

**COMMUNITY DEVELOPMENT AGENCY
LEXINGTON NEBRASKA
September 16, 2019**

A Regular Meeting of the Community Development Agency was held Monday, September 16, 2019, at Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska at 5:30 p.m. Members present were Steve Smith, Seth McFarland, Jason Fagot, John Fagot, and Gail Hall. Kory Cetak was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges and Secretary Pamela Baruth.

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 8-13-19: Minutes of the Regular meeting held Tuesday, August 13, 2019, were presented for consideration. Moved by John Fagot, seconded by Jason Fagot, to approve the minutes as presented. Roll call. Voting “aye” were McFarland, Hall, Jason Fagot, John Fagot, Smith. Motion carried.

RESOLUTION: Peplitsch reviewed a resolution correcting the name of the redevelopers in the Lex Lodging Redevelopment Project. Resolution No. 2019-06 was presented. Moved by John Fagot, seconded by McFarland, to approve Resolution No. 2019-06 as presented. Roll call. Voting “aye” were Hall, Jason Fagot, McFarland, John Fagot, Smith. Motion carried.

**RESOLUTION #2019-06
(Name Correction – Lex Lodging Redevelopment Project)**

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA, CORRECTING THE NAME OF REDEVELOPER IN THE LEX LODGING PROJECT.

WHEREAS, the CDA, in furtherance of the purposes and pursuant to the provisions of the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2154, as amended (the “Act”) has approved the Amendment to the Redevelopment Plan (the “Amendment”) to create and implement the Lex Lodging Redevelopment Project (“Project”) in the Redevelopment Area;

WHEREAS, the CDA has further approved the redevelopment agreement for the Project (the “Redevelopment Agreement”);

WHEREAS, the Redeveloper is identified as Lex Lodging, LLC in the Amendment, the Redevelopment Agreement, and other documents related to the Project (collectively, the Project Documents”);

WHEREAS, the members of Redeveloper were unable to secure the name Lex Lodging, LLC, and has alternatively named the Redeveloper entity “Lex Hotel, LLC”;

WHEREAS, Redeveloper and members of the Redeveloper have acknowledged, agreed, represented, and warranted that the Redeveloper referred to as Lex Lodging, LLC in the Project Documents is one and the same with Lex Hotel, LLC, and the correct name for the Redeveloper is Lex Hotel, LLC;

WHEREAS, the CDA and the Redeveloper desires to clarify that the name of the Redeveloper in all Project Documents is Lex Hotel, LLC;

WHEREAS, the correction of the name of the Redeveloper is deemed to be a minor modification of the Amendment and this resolution and the correction to the name of the Redeveloper does not make any substantive changes to the Project Documents and the parties involved in the Project.

NOW THEREFORE BE IT RESOLVED, the CDA hereby amends the Project Documents, including without limitation the Amendment and the Redevelopment Agreement, such that all references to Lex Lodging, LLC are hereby replaced with Lex Hotel, LLC.

BE IT FURTHER RESOLVED, the CDA shall not require amendments to each document, but shall consider this resolution to be sufficient to clarify that that Redeveloper is Lex Hotel, LLC. Provided, however, the Redevelopment Agreement shall be revised so that the Redeveloper is defined as Lex Hotel, LLC and Lex Hotel, LLC signs the Redevelopment Agreement as the Redeveloper.

BE IT FURTHER RESOLVED, the CDA hereby authorizes the Chairperson of the CDA to take all actions required to effectuate this resolution.

Dated this 16th day of September, 2019.

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

Respectfully submitted,
Pamela Baruth
CDA Secretary