

# **City of Scottsbluff, Nebraska**

**Monday, April 1, 2019**

**Regular Meeting**

## **Item Pub. Hear.1**

**Council to conduct a Public Hearing for this date at 6:00 p.m. to consider a Redevelopment Plan by 26 Group, LLC for the Fuel Station and Convenience Store Project.**

**Staff Contact: City Council**

## **CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN**

### ***Fuel Station and Convenience Store***

***By: 26 Group, LLC***

#### **1. Introduction/Executive Summary**

26 Group, LLC (the “Redeveloper”) submits this Redevelopment Plan (“Plan”) to the City of Scottsbluff City Council (the “City”), the City of Scottsbluff Planning Commission (“Planning Commission”), and the City of Scottsbluff Community Redevelopment Authority (the “CRA”), pursuant to the Nebraska Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*

Under this Plan, the Redeveloper proposes to develop the “Project Site” (as defined below) into a gasoline and diesel fuel station for cars, RVs, and trucks, along with convenience store with a fast food area, restrooms, and an office area. The Project Site has been declared to be blighted and substandard. The Redeveloper is requesting tax increment financing for certain eligible costs and expenses related to the Project.

#### **2. Blighted and Substandard Condition of Project Site (NEB. REV. STAT. §§ 18-2103 (3) and (31) and 18-2109)**

On February 19, 2019, the City declared the Project Site and surrounding areas as blighted and substandard as defined in the Nebraska Community Development Law.

#### **3. Statutory Elements (NEB. REV. STAT. §§ 18-2103(27) and 18-2111)**

- A. *Boundaries of the Project Site:*** The Project Site is located at Lot 1, Block 1, Western Addition, City of Scottsbluff, Scotts Bluff County, Nebraska. The address is 1007 E. Hwy 26, Scottsbluff, Nebraska. This Plan also includes adjacent public right of way as necessary for access, public utilities and other potential public improvements related to the Project Site. Aerial maps and the final plat of the Project Site are found in Attachment 1.
- B. *Land Acquisition:*** The owners of the Redeveloper, Eric and Brandy Reichert, acquired the Project Site in September of 2018 in contemplation of redeveloping the Project Site, conditional upon financing. The Project Site will be acquired by the Redeveloper for redevelopment.
- C. *Land Coverage and Building Intensities:*** The Project Site is approximately 5 acres (217,800 square feet). The proposed estimated building coverages/intensities are as follows:
- Convenience Store: 7,000 square feet
  - Canopies: 24’ x 132’ and 24’ x 144’
  - Paving: 139,500 square feet
  - Truck Wash: 5,500 square feet (not included in initial development)
  - Truck Scale: 1,000 square feet (not included in initial development)
- D. *Land Uses:*** See Attachment 2 for existing land uses of the area surrounding the Project Site. After development, the Project Site will be used as a fuel station and convenience store.

- E. Existing Uses and Condition:** The Project Site is currently vacant. A prior preliminary plat shows the current utilities and other conditions surrounding the Project Site. See Attachment 3.
- F. Site Plan:** See Attachment 4
- G. Demolition and Removal of Structures:** No demolition and removal of structures will be necessary.
- H. Population Densities:** The Plan does not contemplate a change in population densities around the Project Site. Increased traffic to and use on the Project Site will likely result due to the increased employment and customers on the Project Site.
- I. Zoning Changes:** The Project Site is zoned as M-1 (Light Manufacturing and Industrial), which includes convenience stores with dispensing gasoline as a permitted use. Thus, no zoning changes are necessary.
- J. Additional Public Facilities and Utilities:** City water and sewer utilities will need to be extended to the Project Site. The location of such extensions will be subject to utility site plans approved by the City Engineer. It is necessary to increase the elevation of the Project Site. The Redeveloper and City have entered into an agreement under which the Redeveloper will excavate and use fill material from the City's stormwater detention facility located east of 27<sup>th</sup> Street and Highway 26 (the Scottsbluff Drain) to sufficiently elevate the Project Site in lieu of onsite storm water detention.
- K. Street Layouts, Street Levels, and Grades:** No changes to street layouts, street levels, and grades are needed for this Plan.
- L. Ordinance and Building Code Changes:** No ordinance or building code changes are contemplated by the Plan.
- 4. Conformity to General Plan of the City (NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a)).**

The Planning Commission, City, and CRA are all tasked with determining whether this Plan conforms to the general plan for the development of the City as a whole. NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a).

