

City of Grand Island

Tuesday, June 27, 2017 Council Session

Item H-1

Consideration of Forwarding Blighted and Substandard Area #25 (Cornhusker Army Ammunition Plant - CAAP) to the Hall County Regional Planning Commission

Staff Contact: Chad Nabity

Council Agenda Memo

From: Chad Nabity, AICP

Meeting: June 27, 2017

Subject: Proposed Blighted and Substandard Area #25

Presenter(s): Chad Nabity, Director Grand Island CRA

Background

Included within the Council Meeting Packet is a copy of a Blight and Substandard Study prepared for the Central Nebraska Growth Foundation by Marvin Planning Consultants. This study pertains to 12,230 acres more or less of property at the former Cornhusker Army Ammunition Plant (CAAP) west of Grand Island located between Husker Highway and Airport Road and between of 60th Road and Schauppsville Road. Areas 20 and 22 that were previously declared blighted and substandard and are not included in the present study. The study indicates that this property could be considered substandard and blighted.

The Central Nebraska Growth Foundation submitted this study for the review and consideration of the Grand Island City Council as permitted by Nebraska law. The Central Nebraska Growth Foundation is a not-for-profit organization with the mission of providing a sustainable source of long-term support for the economic development of Hall County by creating sources of funding for viable prospective and existing industries that are creating new and higher-paying jobs for low to moderately paid individuals. The decision on whether to declare an area blighted and substandard is entirely within the jurisdiction of the City Council following receipt of a recommendation from the Planning Commission.

The question before Council will be whether to send the Study to the Planning Commission for their review and recommendation. If the item is not sent to the Planning Commission, the Council cannot declare the area blighted and substandard. The Planning Commission will meet July 5 and would have a recommendation ready following that meeting.

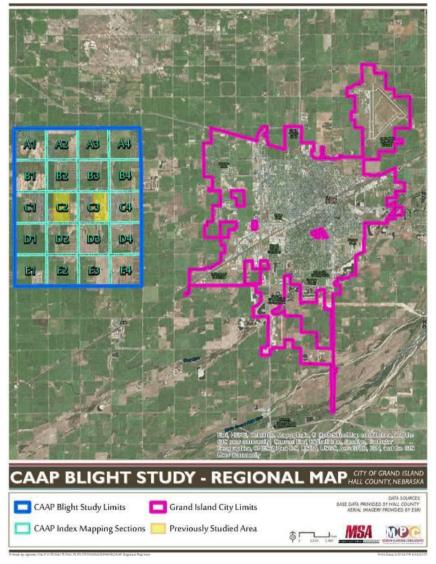
Once an area has been declared substandard and blighted the CRA can accept redevelopment proposals for the area. The redevelopment proposals might or might not include an application for Tax Increment Financing. It is anticipated that a redevelopment plan for the Husker Harvest Days site will be submitted if this study and designation are approved. At this time TIF is not proposed for the improvements at the Husker Harvest

Days site. It is anticipated that TIF projects may come forward for other locations covered by this designation including but not limited to the property owned by Southern Public Power District. The CAAP site has been identified as a mega site for industrial development because of its proximity to mainline line rail and highways, and the deed restrictions on residential uses.

Discussion

The action item tonight relates to the Study for proposed CRA Area No. 25 west of Grand Island including the balance of Cornhusker Army Ammunition Plant as shown below. The study was prepared for 19.11 square miles, of all of which are located in a formerly used defense site.

Study Area Figure 2: Study Area Map



Source: Marvin Planning Consultants and MSA 2017

Jerry Janulewicz City Attorney has reviewed the Nebraska Statutes and case law pertaining to the declaration of property as blighted and substandard. His comments on this application are as follows:

The statutes which provide for the creation of a redevelopment area or redevelopment project within a redevelopment area require the following procedure:

- A request is made to the city council to declare an area to be substandard and blighted and in need of development for purposes of enabling the creation of a redevelopment area or a redevelopment project within a redevelopment area.
- The city council submits the question of whether an area is substandard and blighted to the planning commission for its review and recommendation prior to making its declaration that an area is substandard and blighted.
- The planning commission must submit its written recommendations within thirty days after receipt of the request.
- Upon receipt of the recommendations from the planning commission or after thirty days if no recommendation is received, the city council may make its findings and declaration with respect to the property within an area.
- Unless the city council of the city in which such area is located has, by resolution adopted after a public hearing with notice, declared such area to be a substandard and blighted area in need of redevelopment, the Community Redevelopment Agency cannot prepare a redevelopment plan for a redevelopment project area.
- Following a declaration that an area is substandard and blighted, the Community Redevelopment Agency is authorized to prepare or cause to be prepared and recommend redevelopment plans to the governing body of the city and to undertake and carry out redevelopment projects within its area of operation and may enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the authority may deem necessary to prevent a recurrence of substandard and blighted areas or to effectuate the purposes of the Community Development Law, and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan. Within the area of operation of the Community Redevelopment Authority, the authority may exercise its statutory powers with respect to the redevelopment project.

Neb. Rev. Stat. §§ 18-2107; 18-2109.

As stated in Fitzke v. City of Hastings, 582 N.W.2d 301 (Neb. 1998):

A CRA is not authorized to prepare a redevelopment plan for a redevelopment project area unless the governing body of the city first enacts a resolution declaring such area to be "a substandard or blighted area in need of redevelopment." § 18–2109. After such a declaration has been made and a redevelopment plan has been prepared and approved, a CRA is authorized to

enter into contracts with redevelopers of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the [CRA] may deem necessary to prevent a recurrence of substandard or blighted areas ... and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with a redevelopment plan.§ 18–2107(4). The CRA may utilize tax increment financing to pay for redevelopment projects undertaken pursuant to the CDL. § 18–2124.

"Under this statutory scheme, a private development project would be eligible for tax increment financing only if it is included within an area which has previously been declared blighted or substandard and is in furtherance of an existing redevelopment plan for that area. The declaration of property as blighted or substandard is not simply a formality which must be met in order to assist a private developer with tax increment financing; it is the recognition of a specific public purpose which justifies the expenditure of public funds for redevelopment." Fitzke, id, citing Monarch Chemical Works, Inc. v. City of Omaha, 203 Neb. 33, 277 N.W.2d 423 (1979). The legislative intent underlying the Community Development Law is the elimination of blighted and substandard areas and to prevent the reoccurrence of blight through a cooperative effort of the public and private sectors, not to aid private developers. Fitzke, id.

At this point, Council is only making a decision about whether to forward the study to the Planning Commission for their recommendation or not. According to NRSS §18-2109, it is clear that the Planning Commission must have the opportunity to review the Blight Study prior to Council declaring the property substandard and blighted. If Council wishes to consider a declaration of substandard and blight, State Statute requires that the question of whether an area is substandard and blighted is submitted to the Planning Commission for its review and recommendation.

The Planning Commission recommendation should be done at the first available opportunity, as the Planning Commission has 30 days to respond to Council's request for a recommendation.

Blighted Area of the Community

This area is located outside the City Limits in at CAAP and as such any declaration as blighted and substandard is exempt from the 35% limit imposed by statute.

NRSS §18-2103 (11) Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health,

safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;

The declaration of Area 25 would not impact the City's ability to declare other areas substandard and blighted.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

- 1. Move to forward the Study to the Planning Commission for its recommendation.
- 2. Refer the issue to a committee.
- 3. Postpone the issue to future date.
- 4. Take no action on the issue.

Recommendation

City Administration recommends that the Council Move to forward the Study to the Planning Commission.

Sample Motion

Motion to adopt resolution to forward the Study to the Planning Commission for their review and recommendation.

PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of Hall County. This study has been commissioned by the Central Nebraska Growth Foundation to analyze the possibility of declaring the area as blighted and substandard.

The City of Grand Island, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of Sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements".

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program. The statute reads,

"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."

Blight and Substandard are defined as the following:

"Substandard areas mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

"Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least

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forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a shall not designate an area larger than one hundred percent of the as blighted;"

Furthermore, Chapter 18, Section 2123.01 of the Revised Nebraska State Statutes:

Redevelopment project with property outside corporate limits; formerly used defense site; agreement with county authorized.

- (1) Notwithstanding any other provisions of the Community Development Law to the contrary, a city may undertake a redevelopment project that includes real property located outside the corporate limits of such city if the following requirements have been met:
 - (a) The real property located outside the corporate limits of the city is a formerly used defense site;
 - (b) The formerly used defense site is located within the same county as the city approving such redevelopment project;
 - (c) The formerly used defense site is located within a sanitary and improvement district;
 - (d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and
 - (e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site.
- (2) For purposes of this section, formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
- (3) The inclusion of a formerly used defense site in any redevelopment project under this section shall not result in:
 - (a) Any change in the service area of any electric utility or natural gas utility unless such change has been agreed to by the electric utility or natural gas utility serving the formerly used defense site at the time of approval of such redevelopment project; or
 - (b) Any change in the service area of any communications company as defined in section 77-2734.04 unless (i) such change has been agreed to by the communications company serving the formerly used defense site at the time of approval of such redevelopment project or (ii) such change occurs pursuant to sections 86-135 to 86-138.
- (4) A city approving a redevelopment project under this section and the county in which the formerly used defense site is located may enter into an agreement pursuant to the Interlocal Cooperation Act in which the county agrees to reimburse such city for any services the city provides to the formerly used defense site after approval of the redevelopment project.

This Blight and Substandard Study is intended to give the Community Redevelopment Authority, Hall County Regional Planning Commission and Grand Island City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present, which qualify the area as blighted and substandard.

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STUDY AREA HISTORY

The Study Area was originally ...constructed and became fully operational in 1942 and was intermittently active until 1973. Between wars and after 1973, it was kept on standby status. Activities conducted at CAAP resulted in soil and groundwater contamination from explosives wastes and residues associated with munitions loading, assembly, and packing (LAP) operations during World War II (WWII), Korea, and Vietnam, during which bombs, artillery shells, boosters, mines, and rockets were produced. CAAP was placed on the Superfund National Priorities List (NFL) in 1987. In 1989, CAAP was declared excess property, and most maintenance ceased. An interagency agreement (TAG) between DoD, EPA, and the Nebraska Department of Environmental Quality (NDEQ) was signed in 1990, under which the Army has identified, investigated, remediated, and placed institutional controls/land use controls on tracts for disposal in accordance with the Hall County reuse plan.

CAAP was determined to be excess real property prior to the requirements of BRAC. However, the activities at CAAP have been conducted following BRAC guidance in disposing of CAAP Real Property. Since this time, the Army has conducted investigations and remediation activities at CAAP with this goal in mind.

