

ORDINANCE NO. 2488

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING THE UNDERTAKING OF A PROPOSED SITE AND BUILDING DEVELOPMENT PROJECT INVOLVING LAND ACQUISITION, PLANNING, AND RELATED INFRASTRUCTURE ACTIVITIES TO SUPPORT A NEW INDUSTRIAL CAMPUS; AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR ASSISTANCE THROUGH THE SITE AND BUILDING DEVELOPMENT FUND; AUTHORIZING LOCAL MATCH AND OTHER PROJECT COMMITMENTS; AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS AND TAKE ACTIONS NECESSARY TO IMPLEMENT THE PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE, AND PUBLICATION IN ELECTRONIC FORM.

WHEREAS, the City of Lexington, Nebraska, is a municipal corporation and political subdivision of the State of Nebraska, duly organized and existing under the laws of the State of Nebraska; and

WHEREAS, the City has identified the need to advance industrial site readiness, economic development, business recruitment, and job creation opportunities within the community; and

WHEREAS, the proposed Lexington NewTrack Industrial Campus includes property and assets associated with the former Tyson operation, and the City desires to position this area for renewed private investment, productive reuse, and future industrial development; and

WHEREAS, the proposed project includes land acquisition and related planning, due diligence, engineering, design, site preparation, and infrastructure planning or improvements necessary or beneficial to secure and prepare property for new development; and

WHEREAS, the City intends to apply for financial assistance through the Nebraska Site and Building Development Fund administered by the Nebraska Department of Economic Development for activities that support industrial-ready sites and buildings; and

WHEREAS, the proposed project is intended to promote general prosperity and economic vitality, and industrial readiness of the City and surrounding region by increasing the availability of developable property, supporting business attraction and expansion, and mitigating the local economic impacts associated with major private-sector employer closure or downsizing activity; and

WHEREAS, the Mayor and City Council find that the proposed project serves a public purpose and is in the best interests of the City of Lexington and its residents; and

WHEREAS, the Mayor and City Council desire to formally approve the undertaking of the proposed project and authorize City officials to proceed with the grant application and related project actions.

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

Section 1. Project Approval. The Mayor and City Council hereby approve the undertaking of a proposed Site and Building Development project, the Lexington NewTrack Industrial Campus, consisting of land acquisition and related planning, due diligence, engineering, design, site preparation, and infrastructure planning or improvements necessary or appropriate to secure and prepare property for new industrial development.

The proposed project includes, but is not limited to:

1. Acquisition of real property;
2. Site surveys, engineering, design, and planning;
3. Infrastructure planning related to access, water, wastewater, stormwater, electric, natural gas, broadband, rail, or other infrastructure necessary to support future development;
4. Site preparation and infrastructure improvements, subject to final project scope, funding availability, and applicable approvals; and
5. Any other eligible activity necessary to advance the development of an industrial-ready site.

Section 2. Public Purpose and Findings. The Mayor and City Council hereby find and determine that the proposed project:

1. Promotes economic development, industrial readiness, and general welfare of the City;
2. Supports the redevelopment and marketability of existing industrial assets;
3. Assists the City in recruiting and retaining private investment and employment opportunities;
4. Responds to the Tyson closure and need to secure new economic development opportunities in the area;
5. Strengthens the City's ability to provide necessary infrastructure and site readiness improvements; and
6. Constitutes a public purpose and a proper municipal undertaking.

Section 3. Authorization to Apply for SBDF Assistance. The City Manager and his designee(s) are hereby authorized and directed to prepare, execute, submit, and administer an application to the Nebraska Department of Economic Development for financial assistance through the Site and Building Development Fund for the proposed project.

Such authorization includes the authority to submit preliminary proposals, pre-applications, full applications, project narratives, budgets, certifications, assurances, exhibits, site documentation, environmental or planning materials, and all other documents necessary or desirable in connection with the application and award process.

Section 4. Matching Funds and Local Commitment. The City will provide the required local matching funds and other non-SBDF resources necessary to support the proposed project, subject to final award terms and any applicable legal requirements.

The City's match may include City funds, local economic development resources, or other eligible matching funds approved by the Nebraska Department of Economic Development.

Section 5. Authority to Execute Documents. The City Manager is hereby authorized to execute and deliver, on behalf of the City, all grant agreements, certifications, assurances, contracts, amendments, reimbursement requests, reports, closing documents, site control documents, acquisition documents, and other instruments necessary or appropriate to carry out the purposes of this Ordinance and to comply with the requirements of the Site and Building Development Fund.

Section 6. Compliance with Laws and Grant Requirements. The City shall comply with all applicable federal, state, and local laws, regulations, grant requirements, procurement requirements, public meeting requirements, environmental requirements, real estate requirements, and financial administration requirements applicable to the proposed project and any SBDF award.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Repealed. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form.

PASSED AND APPROVED this 25th day of August 2026.

CITY OF LEXINGTON, NEBRASKA

John H. Fyfe

Mayor

ATTEST:

[Signature]

City Clerk