According to the City's 2016 Comprehensive Plan, the Project Site is located in the Southeast Industrial and Commercial District. This area is characterized as having active daytime and nighttime hours, heavy personal and commercial vehicular traffic, a wide variety of buildings and a high amount of noise and smells tolerated closer to Highway 26. Under the theme, "Growing as a regional leader of commerce and economic opportunity" this area is listed as a "key area for heavier commercial and industrial."

The Comprehensive Plan provides the following principles for sustainable development in this area:

- Plans and investments to increase economic viability of business corridor in East Overland.
- Encourage infill development through mitigation of blighted properties and incentives.
- Economic industrial growth on City periphery along Highway 26 and South 21<sup>st</sup> Avenue.

Thus, this Plan conforms to the Comprehensive Plan.

In addition, the Blight and Substandard Determination Study adopted by the City Council related to this Project Site recognizes that due to a number of challenges, this area has not kept pace with community standards while other areas along the Highway 26 corridor have seen steady growth and development.

The Study also recognizes that being adjacent to the sugar factory presents challenges. Traffic circulation is tight and parking is minimal. The sugar factory structures and activities present the appearance of limited space to the south.

This Plan begins to address these challenges by initiating growth and development along Highway 26 and near the sugar factory. The Project could encourage development to continue throughout the adjacent blighted and substandard areas including the East Overland Corridor.

## 5. Proposed Financing

**A. Tax Increment Financing.** The Redeveloper is requesting tax increment financing to pay for statutorily eligible expenses, to the extent such funds are available. The tax increment financing will be generated from the increased property taxes to be paid on the Project Site after development all in accordance with NEB. REV. STAT. § 18-2147. The amount of the available proceeds from tax increment financing ("TIF Revenues") is estimated at approximately \$900,000.00, calculated as follows:

|  |                       |                       |
|--|-----------------------|-----------------------|
| 2018 Assessed Value:                             |                       |                       |
| Land:  | \$ 100,895.00         |                       |
| Building/Improvements                            | \$ _____ .00          |                       |
| Total  |                       | <u>\$ 100,895.00</u>  |
| Estimated Value after Completion                 |                       |                       |
| Land:  | \$ 514,000.00         |                       |
| Building/Improvements:                           | <u>\$2,362,360.00</u> |                       |
| Total  |                       | <u>\$2,876,360.00</u> |
| Increment Value:                                 |                       | \$2,775,465.00        |
| Multiplied by approximate 2.16% levy             | x 0.0216              |                       |
| Annual TIF Revenues Generated (Rounded)          | \$ 60,000.00          |                       |
| Multiplied by 15 years (Maximum Duration of TIF) | x _____ 15            |                       |
| Estimated TIF Revenues Available:                |                       | <u>\$ 900,000.00</u>  |

This estimated amount must be reduced to present value based on an interest rate to be agreed upon by the Redeveloper and the City to support a tax increment financing bond ("TIF Indebtedness").

Because the Plan proposes the use of tax increment financing, the City must find that the Plan would not be economically feasible without the use of tax increment financing and the Project would not occur in the blighted and substandard area without the use of tax increment financing. The City and the CRA must also find that the costs and benefits of the 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 and been found to be in the long-term best interest of the community. NEB. REV. STAT. §§ 18-2113(2) and 18-2116(1)(b).

The Redeveloper certifies that the Plan would not be economically feasible and would not occur in the blighted and substandard area without the use of tax increment financing. The Redeveloper has submitted a letter from its lender for the Project, Great Western Bank, stating that tax increment financing is necessary for the Project. See Attachment 5.