In 1993, the Hall County Board of Supervisors established the CAAP Reuse Committee, which was given the task of developing a reuse plan for the installation. The Reuse Committee undertook a planning and a public participation process to identify a land use plan and development strategy for the site. In 1994, the U.S. Congress passed a special legislation (Public Law [PL] 103-337) dealing with the disposal of real property at CAAP. PL 103-337 stated that "... [The] Secretary of the Army may convey to Hall County, Nebraska, Board of Supervisors or the designee of the Board, all rights, title, and interest of the United States in and to the real property, together with any improvements thereon, in Hall County, Nebraska, that is the site of the Cornhusker Army Ammunition Plant." The act stated furthermore that "The Board [of Supervisors] or its designee... shall utilize the real property conveyed... in a manner consistent with the Cornhusker Army Ammunition Plant Reuse Committee Comprehensive Reuse Plan." The Comprehensive Reuse Plan was finalized in December 1997.

The first sale of CAAP property took place with a General Services Administration (GSA) public auction in September 1999 that sold 1,410 acres for \$2.93 million. The Omaha District of the United States Army Corps of Engineers (USACE) became the Army's Real Property Administrator in December 2001, taking over this function from the U.S. Army Materiel Command/Operation Support Command (AMC/OSC). As of March 2004, 8,401 acres of CAAP, or 70 percent of its original area, have been sold. AMC/OSC completed Environmental Assessments (EAs) for all of their previous disposal actions, each of which concluded in a Finding of No Significant Impact (FONSI). Most of the rest of the property has been leased to farmers and several other lessees, including an annual agricultural fair and a railroad car repair company.

Several requirements of the property transfer or lease require the issue of an Environmental Impact Statement (EIS) and/or an EBS. A Draft EIS was issued in September 2004, and an EBS is currently being completed through USACE.

Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plan; HDR; 2008

During the 2013-2014 Legislative sessions, the Nebraska Legislature passed LB 66 and LB 1012 which provided for a means to use Tax Increment Financing on projects located in a former defense site. LB 66 gave Cities of the First Class (5,000 to 100,000 population) the authority to approve Redevelopment Plans and use Ad Valorem Taxes (TIF) generated by the project(s) approved in the plan to pay for eligible expenses under certain proscribed conditions on formerly used defense sites outside of the corporate limits of and within the same County as the City. LB 1012 states that "A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision." (which is 35%).

LB 66 and LB 1012 did not remove the need for a Blight and Substandard designation.

This specific study includes the entire Cornhusker Army Ammunition Plant site, approximately 20 square miles; less the areas previously declared blighted and substandard on the O'Neill (Area 20) and GI EDC site and the Platte River Industrial Site (Area 22).

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Figure 1: Cornhusker Army Ammunition Plant in 1975

Source: City of Grand Island GIS System

BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

This study targets a specific area within an established part of the community for evaluation. The area i(s indicated in Figure 2 of this report. The existing uses in this area include industrial, recreation and agricultural uses within the old Cornhusker Army Ammunition Plant and are outside the corporate limits of Grand Island. Chapter 18, Section 2123.01 of the Revised Nebraska State Statutes authorizes redevelopment projects outside of the city limits under certain conditions.

Through the redevelopment process, the City of Grand Island can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Grand Island is intended to redevelop and improve the area. By using the Community Redevelopment Act, the City of Grand Island can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area.

The Study area is the Cornhusker Army Ammunition Plant and described as follows:

Point of beginning is the intersection of Schaupsville Road N and Airport Road W; thence, easterly along the centerline of Airport Road W to the intersection of Airport Road W and 60th Road N; thence, southerly along the centerline of 60th Road N to the intersection of 60th Road N and Husker Highway; thence, westerly along the centerline of Husker Highway to the intersection of Husker Highway and Schaupsville Road N; thence, northerly along the centerline of Schaupsville Road N to the POB; then less the areas previously studied as follows:

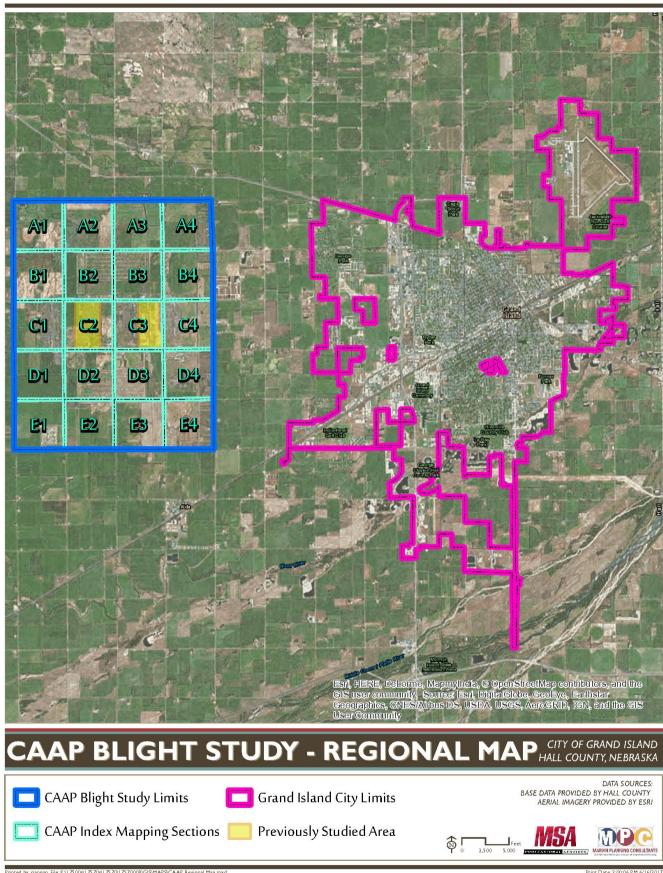
- Harrison TWP PT E1/2 of NW1/4 & NW1/4 NE1/4 PT W1/2 SE1/4 13-11-11 Total acres are 281.80 acres.
- The Study consists of area described as follows: The Point of Beginning is the intersection of West Old Potash Road and North 70th Road (Alda Road); thence, northeasterly along the centerline of North 70th Road to the intersection with the centerline of West 13th Street (County Road 33); thence westerly along the centerline of West 13th Street (County Road 33) to the extended west property line of a parcel described as Center Township PT E 1/2N of RR 18-11-10 231.28 AC; thence southerly along said west property line to the intersection with the centerline of West Old Potash Road; thence easterly to the POB. Total acres are 285.26 acres.

The total area is approximately 19.11 square miles.

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Study Area

Figure 2: Study Area Map



Source: Marvin Planning Consultants and MSA 2017

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EXISTING LAND USES

The term "Land Use" refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community, and produce several impacts either benefitting or detracting from the community. Because of this, the short and long-term success and sustainability of the community are directly contingent upon available resources utilized in the best manner given the constraints the City faces during the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Hall County Assessors website. This survey noted the use of the parcel within the study area.

predominately agricultural, The existing land uses are commercial, industrial, public and parks/recreation/wildlife management.



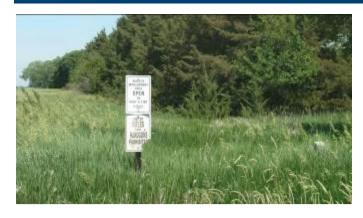






Examples of Existing Land Uses in the Study Area

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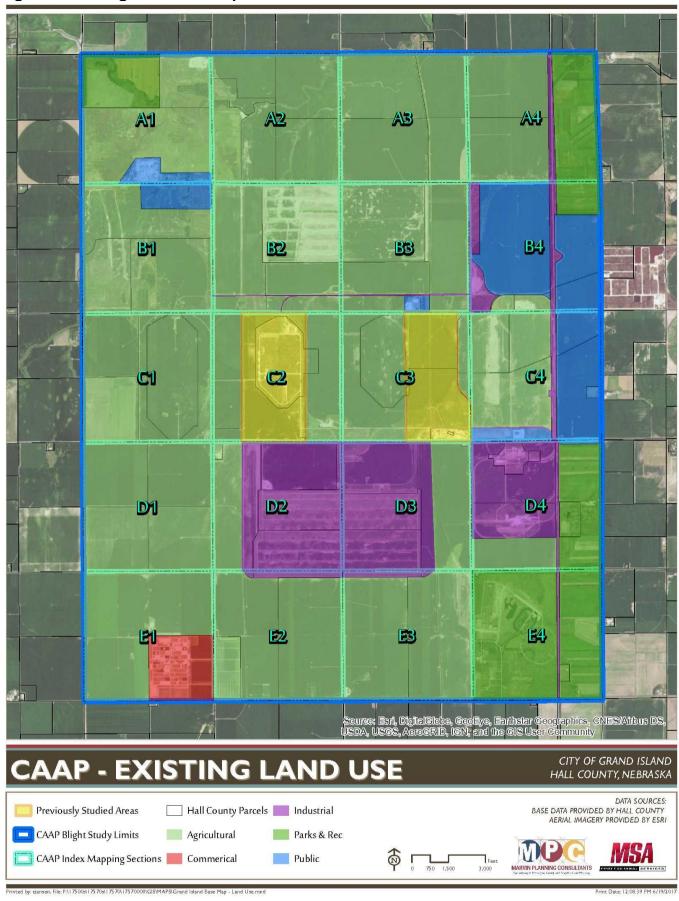






Examples of Existing Land Uses in the Study Area

Figure 3: Existing Land Use Map



Source: Marvin Planning Consultants And MSA, 2017

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FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

FORMER DEFENSE SITE

Based on Chapter 18, Sections 18-2103 and 2123.01 of the Revised Nebraska State Statutes, this study area is eligible to be deemed to be Blighted and Substandard. The area meets all of the necessary eligibility criteria identified in the §§18-2103 and 18-2123.01:

- 1. The real property located outside the corporate limits of the city is a formerly used defense site;
- 2. The formerly used defense site is located within the same county as the city approving such redevelopment project;
- 3. Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

Based on the site meeting the criteria found in §§18-2103 and 18-2123.01, this area is eligible for declaring it Blighted and Substandard.

OTHER CONTRIBUTING FACTORS

There were many other conditions examined and evaluated in the field and online. There are several conditions that will be reviewed in detail, on the following pages, which add to the overall condition of Blight and Substandard on the proposed site.

Substantial Number of Deteriorating Structures

The team went through every property record on-line, via the Hall County Assessor's site to identify structures in good or bad condition. Also, a site visit examined many existing structures throughout the Study Area. In addition, the use of aerial photography and a drone flight were utilized in gaining a better view and more insight on the structural conditions of certain areas of the former Army Reservation.

Through the team's observations and analysis, the following was determined:

- 155 structures were in bad or deteriorating condition
- 46 structures were in good condition
- 1 structure burned down

Almost everything constructed during the Army's occupation of the area fits within the category of deteriorated and dilapidated and is in poor condition. The structures deemed to be in good condition have been constructed by the new property owners, including the area around Husker Harvest Days and the actual range at the Heartland Shooting Park.

