



# City of Grand Island

Tuesday, October 28, 2014

Council Session

## Item I-5

**#2014-338 - Consideration of Amendment to the Redevelopment Plan for CRA Area 9 located at 2228 N. Webb Road known as Northwest Commons or the former “Grand Island Mall”**

*This item relates to the aforementioned Public Hearing item E-6.*

Staff Contact: Chad Nabity

## RESOLUTION 2014-338

### **RESOLUTION OF THE CITY OF GRAND ISLAND, NEBRASKA, APPROVING AN AMENDMENT TO A REDEVELOPMENT PLAN FOR THE CITY AND AGREEING TO A REDEVELOPMENT CONTRACT AND THE PLEDGE OF TAXES WITH RESPECT TO A REDEVELOPMENT PROJECT IN A REDEVELOPMENT AREA FOR THE BENEFIT OF THE CITY OF GRAND ISLAND (NORTHWEST COMMONS PROJECT)**

WHEREAS, the City of Grand Island, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared Redevelopment Area No. 9 described on Exhibit A of the City (the "Redevelopment Area") to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, on August 26, 2014, following consideration of the recommendations of the Community Redevelopment Authority of the City of Grand Island, Nebraska (the "Authority") to the Planning Commission, the recommendations of the Planning Commission to the City, and following the public hearing with respect to Site Specific Redevelopment Plan, Grand Island CRA Area 9 (the "Redevelopment Plan"), the City approved the Redevelopment Plan for the Redevelopment Area pursuant to Resolution # 2014-254.

WHEREAS, the Authority has prepared an Amended and Restated Redevelopment Plan pursuant to Section 18-2111 of the Act, which includes a proposal for the designation of an enhanced employment area, described on Exhibit B (the "Enhanced Employment Area"), in the form attached as Exhibit C (the "Amended Redevelopment Plan"), and recommended the Amended Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Amended Redevelopment Plan pursuant to the Act and submitted its recommendations, to the City, pursuant to Section 18-2114 of the Act; and

WHEREAS, there has been presented to the City by the Authority for approval a specific Redevelopment Project within the Amended Redevelopment Plan and as authorized in the Amended Redevelopment Plan, as described on the attached Exhibit D ("Redevelopment Project"); and

WHEREAS, the City published notices of a public hearing and mailed notices as required pursuant to Section 18-2115 of the Act and has, on the date of the Resolution held a public hearing on the proposal to amend and restate the Redevelopment Plan to include the Redevelopment Project and the proposed enhanced employment area described above.

Approved as to Form    ☐ \_\_\_\_\_  
October 24, 2014        ☐ City Attorney

NOW, THEREFORE, be it resolved by the City Council of the City of Grand Island, Nebraska:

1. The Amended Redevelopment Plan of the City for the area described on the attached Exhibit A, including the Enhanced Employment Area described on the attached Exhibit B and the Redevelopment Project legally described on the attached Exhibit D, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Grand Island as a whole and the Amended Redevelopment Plan, including the Enhanced Employment Area and the Redevelopment Project identified on the attached Exhibit D, is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined that (a) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the Redevelopment Project. The City acknowledges receipt of notice of intent to enter into the Redevelopment Contract in accordance with Section 18-2119 of the Act and of the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Contract.

2. Approval of the Amended Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Amended Redevelopment Plan in accordance with the Act.

3. The form and substance of the Redevelopment Contract as set forth for on the attached Exhibit D is hereby approved and affirmed, and the Mayor and Clerk are hereby authorized and directed to execute such documents and take such actions as are necessary to carry out this Resolution, including, but not limited to, entering into a Redevelopment Contract with the Authority and a redeveloper in substantially the form as set forth in Exhibit D.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in the Redevelopment Project included or authorized in the Amended Redevelopment Plan which is described above shall be divided, for a period not to exceed 15 years after the effective date of this provision, which effective date shall be January 1, 2016 as follows:

- a. That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
- b. That proportion of the ad valorem tax on real property in the Redevelopment Project in excess of such amount, if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded,

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Grand Island Mall – 2228 N Webb Rd

assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, such Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such Redevelopment Project shall be paid into the funds of the respective public bodies.

- c. The Mayor and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Hall County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to each Redevelopment Project.

5. The City hereby finds and determines that the proposed land uses and building requirements in the Redevelopment Area are designed with the general purposes of accomplishing, in accordance with the general plan for development of the City, 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 and 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 provision for light and air, the promotion of a healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreation 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.

6. Any resolution passed and approved prior to the passage and approval of this Resolution which is in conflict with the terms and provisions of this Resolution is repealed to the extent of such conflict. This Resolution shall take effect and be in force and effect from and after its passage and approval as required by law. The provisions of this Resolution are separable, and invalidity of any phrase, clause, or part of this Resolution shall not affect the validity or effectiveness of the remainder of this Resolution.

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Adopted by the City Council of the City of Grand Island, Nebraska, October 28, 2014.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

EXHIBIT "A"

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Grand Island Mall – 2228 N Webb Rd

## REDEVELOPMENT AREA

- Lot 10 of Grand Island Mall Eighth Subdivision and Lot 2 of the Grand Island Mall Fifteenth Subdivision in the City of Grand Island, Hall County, Nebraska.

## EXHIBIT “B”

### ENHANCED EMPLOYMENT AREA

A tract of land comprising all of Lot Ten (10), Grand Island Mall Eighth Subdivision and all of Lot Two (2), Grand Island Mall Fifteenth Subdivision, all in the City of Grand Island, Hall County, Nebraska, and containing 16.428 acres more or less, EXCEPTING THEREFROM

*A tract of land comprising a part of Lot Ten (10), Grand Island Mall Eighth Subdivision and a part of Lot Two (2), Grand Island Mall Fifteenth Subdivision, all in the City of Grand Island, Hall County, Nebraska, and more particularly described as follows:*

*Beginning at the northwest corner of said Lot Ten (10); thence running easterly on the north line of said Lots Ten (10), on an Assumed Bearing of N89°47'33"E, a distance of Two Hundred Thirty Five (235.00) feet, to the Actual Point of Beginning; thence continuing N89°47'33"E, on the north line of said Lot Ten (10) and said Lot Two (2), a distance of Two Hundred Fifty Three and Fifty Hundredths (253.50) feet; thence running S00°12'27"E, a distance of Two Hundred Six (206.00) feet; thence running S89°47'33"W, a distance of Two Hundred Fifty Three and Fifty Hundredths (253.50) feet; thence running N00°12'27"W, a distance of Two Hundred Six (206.00) feet, to the Actual Point Of Beginning and containing 1.672 acres more or less. Net 14.756 acres more or less.*

## EXHIBIT “C”

### AMENDED REDEVELOPMENT PLAN

## EXHIBIT “D”

### REDEVELOPMENT CONTRACT