

**COMMUNITY DEVELOPMENT AGENCY
LEXINGTON NEBRASKA
November 18, 2013**

A Regular Meeting of the Community Development Agency was held Monday, November 18, 2013, at the Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska at 5:30 p.m. Members present were Steve Smith, Gail Hall, Seth McFarland, Kory Cetak, John Fagot and Linda Miller. Member Jason Fagot was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, and Secretary Pamela Baruth. The press was represented by Kearney Hub and KRVN.

NOTICE:

Notice of the meeting was given in advance notice, thereof by publication in the Lexington Clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

CALL TO ORDER:

The Meeting was called to order by Chairman Steve Smith who informed the public that the Open Meetings Act is posted in the Council Chambers at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska.

**MINUTES – REGULAR
MEETING 10-21-13**

Minutes of the Regular meeting held Monday, October 21, 2013, were presented for consideration. Moved by Miller, seconded by McFarland, to approve the minutes as presented. Roll call. Voting “aye” were Fagot, Cetak, Hall, McFarland, Miller, Smith. Motion carried.

LAND ACQUISITION:

Resolution No. 2013-12 was presented for Board consideration. Peplitsch gave an update on the proceedings thus far with the property owner. Following the update, moved by Miller, seconded by McFarland, to approve Resolution No. 2013-12 as presented. Roll call. Voting “aye” were Hall, Cetak, Fagot, McFarland, Miller, Smith. Motion carried.

RESOLUTION NO. 2013-12

**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 Peplitsch, 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: Steve H. Smith, Chairman

ATTEST: Pamela Baruth, Secretary

ROUNDTABLE:

Peplitsch gave an update on several current CDA related projects. He also noted that there will not be a CDA meeting in December unless there are pressing agenda items.

ADJOURNMENT:

There being no further business to discuss, Chairman Steve Smith declared the meeting adjourned.

Respectfully submitted,
Pamela Baruth
CDA Secretary