

**COMMUNITY DEVELOPMENT AGENCY
LEXINGTON NEBRASKA
September 16, 2013**

A Regular Meeting of the Community Development Agency was held Monday, September 16, 2013, at the Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska at 5:30 p.m. Members present were Steve Smith, Jason Fagot, John Fagot and Linda Miller. Members Seth McFarland, Kory Cetak, and Gail Hall were absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, and Secretary Pamela Baruth. The press was represented by KRVN and Kearney Hub.

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 8-19-13**

Minutes of the Regular meeting held Monday, August 19, 2013, were presented for consideration. Moved by Miller, seconded by Jason Fagot, to approve the minutes as presented. Roll call. Voting “aye” were John Fagot, Jason Fagot, Miller, Smith. Motion carried.

DEDICATION:

Resolution No. 2013-07 was presented for board consideration. Peplitsch explained that a small tract of land owned by the CDA along the 18th Street right-of-way would be dedicated to the city. Following discussion, moved by Miller, seconded by John Fagot, to approve Resolution No. 2013-07 as presented. Roll call. Voting “aye” were Jason Fagot, John Fagot, Miller, Smith. Motion carried.

RESOLUTION NO. 2013-07

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA APPROVING THE DEDICATION OF REAL ESTATE AS STREET RIGHT-OF-WAY IN THE REPLAT OF BLOCK 3, PARKVIEW ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA;

WHEREAS, the Community Development Agency of Lexington, Nebraska (the “Agency”) has received a request from the City of Lexington, Nebraska for dedication of real estate owned by Agency to be included as street right-of-way in the Replat of Block 3, Parkview Addition, in order to facilitate the construction of 18th Street; and

WHEREAS, the dedication of such real estate for street right-of-way and the Legend Oaks II Project 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 BOARD OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA:

Section 1. The Agency is hereby authorized to join in the dedication of Replat of Block 3, Parkview Addition to the City of Lexington, Dawson County, Nebraska, thereby dedicating Lot 15 owned by the Agency as 18th Street right-of-way.

Section 2. That Steve Smith, as Chairman of Agency, is hereby authorized and directed on behalf of said Agency to join in the execution of the said Replat of Block 3, Parkview Addition to the City of Lexington, Dawson County, Nebraska.

PASSED AND APPROVED this 16th day of September, 2013.

COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF LEXINGTON, DAWSON COUNTY,
NEBRASKA

By: Steve H. Smith, Chairman

ATTEST: By: Pamela Baruth, Secretary

REDEVELOPMENT CNTRCT: Peplitsch requested Board consideration of a redevelopment contract proposal for the Lexington Development Group LLC retail shopping project. He reviewed the proposal, outlining the project and the responsibilities of the development group, the CDA and the city of Lexington. Following a review of the proposal, Resolution No. 2013-08 was presented for consideration. Moved by Smith, seconded by Miller, to approve Resolution No. 2013-08 as presented. Roll call. Voting "aye" were Jason Fagot, John Fagot, Miller, Smith. Motion carried.

RESOLUTION 2013-08

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA FORWARDING A REDEVELOPMENT PLAN TO THE PLANNING COMMISSION OF THE CITY FOR ITS RECOMMENDATION; PROVIDING NOTICE TO THE GOVERNING BODY THAT THE AGENCY INTENDS TO ENTER INTO A REDEVELOPMENT CONTRACT PREPARED BY LEXINGTON DEVELOPMENT GROUP, LLC, FOR REAL PROPERTY WITHIN THE CITY PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, it is desirable and in the public interest that the City of Lexington, Nebraska, a municipal corporation, undertake and carry out urban redevelopment projects in areas of the City which are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 2012, as amended, known as the Community Development Law, (the "Act") is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with the laws of the State of Nebraska has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110 of the Act; and

WHEREAS, Lexington Development Group, LLC, has prepared a redevelopment plan contained in a redevelopment contract, for an area declared blighted and substandard by the City; and

WHEREAS, Section 18-2112 of the Act, as amended, requires that, prior to the recommendation of a redevelopment plan, this Community Development Agency of the City, (the "Agency"), should submit such plan to the Planning Commission of the City for its review and recommendations as to its conformity with the general plan for the development of the City as a whole.

WHEREAS, Section 18-2119 of the Act, as amended, requires that, prior to the execution of a redevelopment contract for a redevelopment project, this Agency should provide the governing body notice of the Agency's intent to execute a proposed redevelopment contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CHAIR AND MEMBERS OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY, AS FOLLOWS:

1. The Agency hereby submits the redevelopment plan contained in the redevelopment contract attached hereto as Exhibit A to the Lexington Planning Commission for its review and recommendations as to its conformity with the general plan for the development of the City as a whole.
2. By copy of this Resolution delivered to the City council of the City of Lexington on this date, the Agency hereby gives the 30 day notice required by Section 18-2119 of the Act of its intention to accept such redevelopment contract proposal with Lexington Development Group, LLC, such acceptance to occur not earlier than approval of the redevelopment plan contained in said redevelopment contract, by action of the City Council, after hearing according to law, in substantially the attached form Exhibit A and with such modifications, additions or deletions deemed necessary or appropriate by the Agency.

Passed and approved September 16, 2013.

COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON,
NEBRASKA

BY Steve H. Smith, Chair

ATTEST: Pamela Baruth, Secretary

EXECUTIVE SESSION:

Moved by Miller, seconded by Jason Fagot, to enter into executive session at 5:55 p.m. to discuss purchase of property. Roll call. Voting "aye" were John Fagot, Jason Fagot, Miller, Smith. Motion carried.

Moved by John Fagot, seconded by Jason Fagot, to enter into open session at 6:09 p.m. following an executive session. Roll call. Voting "aye" were Miller, Jason Fagot, John Fagot, Smith. Motion carried.

ROUNDTABLE:

There were no reports.

ADJOURNMENT:

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

Respectfully submitted,
Pamela Baruth
CDA Secretary