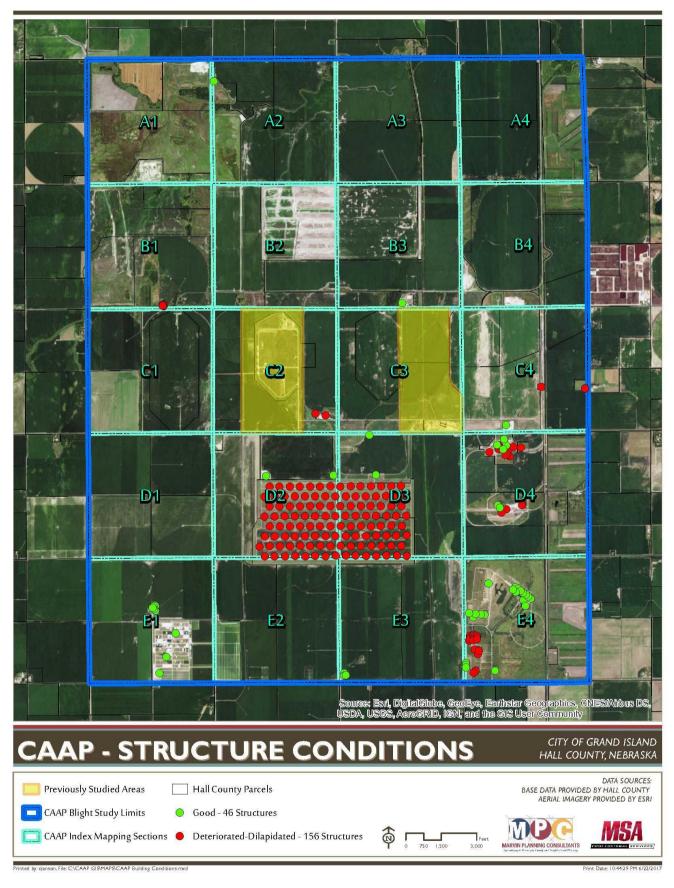
Besides the actual standing structures, there are several concrete slabs and footings still visible on the old administration area. The above ground portions have been torn down slabs and footings were left behind.

Based upon the review of this issue, it is found that deteriorating structures is a contributing factor in declaring this area blighted.

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Figure 4
Deterioration of Structures



Source: Hall County Assessor, Marvin Planning Consultants and MSA 2017

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Deterioration of Structures - Old Sewage Treatment Plant circa 1970





Deterioration of Structures – Old Administrative Area (left), burned down Base Fire Station (right)





Deterioration of Structures - Old Administrative Area

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Deterioration of Site or Other Improvements

Drainage Conditions

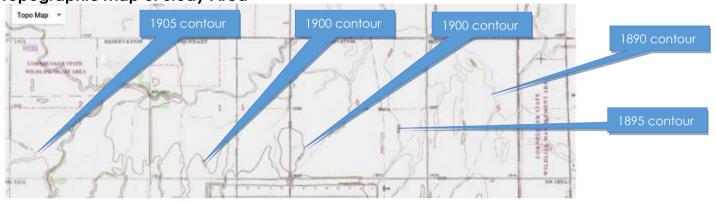
The Grand Island and Hall County area has a long history of drainage issues due to the extreme flatness of the area, as well as the high-water table. Topography and soils can have a major impact on how a given portion of the area drains. The area designated in this Study Area is nearly flat or has an extremely small slope. The areas with the greatest slopes in the study area are:

- old landfill sites
- berm constructed to defray explosive blasts and
- the old storage bunkers south of Old Potash Road.

The field survey examined the entire area for potential drainage problems.

Figures 5.A through 5.E are existing topographic maps from MyTopo.com showing the study area. The maps confirm the flatness of the area. The following Figures are divided north to south and show a one-mile set of sections at a time. The contours are relatively flat along each set of the topographic areas. The contours range from a low of 1890 feet to 1925 feet.

Figure 5.A
Topographic Map of Study Area



Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figure 5.A indicates contours as low as 1890 feet on the east side and 1905 on the far west edge of the area. The cross slope of this entire four-mile area is less than 1% slope (0.07%). However, there is a creek flowing through this four-mile area which likely draws some of the drainage on the west edge. Also, this very slight slope is across four sections of land. Therefore, the slopes within each section are likely considerably less than the 0.07%.

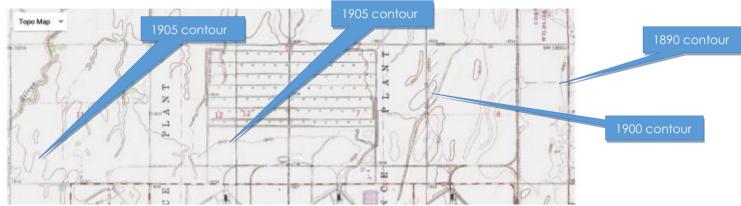




Example of the Existing Topography within the Study Area

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Figure 5.B
Topographic Map of Study Area



Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figures 5.B indicates, again, contours as low as 1890 feet on the east side and 1905 on the far west edge of the area. Again, the cross slope of the four-mile area is less than 1% slope (0.07%). Also, this very slight slope is across four sections of land, examination of each section indicates they are all nearly flat with minimal slope anywhere within a section.

Figure 5.C
Topographic Map of Study Area



The area shown in Figures 5.C is a bit more difficult to quantify since some of the old bomb line sites have been regraded since the removal of the structures. Specifically, there is new construction occurring in Section 13 (old bomb line 3 at present) (However, this area is not part of this study). However, after driving around these sections, as well as flying some of these sections with a drone, it is safe to presume similar slopes are within this area.





Example of the Existing Roadside Ditches

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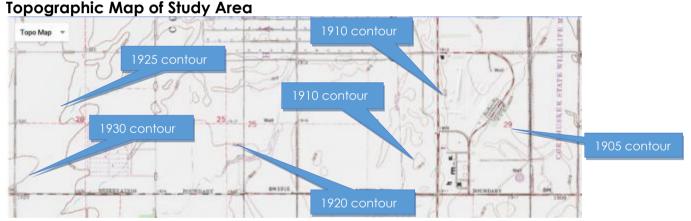
Figure 5.D



Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figures 5.D indicates contours as low as 1900 feet on the east side and 1925 on the far west edge of the area. Again, the cross slope of the four-mile area is less than 1% slope (0.12%). Also, this very slight slope is across four sections of land, examination of each section indicates they are all nearly flat with minimal slope anywhere within a section.

Figure 5.E



Source: MyTopo.com (topographic map) and Marvin Planning Consultants

The area shown in Figures 5.E indicates contours as low as 1905 feet on the east side and 1930 on the far west edge of the area. Again, the cross slope of the four-mile area is less than 1% slope (0.12%). Also, this very slight slope is across four sections of land, examination of each section indicates they are all nearly flat with minimal slope anywhere within a section.



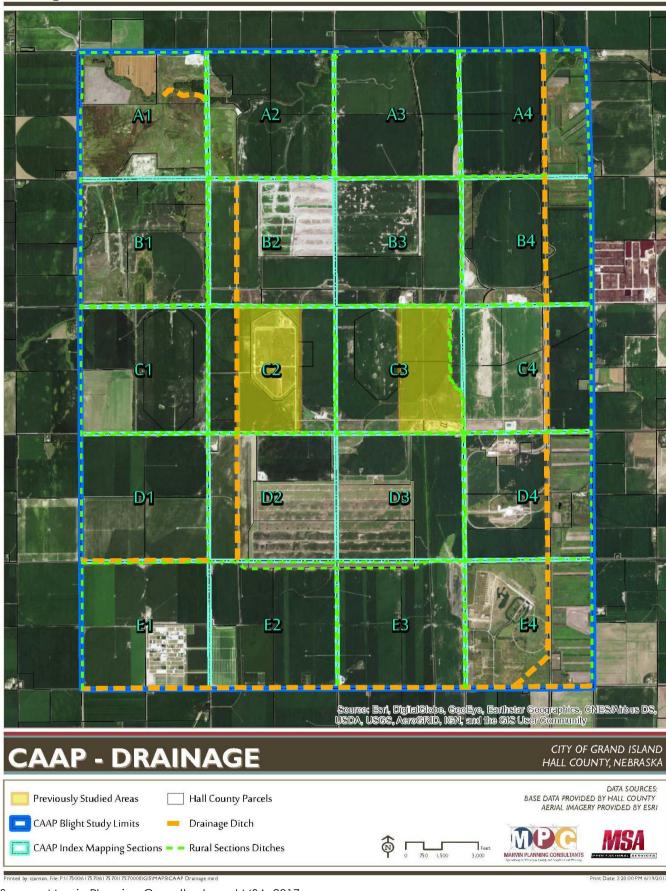




Example of the Existing Topography within the Study Area

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Figure 6 Drainage Conditions



Source: Marvin Planning Consultants and MSA, 2017

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Grand Island

In addition to the flatness of the study area, the entire study area is designed to drain using "rural section" ditches along all of the county roads in the area, See Figure 6. The flatness of the study area, seen in Figure 5.A through 5.E would indicate the drainage ditches will also have a minimal amount of slope to sufficiently drain the area. Also, a lot of these ditches have not recently been moved or cleaned which will slow drainage and encourage ponding of water.

Another drainage system employed in this study area is a pair of drainage ditches running north and south with one located on the east side of the area and one on the west side, see Figure 6. These ditches were constructed during the early years of the Army Reservation and may be in need of cleaning and scouring.

All of the conditions discussed above will create the potential for standing water within this study area. Standing water from poor drainage can be a catalyst for health issues like West Nile and other mosquito-borne diseases due to the potential mosquito breeding during the summer months.

Drainage is a contributing factor to the area being declared Blighted and Substandard.

County Road Conditions

The study area contains approximately 44.5 miles of roadways; plus, 4.5 miles of closed roadways along section lines. Of the 44.5 miles of existing roadway, the following conditions exist:

- 7.0 miles are paved and considered in Good condition
- 6.5 miles are paved and considered in Fair condition
- 31.5 miles are gravel and depending upon maintenance and weather conditions, may be in Good or Poor conditions.
- These calculations do not include internal roads within specific sites of the study area, such as the Husker Harvest Days site or the Heartland Public Shooting Park.