Notwithstanding the foregoing, the Redeveloper understands the liability of the CRA and City is limited to the TIF Revenues received by the CRA related to the Project to pay the TIF Indebtedness. The Redeveloper shall look exclusively to the TIF Revenues related to this Project for the payment of any TIF Indebtedness. The Redeveloper acknowledges that the above figures are, and any TIF Indebtedness will be set, based on estimates and assumptions, including expectations as to the completion of construction and property valuations suggested by the Redeveloper, which may alter substantially and materially, and that tax increment revenues may be altered or eliminated entirely based on future decision of the Nebraska Legislature or the voters of the State of Nebraska or by future court decisions.

Below are the portions of the project, and estimated costs, which the Redeveloper proposes to be paid for with TIF Revenues

| <u>Description</u>            | <u>Estimated Cost</u> |
|-------------------------------|-----------------------|
| Site Acquisition              | \$ 514,000.00         |
| Site Preparation              |                       |
| Compacted Fill                | \$ 205,000.00         |
| Gas Line Relocation           | \$ 12,610.00          |
| Site Utilities                |                       |
| Sanitary Sewer                | \$ 51,615.00          |
| Water                         | \$ 12,175.00          |
| Storm Sewer                   | \$ 17,900.00          |
| 30" Curb and Gutter           | \$ 41,000.00          |
| Barrier Sidewalk              | \$ 18,240.00          |
| Site Lighting                 | \$ 120,000.00         |
| Civil Engineering             | \$ 21,000.00          |
| <u>Plan Preparation/Legal</u> | <u>\$ 14,000.00</u>   |
| TOTAL                         | \$1,027,540.00        |

A proposed statutory Cost-Benefit Analysis of the Project is attached as Attachment 6.

**B. Private Investment/Financing.** The Redeveloper will make a substantial private investment in and obtain private financing for in the private improvements such as the building and personal property estimated at \$4,000,000.00.

*Please note that all the figures in this Plan are estimates and tax increment financing granted will be based on actual costs incurred for eligible expenses.*

6. Implementation of the Plan.

Upon approval of this Plan, the Redeveloper will enter into a Redevelopment Contract with the CRA which shall govern the implementation of this Plan. All public improvements related to this Plan shall be according to (a) engineered plans and specifications approved in writing by the City in advance of commencement of construction, (b) all ordinances and codes adopted by the City, as in effect at the time that the public improvements are constructed, and (c) any other agreement related to the public improvements between the Redeveloper and the City. The Redevelopment Contract between the Redeveloper and the CRA shall not replace or supersede the need for the Redeveloper to obtain other agreements, consents, permits, or licenses from the City related to the public improvements or other improvements as may be required by the City for the type of work to be performed on the Project Site.

This Redevelopment Plan is submitted by the Redeveloper on the date set forth below.

