

City of Scottsbluff, Nebraska

Monday, July 6, 2015

Regular Meeting

Item Pub. Hear.6

Council to take action on the Resolution and Redevelopment Plan

Staff Contact: Rick Kuckkahn, City Manager

RESOLUTION NO. 15-07-__

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Recitals:

a. The City of Scottsbluff, Nebraska, a municipal corporation and city of the first class (the “City”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;

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

c. The City has previously declared an area which includes an area legally described in Exhibit A (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment pursuant to the Act;

d. The Community Development Agency of the City of Scottsbluff, Nebraska (the “Agency”) has received a Redevelopment Plan (the “Redevelopment Plan”) prepared by Elite Health, LLC (the “Redeveloper”), in the form attached as Exhibit B, for the redevelopment of the Redevelopment Area;

e. The Agency and the Planning Commission of the City (the “Planning Commission”) have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City;

f. The City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

g. The City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described in it 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.

Resolved that:

1. The Redevelopment Plan is determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act. It is found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible within the Project 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 City, 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 the recommendations of the Agency and the Planning Commission with respect to the Redevelopment Plan.

2. The Redevelopment Plan is approved in substantially the form attached as Exhibit B.

3. In accordance with Section 18-2147 of the Act, the City provides that any ad valorem tax on certain real property in the City of Scottsbluff, Scotts Bluff County, Nebraska, more fully described on Exhibit A, attached hereto, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the Agency. Said tax shall be divided 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 Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency 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, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

5. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on July 6, 2015.

Mayor

ATTEST:

City Clerk (Seal)

EXHIBIT A

LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA

A parcel of land known as Block 9 Five Oaks Subdivision, containing 482,821 sq. ft. (11.08 acres) more or less, in the Northwest Quarter of Section 14, Township 22 North, Range 55 West, of the 6th Principal Meridian, in Scotts Bluff County, Nebraska, said tract or parcel being more particularly described as follows:

COMMENCING at the Northwest corner of Section 14, Township 22 North, Range 55 West, of the 6th Principal Meridian, whence the west quarter corner of said Section 14, Bears South 02°03'39" West, a distance of 2675.32 feet; Thence along north line of the northwest quarter of said Section 14, South 88°13'30" East, a distance of 69.51 feet; Thence South 01°46'30" West, a distance of 33.00 feet to a point on the existing south right of way of 42nd Street and to the **POINT OF BEGINNING**;

Thence along said existing south right of way of 42nd Street South 88°13'30" East,
a distance of 638.16 feet;

Thence departing said existing south right of way of 42nd Street, South 02°09'33" West, a distance of 689.61 feet;

Thence South 89°54'43" West, a distance of 82.99 feet;

Thence on the arc of a curve to the left, a radius of 126.00 feet, a central angle of 58°59'23", a distance of 129.73 feet, (a chord bearing South 60°25'02" West, a distance of 124.07 feet);

Thence South 30°55'20" West, a distance of 33.14 feet;

Thence on the arc of a curve to the right, a radius of 74.00 feet, a central angle of 80°57'43", a distance of 104.57 feet, (a chord bearing South 71°24'12" West, a distance of 96.08 feet);

Thence North 68°06'57" West, a distance of 194.50 feet;

Thence on the arc of a curve to the left, a radius of 226.00 feet, a central angle of 19°49'23", a distance of 78.19 feet, (a chord bearing North 78°01'39" West, a distance of 77.80 feet);

Thence North 87°56'20" West, a distance of 87.56 feet to a point on the existing east right of way of Highway 71 (Avenue I);

Thence continuing along said east right of way of Highway 71 (Avenue I), North 02°03'39" East, a distance of 262.75 feet;

Thence continuing along said east right of way of Highway 71 (Avenue I), North 02°37'26" East, a distance of 475.46 feet, more or less, to the **POINT OF BEGINNING**;

The above described parcel contains 482,821 sq. ft. (11.08 acres), more or less.

BASIS OF BEARINGS: All bearings are based on the line connecting the Northwest corner of Section 14, Township 22 North, Range 57 West, of the 6th Principal Meridian and the West Sixteenth Corner of said Section 14, being a **GRID** bearing of **South 88°13'30" East** a distance of **1326.35 feet** as obtained from a global positioning system (GPS) survey based on the Nebraska High Accuracy Reference Network (NHARN). Said grid bearing is NAD 83 (2011) Nebraska State Plane Zone 2600.

EXHIBIT B
FORM OF REDEVELOPMENT PLAN
[as per the attached]