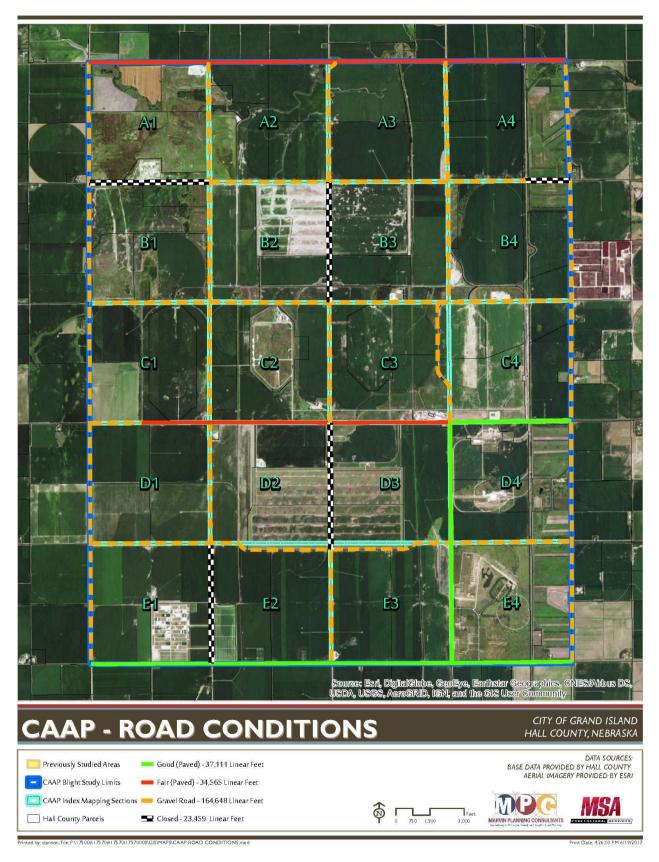




Example of the Existing County Roads within the Study Area

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Figure 7
County Road Conditions



Source: Marvin Planning Consultants and MSA, 2017

Grand Island

The existing road conditions are a contributing factor to the deterioration of site or other improvement within the area.

Stormwater management

The study area is surrounded by rural section roads which include drainage ditches. The ditches along with the lack of slope in the area create a negative impact on stormwater management for the area. This flatness is typically true throughout the entire Hall County area.

The stormwater management system is a contributing factor to the deterioration of site or other improvement within the area.

Internal Infrastructure

The on-site area surrounding CAAP location is made up primarily of gravel roads. The area may need to upgrade these roads if anything substantial is constructed on the site.

The internal infrastructure is a contributing factor to the deterioration of site or other improvement within the area.

Old Cornhusker Army Ammunition Plant Infrastructure and Contamination

Groundwater Contamination

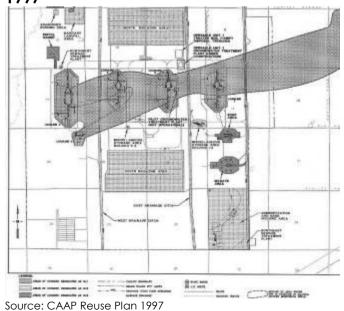
Examining the Blight and Substandard Study Area from the context of the Cornhusker Army Ammunition Plant's 1997 Reuse Plan, the study area contains an area referred to as an "Area of Concern." Figure 8 indicates an area referred to as "Operable Unit 1", which is within the study area. Based upon the report, when cesspools under the old load lines were examined and tested, it was determined:

- The cesspools were found contaminated with explosive residues and heavy metals;
- The groundwater was found contaminated with dissolved explosives, heavy metals, and organic solvents.
- The plume indicated in Figure 8 has decreased since 1997 and is reviewed periodically;
- The deed restrictions for residential development continue and are enforced.

The groundwater contamination is currently in the process of mitigating the contamination through a water treatment plant/process on site.

The entire Cornhusker Army Ammunition Plant site is considered a potentially hazardous area regarding groundwater contamination from explosive residue, heavy metals, and organic solvents. Also, the plume has caused restrictions for potable domestic wells within the entire former ammunition plant site and beyond to be put into place.

Figure 8
Groundwater Contamination
1997



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Water System

Also, there is older wood and asbestos covered water pipes underground that once connected the old water system to the site. Figure 9 indicates the primary water lines throughout the entire CAAP area; the area outlined in red is the actual study site. Any development within this study will likely require the complete or partial removal of these asbestos pipes during demolition and construction, thus exposing the asbestos hazard if not controlled properly.

Figure 9
Cornhusker Army Ammunition Plant Water System



Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plant; HDR; 2008



Sanitary Sewer System

The existing sanitary sewer lines within the study area are constructed of similar hazardous materials. Similar to the water lines, these lines will likely need to be disturbed during any future development/redevelopment of the property, thus exposing the asbestos hazard if not controlled properly. See Figure 9 for an approximate location of these sanitary sewer lines.

Figure 10
Cornhusker Army Ammunition Plant Sanitary Sewer System



Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plant; HDR; 2008



Abandoned Sewage Treatment Plant



Abandoned Sewage Treatment Plant – Aerial View

The internal infrastructure, as well as, the former Cornhusker Army Ammunition Plant contamination plume are contributing factors to the deterioration of site or other improvement within the area.

Insanitary or Unsafe Conditions

There are several factors tending to fall under this category. The study area was found to have several factors falling into insanitary and unsafe. The following will outline the conditions found. The following are some of the more critical elements; however, refer to Figure 10 for additional findings.

Drainage Conditions

The Grand Island and Hall County area has a long history of drainage issues due to the extreme flatness of the area, as well as the high-water table. Topography and soils can have a major impact on how a given portion of the city drains. The area designated in this Study Area is nearly flat or has an extremely small slope.

Figures 5.A through 5.E show the existing topographic map from MyTopo.com showing the study area. The map confirms the flatness of the area throughout the entire study area, and it varies from one set of sections to the next

Also, there are two drainage ditches within the Study Area. Both go back to the earlier days of CAAP. These ditches have a minimal slope and need to be cleaned and scoured for water to flow better.

The potential for standing water on this site is great. It is apparent that the lack of adequate drainage will, in fact, create a hazard for mosquito breeding during the summer months.

The drainage conditions are a contributing factor to the Insanitary and Unsafe Conditions within the area.

Stormwater management

The study area contains rural section roads which include drainage ditches. The ditches along with the lack of slope in the area create a negative impact on stormwater management for the area. The impact occurs throughout Hall County.

The stormwater management system is a contributing factor to the Insanitary and Unsafe Conditions within the area.

Old Cornhusker Army Ammunition Plant Infrastructure and Contamination

See narrative above

The internal infrastructure, as well as, the former Cornhusker Army Ammunition Plant contamination plume are a contributing factor to the Insanitary and Unsafe Conditions within the area.

Existence of Conditions endangering life or property due to fire or other causes

As mentioned earlier, the entire Cornhusker Army Ammunition Plant site is considered a hazardous area regarding ground water contamination. The actual contamination plume is under the study area, see Figure 8. Also, the plume has caused restrictions for potable domestic wells within the entire former ammunition plant site and beyond to be put into place.

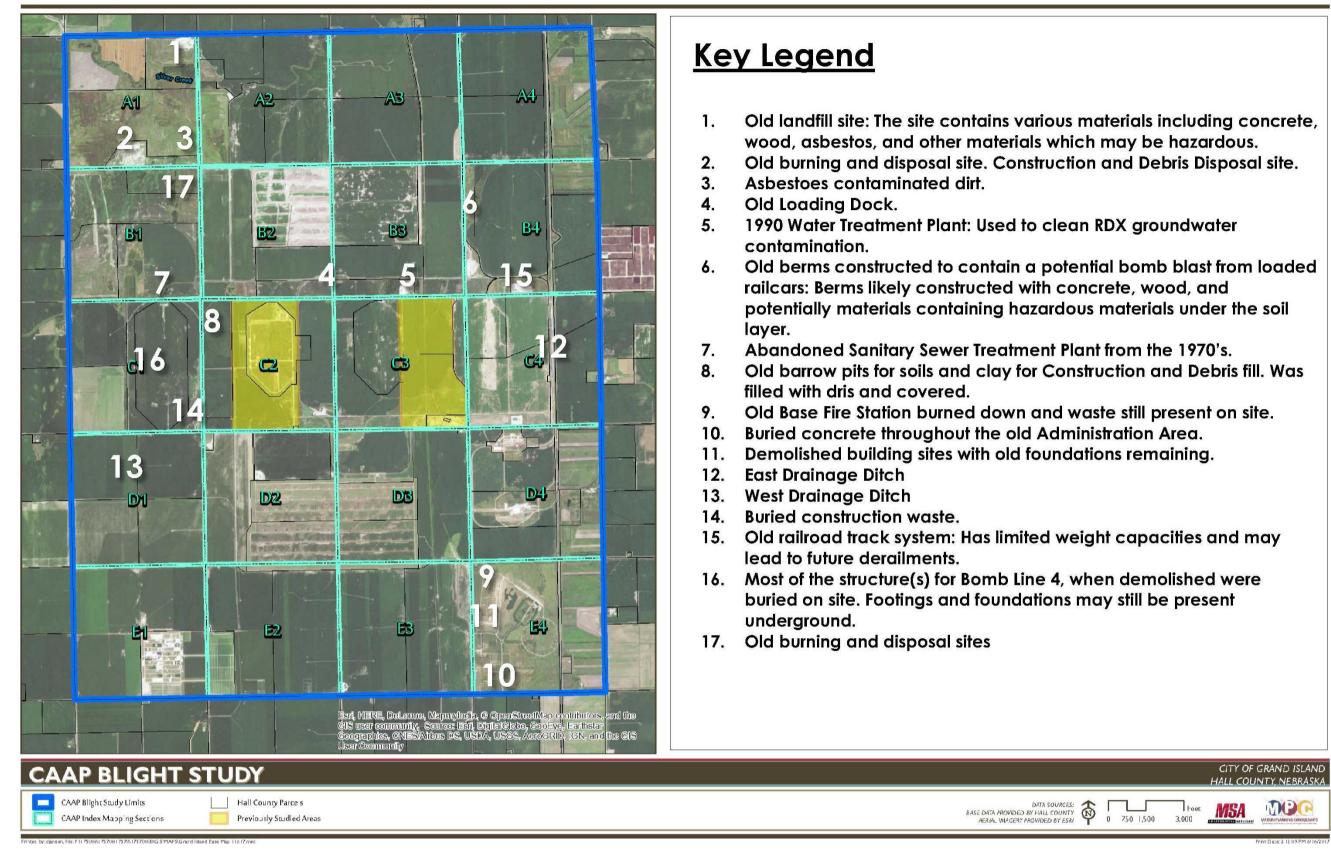
The contaminated groundwater has several dangerous materials including RDX, a dangerous carcinogen, which was used in the manufacture of explosive devices during the life of the ammunition plant and is extremely unsafe to humans and other animals. Figure 8 indicates the study area in 1997 was directly over one of the most contaminated areas of CAAP. In addition, the Study Area is within an EPA Superfund Site.

Based on the field analysis there are sufficient elements present to meet the definition of dangerous conditions within the Study Area. Besides groundwater contamination, additional elements contributing to these criteria can be found; however, refer to Figure 10 for additional findings.

