defined by Nebraska Revised Statute section 18-2103, subsections (10) and (11) in that such area meets the criteria described in subsection (10) and meets one or more of the factors set forth in (i) through (iv) of subsection (11)(b);

WHEREAS, Nebraska Revised Statutes section 18-2122 provides that the Agency may acquire any real property which it may deem necessary for a redevelopment project, defined under Nebraska Revised Statutes section 18-2103(12);

WHEREAS, Nebraska Revised Statutes, Chapter 76, Article 7, provides general authority and procedures for a political subdivision, such as the City, to utilize the power of eminent domain;

WHEREAS, the Agency previously determined that the acquisition of the real property described herein necessary for the Redevelopment Project, essential to the redevelopment of substandard and blighted areas within the Redevelopment Project, and consistent with the City of Lexington Master Plan ("Master Plan"); and

WHEREAS, after a public hearing, the City has reviewed the recommendation of the Agency and determined that the acquisition of the real property described herein is necessary for the Redevelopment Project, essential to the removal of blight and substandard conditions in the Redevelopment Project, consistent with the Master Plan, and in the best interests of the City and the Agency to acquire said real property.

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

Section 1. RESOLVED, the City finds that the following described undeveloped vacant real property is located within the limits of the City; that said lands are a necessary part of the Redevelopment Project; are substandard and blighted as defined by Nebraska Revised Statute section 18-2103, subsections (10) and (11); are in need of redevelopment; and that the acquisition is consistent with the Master Plan:

[See Attached Exhibit B]

Section 2. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations of private enterprise without the aids of the Development Law. The elimination of said substandard and blighted condition under the authority of the Development Law is a public purpose and in the public interest.

Section 3. The City Manager of the City, or his or her designee, is hereby authorized and directed to acquire said real property, on behalf of the Agency, through good faith negotiation with the property owner.

Section 4. If, after a reasonable period of time, the good faith negotiation to acquire said real property is unsuccessful, the Agency is hereby authorized and directed to acquire said real property through eminent domain proceedings.

Section 5. Upon acquisition of said real property, the Agency is hereby authorized and directed to provide for the development and redevelopment of said real property according to the Development Law.

Section 6. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall be published and shall take effect as provided by law. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this 27th day of August, 2013.



CITY OF LEXINGTON, NEBRASKA

Mayor

ATTEST:

City Clerk

(S E A L)

Exhibit B

Legal Description

A tract of land in the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of section Seventeen (17), Township Nine (9), Range Twenty-one (21) West of the 6th P.M. (6PM) in Dawson County, Nebraska, described as follows:

Beginning at a point which is 90.01' West along the North line of the Northeast corner of the Southeast Quarter of the Southwest Quarter; Thence Southerly deflecting 00 degrees, 14 minutes, 57 seconds east, a distance of 157.42'; Thence Southeasterly deflecting 059 degrees, 10 minutes, 09 seconds left, a distance of 23.29'; Thence Easterly deflecting 88 degrees, 53 minutes, 39 seconds east, a distance of 20.0'; Thence Southerly deflecting 00 degrees, 04 minutes, 17 seconds East, a distance of 175.0' along the westerly existing Highway 283 Right of Way line; Thence westerly deflecting 89 degrees, 57 minutes, 55 seconds West, a distance of 35.0'; Thence Southerly deflecting 00 degrees, 09 minutes, 28 seconds left, a distance of 94.60 feet; Thence West and parallel to the North line, a distance of 264.11'; Thence North and parallel to the East line of said Southeast Quarter of the Southwest Quarter, a distance of 439.0'; Thence West on the North line of the Southeast Quarter of the Southwest Quarter, a distance of 260.03'; to the place of beginning, EXCEPT a tract of land conveyed to The City of Lexington, Nebraska, by Deed dated 8/19/2002 and recorded in Book 2002, Page 3538; and containing 2.34 acres, more or less.