Dated: 3/28/19

26 Group, LLC

By:   
Eric Reichert, President

**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 1  
Aerial Maps and Final Plat of Project Site**



**Overview**



**Legend**

-  Parcels
-  Roads

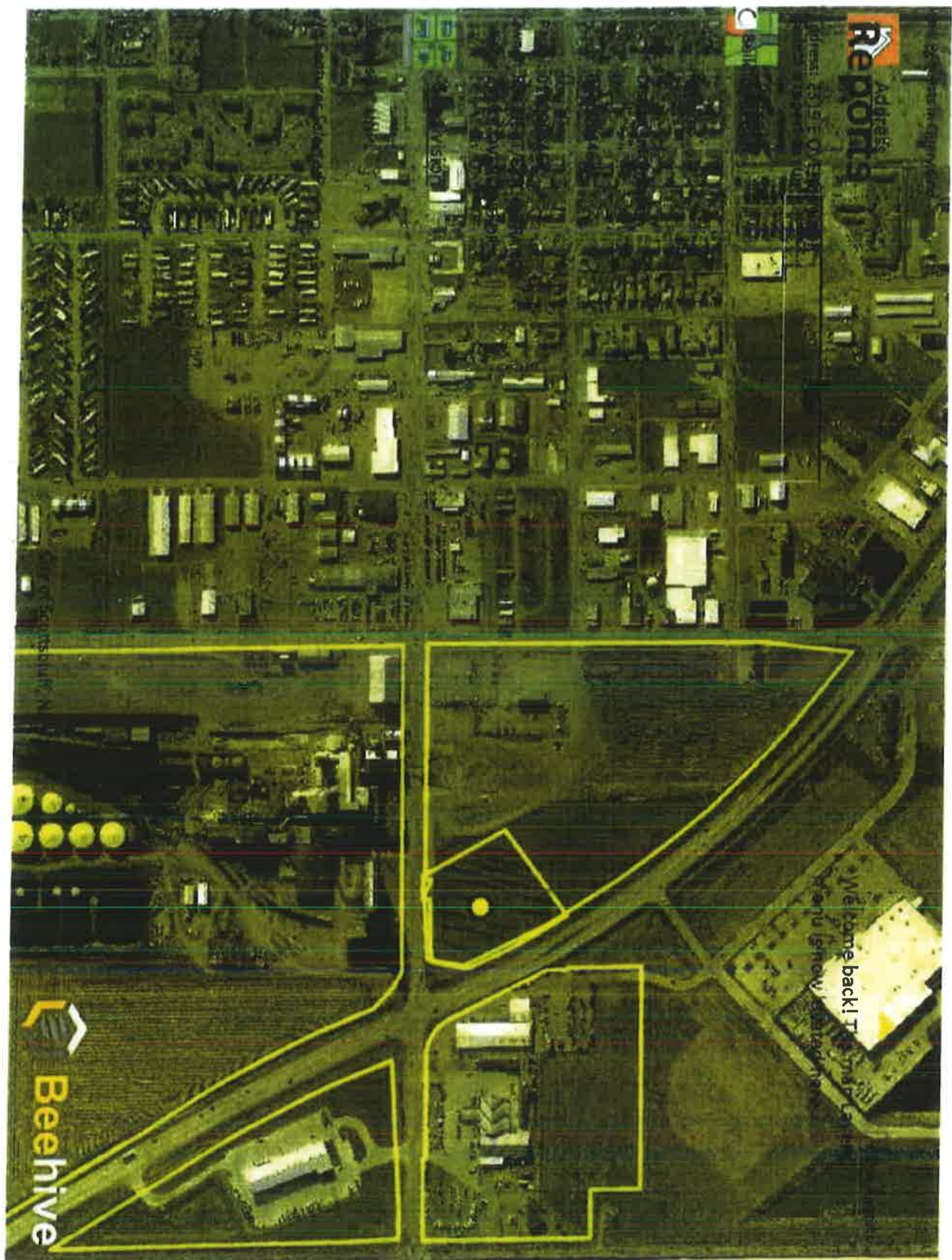
|                              |   |                     |     |                      |                        |
|------------------------------|---|---------------------|-----|----------------------|------------------------|
| <b>Parcel ID</b>             | 010000446                                 | <b>Alternate ID</b> | n/a | <b>Owner Address</b> | REICHERT/ERIC & BRANDY |
| <b>Sec/Twp/Rng</b>           | 19/22/54                                  | <b>Class</b>        | n/a |                      | 1502 19TH AVE          |
| <b>Property Address</b>      | 1007 E HWY 26                             | <b>Acreage</b>      | n/a |                      | SCOTTSBLUFF NE 69361   |
| <b>District</b>              | n/a                                       |                     |     |                      |                        |
| <b>Brief Tax Description</b> | BLK 1, WESTERN ADD (5)                    |                     |     |                      |                        |
|                              | (Note: Not to be used on legal documents) |                     |     |                      |                        |

**DISCLAIMER:** This map measurement's and all associated data are approximate and not to be used for any official purposes. Scotts Bluff County assumes no liability associated with the use or misuse of this information.