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Figure 11
Insanitary and Unsafe Conditions/Existence of Conditions endangering life or property due to fire or other causes/ Combination of factors which are impairing and/or arresting sound growth



Source: Review of Environmental Documentation Related to the Cornhusker Army Ammunition Plant; HDR; 2008

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Example of the Existing Conditions Endangering Life or Property

Combination of factors which are impairing and/or arresting sound growth

Within this study area, there are many factors impairing or arresting sound growth. A couple of these include:

- The entire Study Area is within an EPA Superfund Site
- The contamination plume is a major condition factor arresting sound growth in the Grand Island area.
- The condition of the railroad track is a deterrent for any business needing rail service
- The numerous landfill/construction and debris sites within the Study Area create unknowns and extreme costs for future clean-up
- Large berms along 70th near Capital Avenue
- The existing water system and sanitary sewer systems are not capable of use; except for, specific prescribe uses as defined by the numerous reports for this site
- Drainage capacity of the area is minimal regarding the ability to handle large amounts of runoff during large storm events.





Example of Conditions Arresting Growth

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Based on the review of the area, there are sufficient elements present to meet the definition of the combination of factors which are impairing and/or arresting sound growth within the Study Area.

Diversity of Ownership

The diversity of Ownership implies there are multiple landowners in an area. When there are multiple landowners, then the process of development and redevelopment can be hindered due to a vast number of people and corporations needing a say in the process. In these situations, it "may" become necessary for the public sector to become involved through the use of incentives to guide the effort.

Within the CAAP Study Area, there are 26 different property owners. These property owners include:

- The United States government
- The City of Grand Island
- Hall County
- The Nebraska Game and Parks Commission
- Central Platte Natural Resources District
- 21 different private landowners

The Diversity of Ownership is difficult on an area-wide basis, but there are also sections of ground within the Study Area which have multiple landowners. This diversity can add more difficulty to the redevelopment of a smaller area and requires considerable coordination. One example is the recent area owned by O'Neill Wood Products and Grand Island Economic Development Corporation; both parties needed to work together for a possible redevelopment area to be declared Blighted and Substandard, as well as, moving the project forward. Not saying there were problems, but having multiple owners involved can slow and complicate the process in the future.

Due to the Diversity of Ownership within the Study Area, this is a contributing factor to the area being declared Blighted and Substandard.

Faulty Lot Layout

Within the Study Area, there are multiple parcels/lots throughout the 20 square miles. However, when the Department of Defense/US Government began selling off land within the boundaries of the Army Reserve, they were divided into many different configurations.

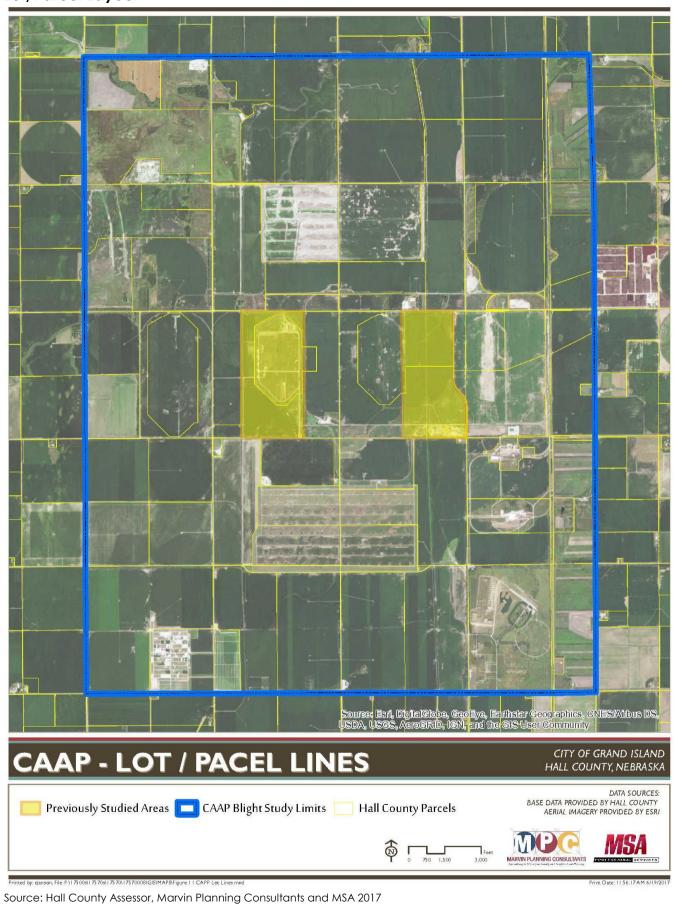
A large reason for this was likely due to what could be split off and sold at a specific time. Examining Figure 11, it is obvious the sale of the parcels, and the shape of the land did not have a specific plan or rationale. The previous section, Diversity of Ownership, identified 26 different landowners; however, there are 89 parcels owned by those landowners.



Blow-up of Figure 12

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Figure 12 Lot/Parcel Layout



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Part B of the Blight Definition

Age of Commercial Units

Age of commercial units is a contributing factor to the blighted and substandard conditions in an area. The statute allows for a predominance of commercial units 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the commercial units within the Study Area. Note the age of commercial units came from the Appraisal data within the Hall County Assessor's website data.

Within the study area, there are 202 commercial units in some form or another. The age of structure has been determined by researching the structural age on the Hall County Assessor's and Treasurer's websites and reviewing older documents, as well as, a land survey completed on the entire site.

Considering the older commercial units have no specific dates attached to them since the property was a Federal Military facility, the assumption is the older commercial units were a part of the original installation in 1942. Therefore, the older remaining commercial units and any remaining foundations have been in place since 1942 and are currently 74 years old each. For purposes of this study, older utility poles and concrete culverts were not counted in the age calculation; although they contribute to the general deteriorating condition.

The following breakdown was determined:

- 158 (78.2%) units were determined to be 40 years of age or older
- 44 (21.8%) units were determined to be less than 40 years of age

Table 1: Age of Units

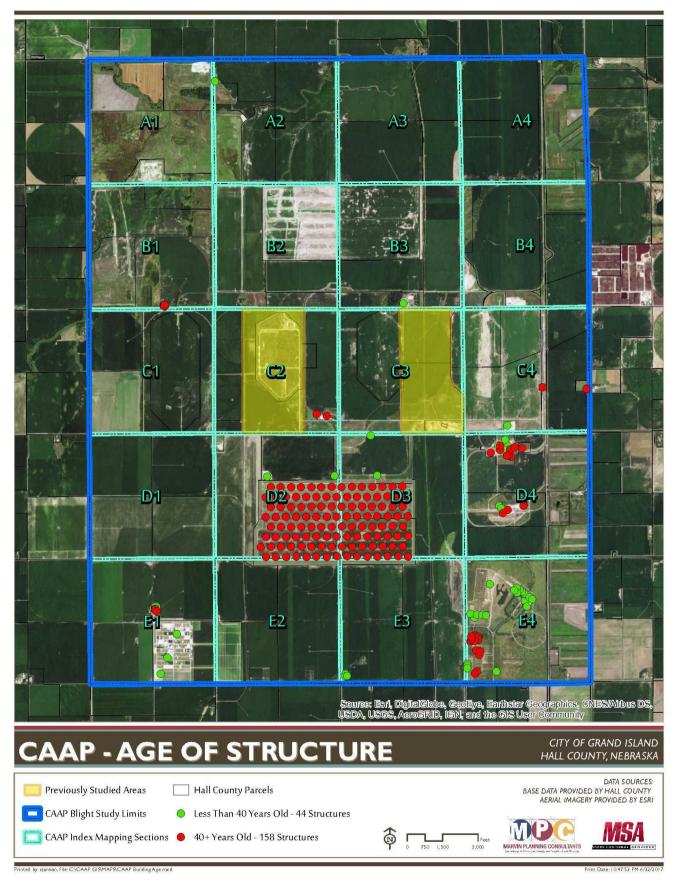
	Number of Units	Construction date	Age of Units	Cummulative Age
	2	1920	97	194
	2	1925	92	184
	1	1940	77	77
	125	1942	75	9375
	12	1945	72	900
	10	1970	47	750
	6	1976	41	450
	5	1990	27	135
	1	1992	25	25
	1	2000	17	17
	9	2003	14	126
	2	2004	13	26
	2	2005	12	24
	2	2006	11	22
	2	2008	9	18
	12	2011	6	72
	1	2012	5	5
	5	2013	4	20
	7	2014	3	21
Total Cummulative	202			11986
Average Age				59.33663366

Source: Hall County Assessor

Also, Table 1, above, examined the commercial units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 59.3 years.

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Figure 12
Age of Commercial Units



Source: Hall County Assessor

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Blighting Summary

These conditions are contributing to the blighted conditions of the study area.

Qualifies under the Former Defense Site statute

- o The real property located outside the corporate limits of the city is a formerly used defense site;
- o The formerly used defense site is located within the same county as the city approving such redevelopment project;
- o Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

• Substantial number of deteriorating structures

- o Based upon the review of Hall County Assessor data, field observations, drone observations and other aerials there are a substantial number of deteriorating structures within the Study Area:
 - > 156 structures deemed to be in a deteriorated state.
 - ➤ 46 structures deemed to be in good condition.

Deterioration of site or other improvements

- o Drainage of existing site is difficult based upon the existing topography.
- o County Road conditions.
- o Stormwater management.
- Internal Infrastructure.
- o Old Cornhusker Army Ammunition Plant infrastructure and Contamination.
- o Study area is currently within a EPA Superfund Site

Insanitary or Unsafe Conditions

- o Drainage of the existing site is difficult based on the existing topography.
- Stormwater management.
- o Internal Infrastructure.
- o Old Cornhusker Army Ammunition Plant infrastructure and Contamination.
- Several other issues including landfills filled with asbestos material and potentially other hazardous substances, see Figure 11.

Dangerous conditions to life or property due to fire or other causes

- o Old Cornhusker Army Ammunition Plant Contamination.
- Several other issues including landfills filled with asbestos material and potentially other hazardous substances, see Figure 11.

Combination of factors which are impairing and/or arresting sound growth

- o The contamination plume is a major condition factor arresting sound growth in the Grand Island area.
- o The condition of the railroad track is a deterrent for any business needing rail service
- The numerous landfill/construction and debris sites within the Study Area create unknowns and extreme costs for future clean-up
- o Large berms along 70th near Capital Avenue
- o The existing water system and sanitary sewer systems are not capable of use; except for, specific prescribe uses as defined by the numerous reports for this site
- Drainage capacity of the area is minimal regarding the ability to handle large amounts of runoff during large storm events.
- o Study area is currently within a EPA Superfund Site

Diversity of Ownership

The Study Area contains 26 different landowners including six different governmental entities.

Faulty Lot Layout

- o The Study Area contains 89 different parcels owned by 26 different landowners.
- o Many these parcels are not square or rectangular in shape but oddly shaped parcels

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• Stable or decreasing population based on the last two decennial censuses

o The Study Area has had no population over the past two decennial censuses. Based upon the DOD criteria for the Study Area, permanent residential structures and units are not permitted; other than the residence for the Park Superintendent for Heartland Shooting Park.

Criteria under Part B of the Blight Definition

- Average age of commercial units is over 40 years of age
 - o Within the Study Area 78.2% of the commercial units meet the criteria of 40 years of age or older.
 - o Based upon the county assessor's assessment records, the average age of the commercial units within the study area is 59.3 years.

Stable or decreasing population based on the last two decennial censuses

o The population of the Study Area has remained stable over the past two decennial censuses.

The other criteria for Blight were not present in the area, these include:

- Improper Subdivision or Obsolete Platting
 - o The land was originally laid out by the U.S. Government during and after World War II.
- Defective/Inadequate street layouts
 - o The primary layout in this Study Area are section line roads
- Tax or special assessment delinquency exceeding fair value of the land.
 - o NA
- Defective or unusual condition of title
 - o NA
- Unemployment in the designated area is at least 120% of the state or national average.
 - o NA
- Over one-half of the property is unimproved and has been within the City for over 40 years.
 - o NA
- The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.
 - o NA

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

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Substandard Conditions

FORMER DEFENSE SITE

Based upon Chapter 18, Sections 18-2103 and 2123.01 of the Revised Nebraska State Statutes, this study area is eligible to be deemed to be Blighted and Substandard. The area meets all of the necessary eligibility criteria identified in 18-2123.01:

- 1. The real property located outside the corporate limits of the city is a formerly used defense site;
- 2. The formerly used defense site is located within the same county as the city approving such redevelopment project;
- 3. Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

Predominance of Deteriorating Buildings or Improvements

The team went through every property record on-line, via the Hall County Assessor's site to identify structures in good or bad condition. Also, a site visit examined many existing structures throughout the Study Area. In addition, the use of aerial photography and a drone flight were utilized in gaining a better view and more insight on the structural conditions of certain areas of the former Army Reservation.

Through the team's observations and analysis, the following was determined:

- 155 structures were in bad or deteriorating condition
- 46 structures were in good condition
- 1 structure burned down

Almost everything constructed during the Army's occupation of the area fits within the category of deteriorated and dilapidated and is in poor condition. The structures deemed to be in good condition have been constructed by the new property owners, including the area around Husker Harvest Days and the actual range at the Heartland Shooting Park.

Besides the actual standing structures, there are several concrete slabs and footings still visible on the old administration area. The above ground portions have been torn down slabs and footings were left behind.

Based upon the review of this issue, it is found that deteriorating structures is a contributing factor in declaring this area substandard.

Existence of Conditions endangering life or property due to fire or other causes

As mentioned earlier, the entire Cornhusker Army Ammunition Plant site is considered a hazardous area regarding ground water contamination. The actual contamination plume is under the study area, see Figure 8. Also, the plume has caused restrictions for potable domestic wells within the entire former ammunition plant site and beyond to be put into place.

The contaminated groundwater has several dangerous materials including RDX, a dangerous carcinogen, which was used in the manufacture of explosive devices during the life of the ammunition plant and is extremely unsafe to humans and other animals. Figure 8 indicates the study area in 1997 was directly over one of the most contaminated areas of CAAP.

Based on the field analysis there are sufficient elements present to meet the definition of dangerous conditions within the Study Area. Besides groundwater contamination, additional elements contributing to these criteria can be found; however, refer to Figure 11 for additional findings.

<u>Substandard Summary</u>

Nebraska State Statute requires that "...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease,

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infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

This Study Area meets the defintion of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR GRAND ISLAND BLIGHT STUDY AREA - CAAP

This Blight Study Area has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Former Defense Site
- Existence of commercial units over 40 years of age
- Substantial number of Deteriorating Structures
- Deterioration of site or other improvements
- Insanitary and Unsafe Conditions
- Dangerous conditions to life or property due to fire or other causes, including contamination
- Combination of factors which are impairing and/or arresting sound growth
- Diversity of Ownership
- Faulty Lot Layout
- Stable or decreasing population based on the last two decennial censuses

Substandard Conditions

- Former Defense Site
- Dangerous conditions to life or property due to fire or other causes, including contamination
- Predominance of buildings or improvements which by reason of deterioration and age are conducive to ill health and detrimental to the public health

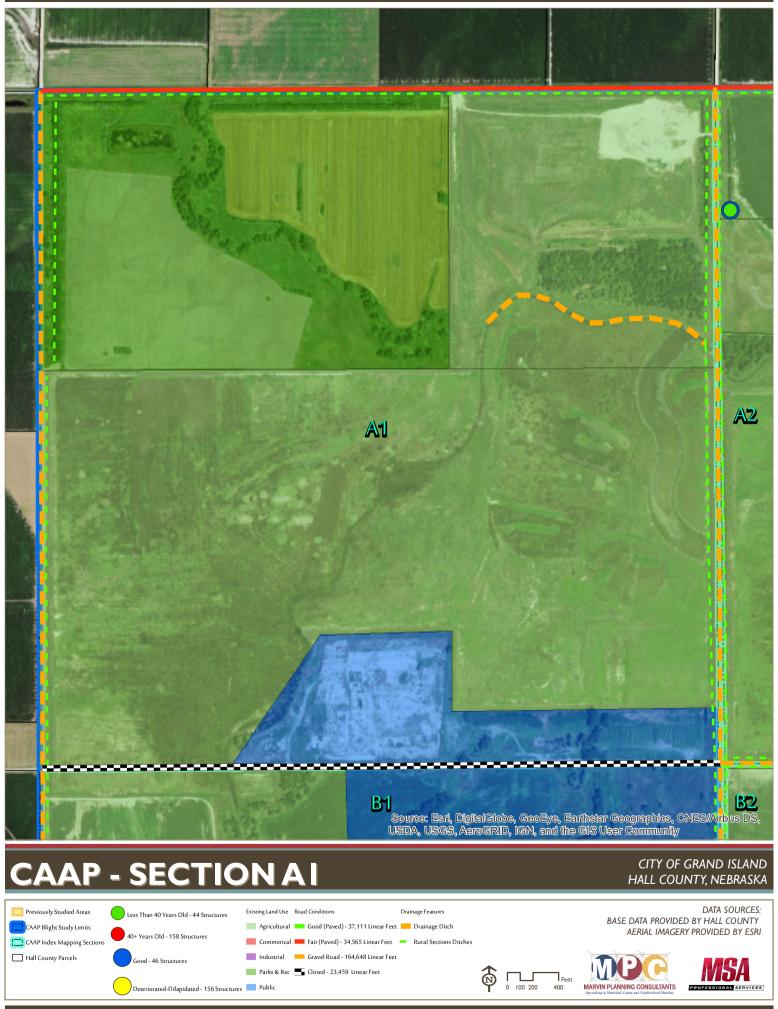
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Appendices