Date created: 2/18/2019

Developed by  **Schneider**  
GEOSPATIAL





04/05/2014





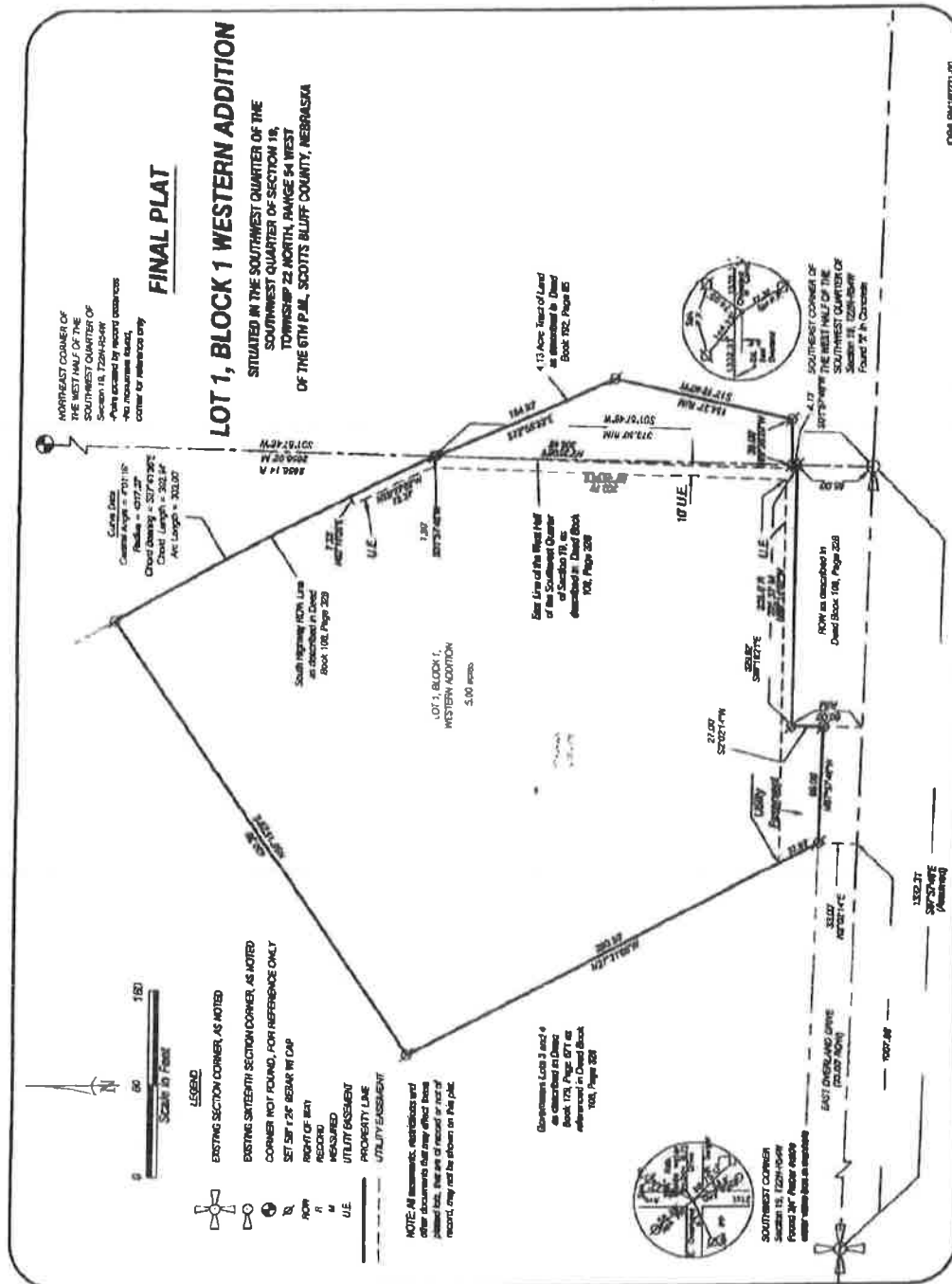


NAME: JOHN DOE  
 ADDRESS: 123 MAIN ST  
 CITY: ANYTOWN  
 STATE: CA  
 ZIP: 90210  
 PHONE: 555-1234  
 FAX: 555-5678  
 E-MAIL: JOHN.DOE@EXAMPLE.COM  
 SIGNATURE: [Signature]  
 DATE: 10/26/2001