Section by Section Blow-ups of Conditions



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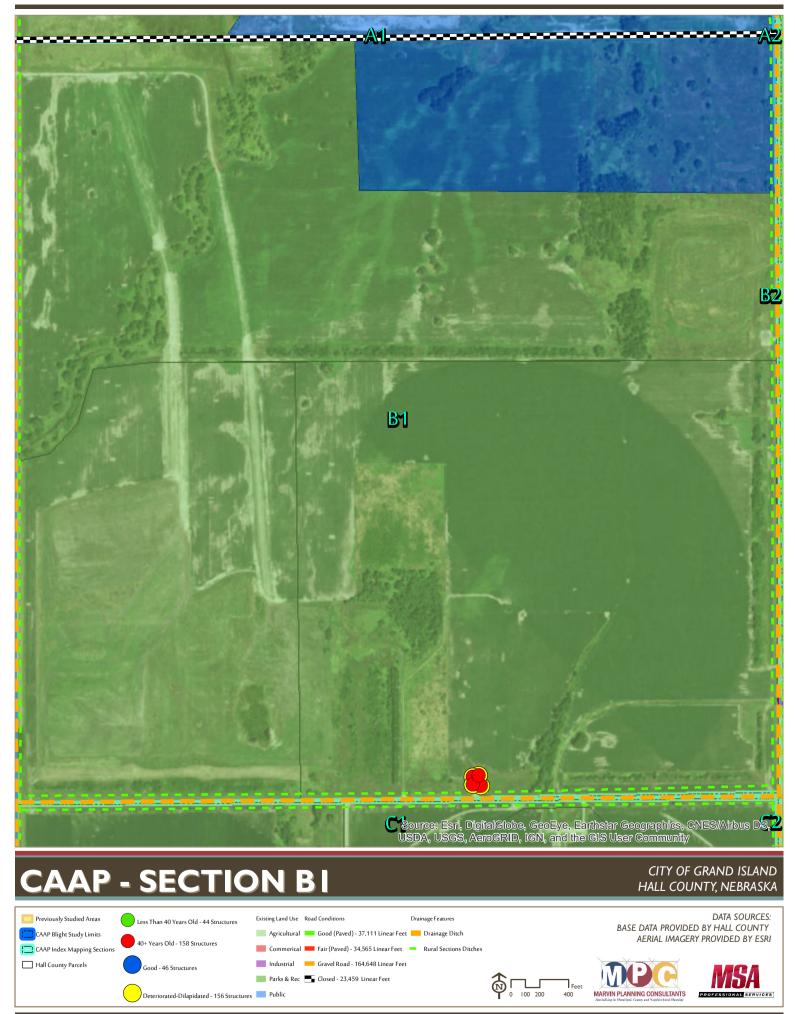
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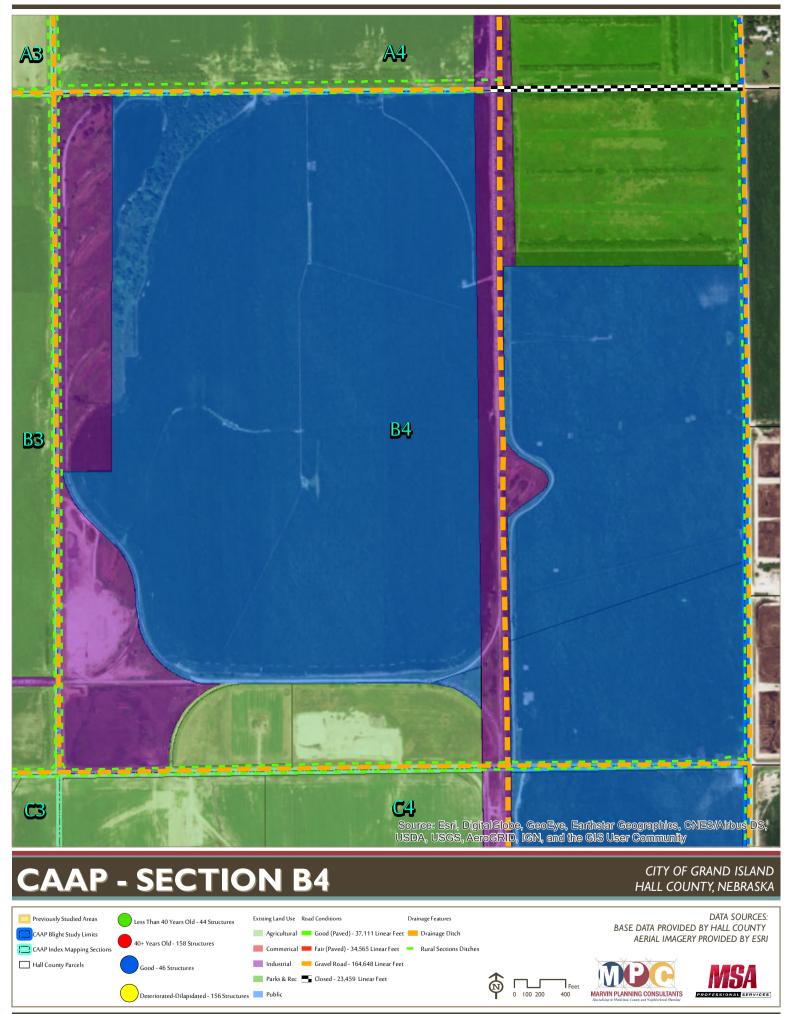
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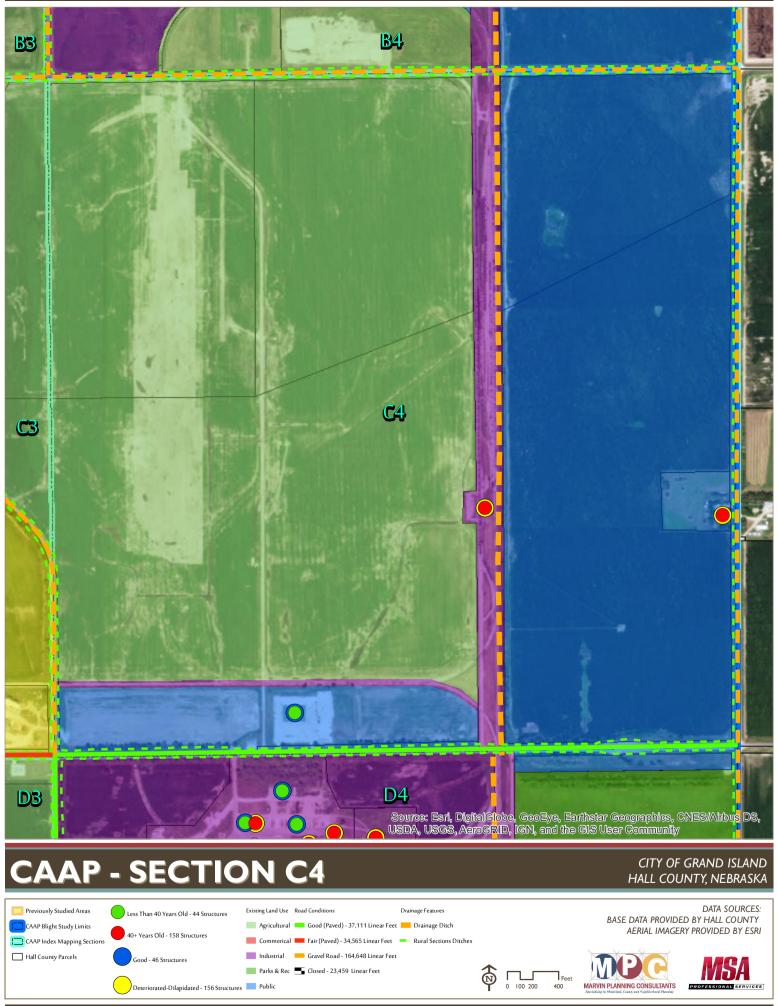
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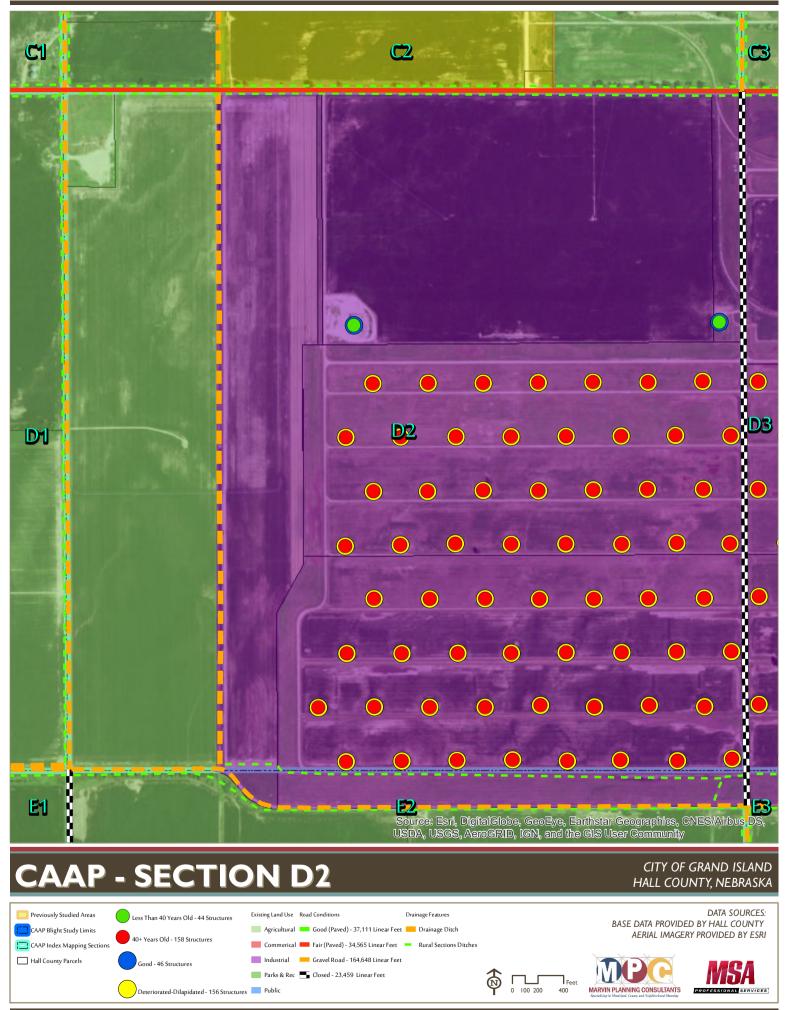
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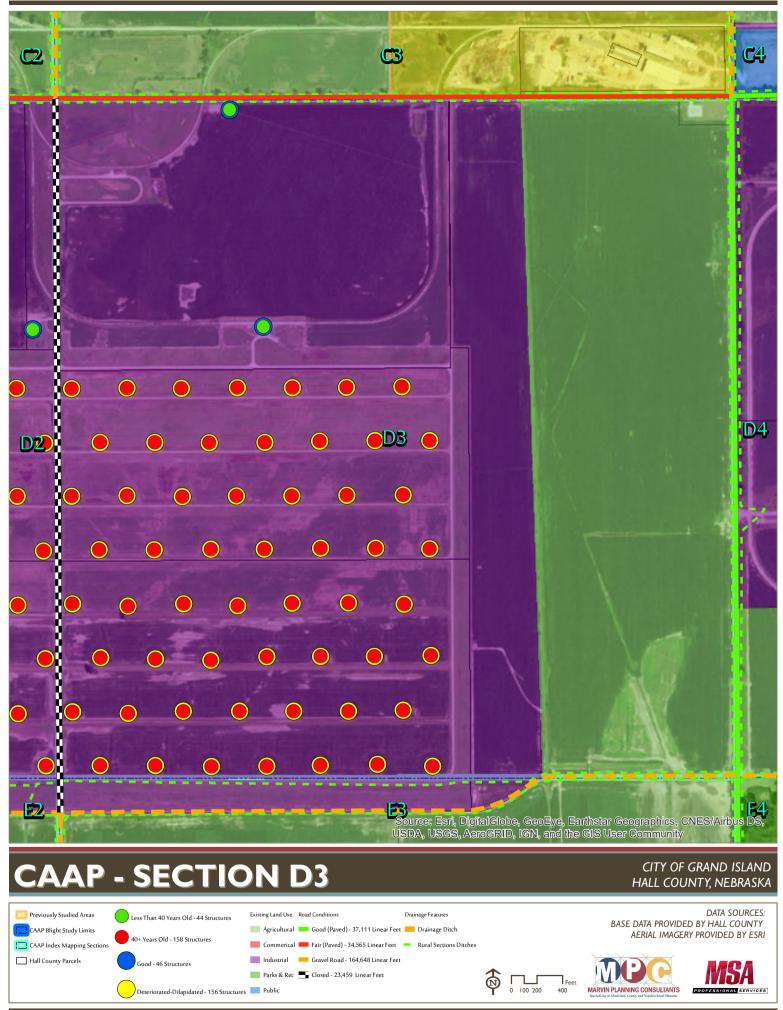
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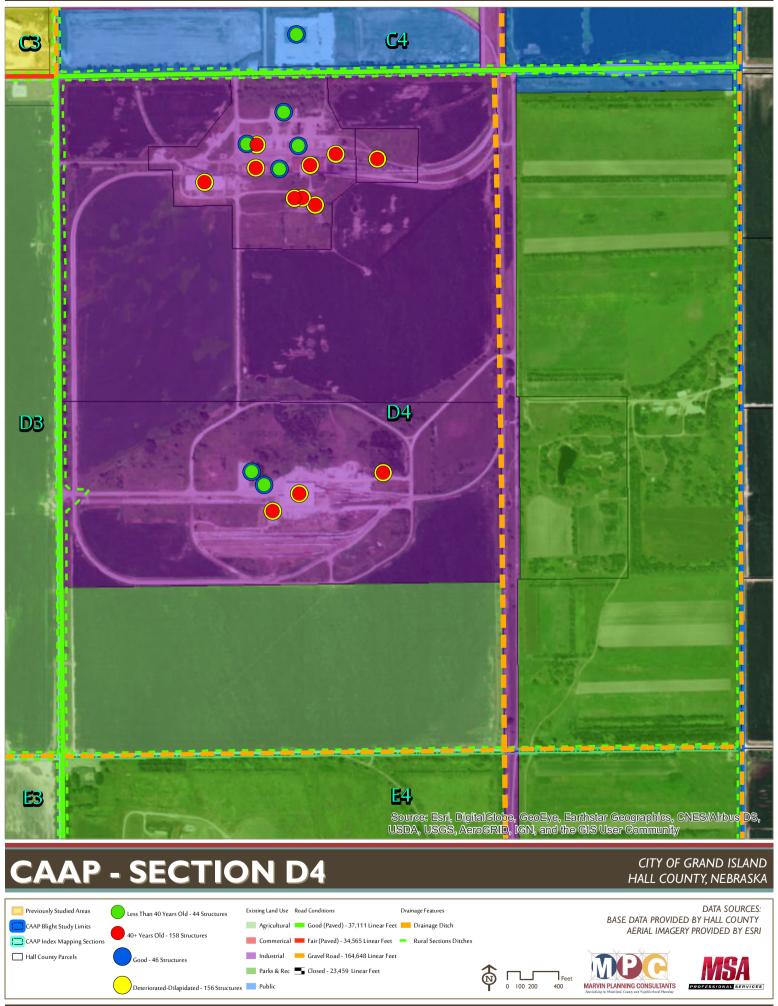
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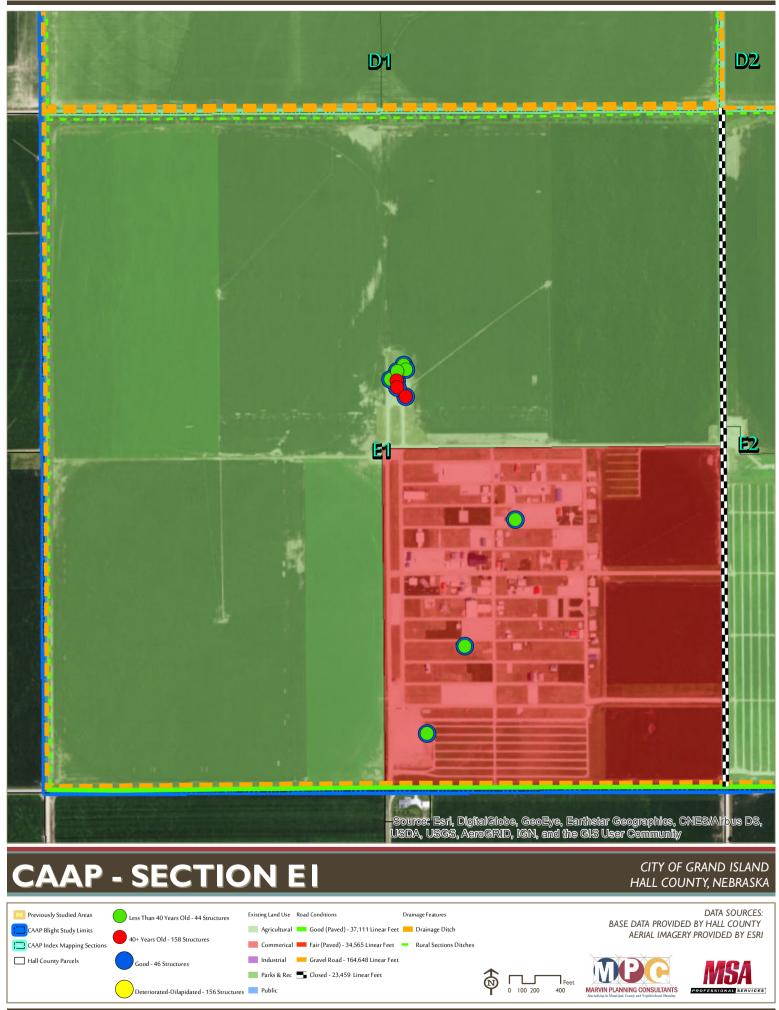
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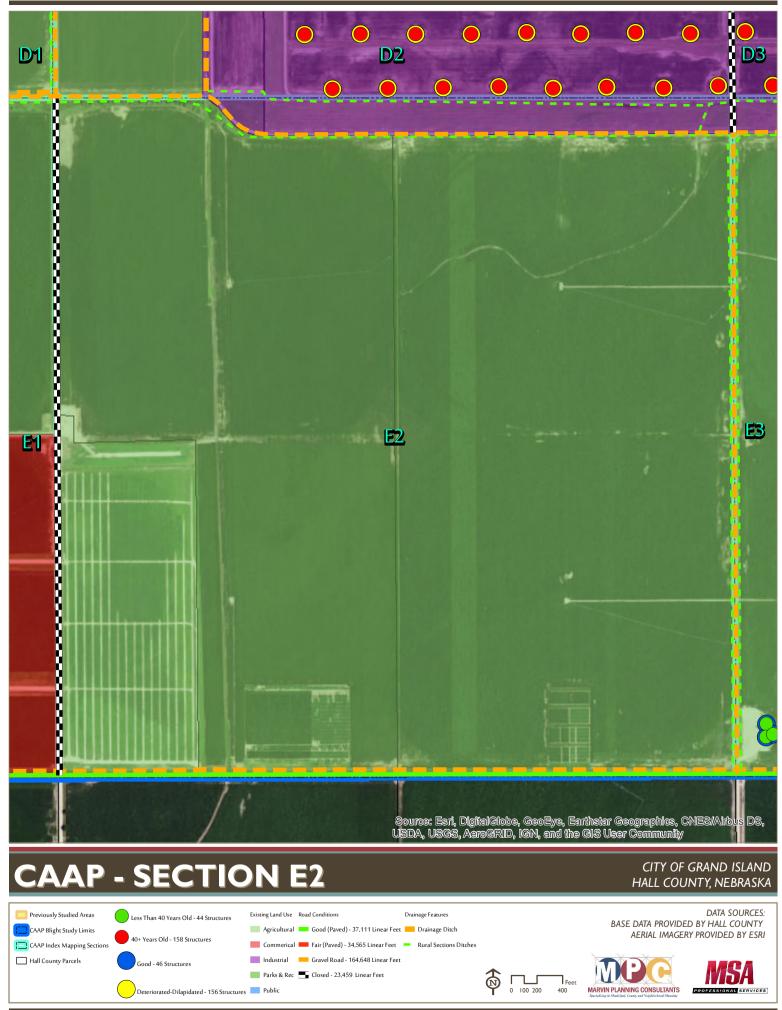
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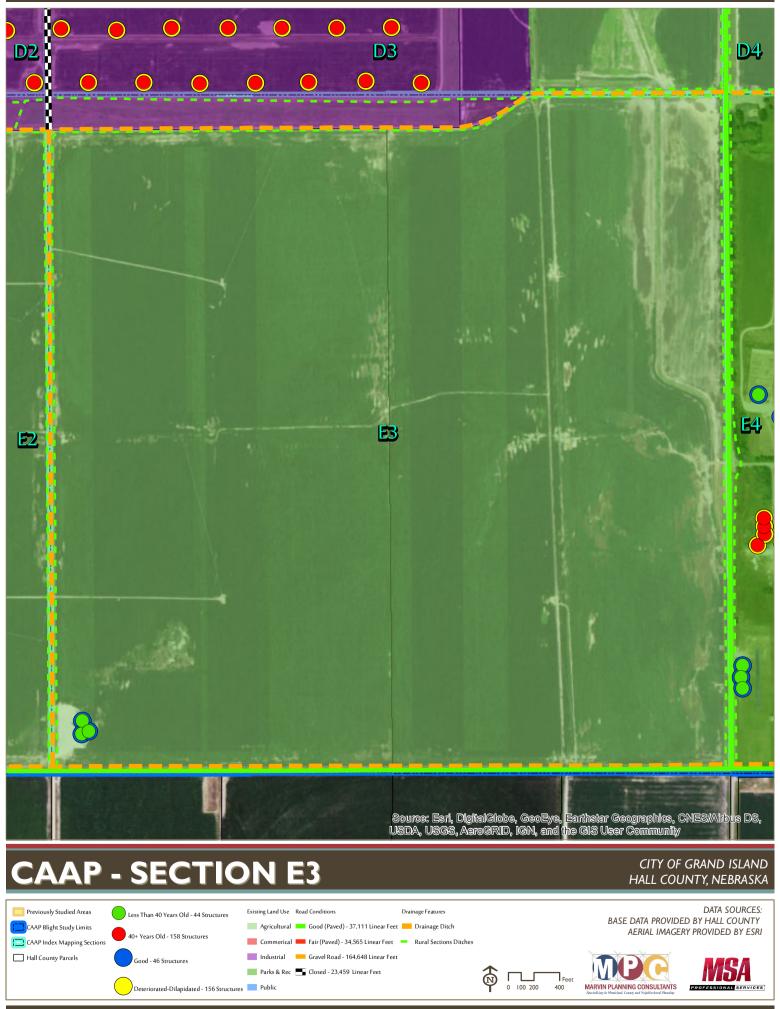
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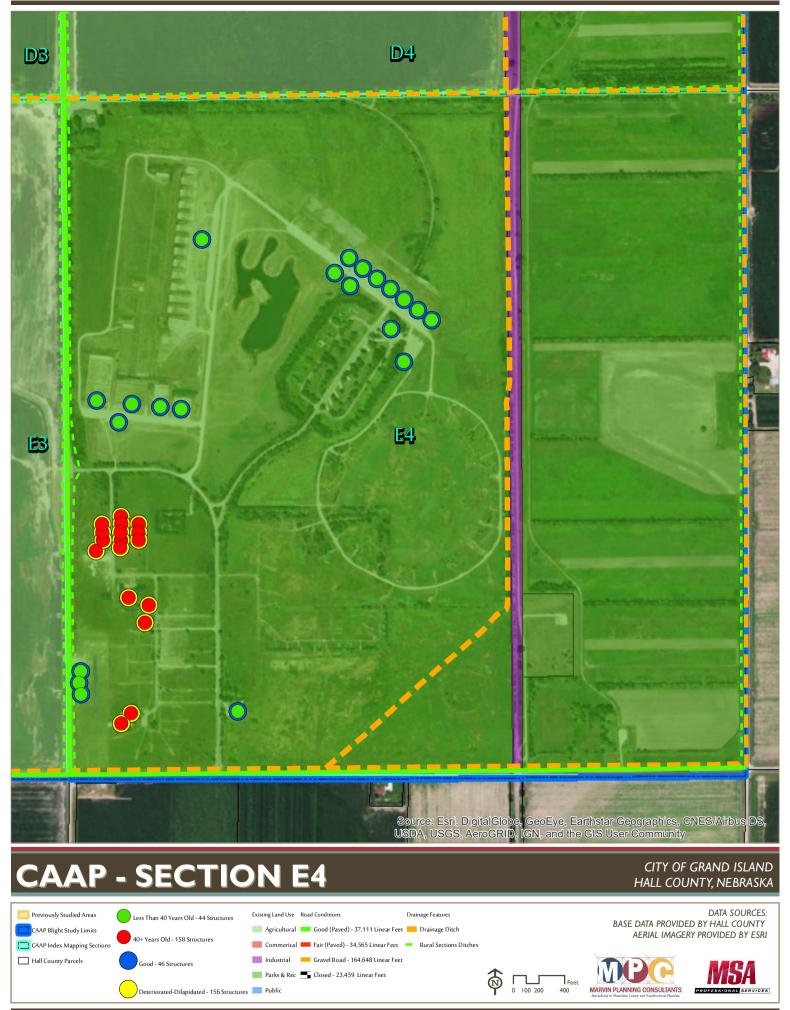
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