9-19-18 INST. 2018 10:09 AM 4213

Jean A. Bauer

REGISTER OF DEEDS



LOT 1, BLOCK 1,  
WESTERN ADDITION  
SCOTTSBLUFF, NEBRASKA  
SHEET 2 OF 3

### SURVEYOR'S CERTIFICATE

I, Dennis P. Sullivan, a Nebraska Registered Land Surveyor, hereby certify that I, or under my direct supervision, have surveyed and prepared a plat of a Tract of land situated in the Southwest Quarter of the Southwest Quarter of Section 19, Township 22 North, Range 64 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the Southwest Corner of Section 19, thence easterly on the south line of the Southwest Quarter of Section 19, on an assumed bearing of S87°57'46"E, a distance of 1007.86 feet, thence bearing N02°02'14"E, a distance of 33.00 feet, to the point of intersection with the north 33 foot right of way line of East Overland Drive, and the middle of a driveway, said point being the Point of Beginning, thence bearing N27°21'05"W, a distance of 380.50 feet, thence bearing N56°15'28"E, a distance of 450.36 feet, to the point of intersection with the south right of way line of U.S. Highway 26, as described in Deed Book 108, Page 328, and the point of intersection with a non-tangent curve to the right, said curve having a central angle of 4°01'16", a radius of 4317.37 feet, a chord bearing of S27°41'36"E and a chord length of 302.94 feet, thence southeasterly on the arc of said right of way line, a distance of 308.00 feet, to the point of intersection with the east line of the west half of the Southwest Quarter Section 19, and a point being 373.50 feet (Record and Measured) north of the section corner as described in Deed Book 108, Page 328, thence southerly on said quarter section line, bearing S01°57'46"W, a distance of 1.90 feet, to the point of intersection with a tract of land as described in Deed Book 192, Page 85, said line also being the south right of way line of U.S. Highway 26, thence southeasterly on the north line of said tract and said south right of way line, bearing S22°55'32"E, a distance of 164.92 feet, thence southwesterly on the east line of said tract and U.S. Highway 26 right of way, bearing S13°16'40"W, a distance of 154.27 feet, (record and measured), to the point of intersection with the north line of highway right of way as described in Deed Book 108, Page 328, thence bearing S80°36'20"W, a distance of 39.08 feet, to the point of intersection with the east line of the west half of the Southwest Quarter of Section 19, thence southerly on said quarter section line, bearing S01°57'46"W, a distance of 4.13 feet, and the point of intersection with the north right of way line of U.S. Highway 26 Right of Way as described in Deed Book 108, Page 328, thence northwesterly on said right of way line, bearing N89°14'02"W, a distance of 225.37 feet measured (225.6 feet record), thence southerly on said right of way line, bearing S02°02'14"W, a distance of 27.00 feet, to the point of intersection with the north 33 foot right of way line of East Overland Drive, thence bearing N87°57'46"W, a distance of 99.08 feet, to the Point of Beginning, said tract containing an area of 5.00 Acres, more or less.

That the accompanying plat is a true delineation of such survey drawn to a scale of 80 feet to the inch. That all dimensions are in feet and decimals. That each lot and block has its own number and that the boundary of the plat is shown with a heavy solid line with dashed lines being for orientation purposes only. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL THIS 23<sup>rd</sup> DAY OF August, 2018.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

  
Dennis P. Sullivan, Nebraska Registered Land Surveyor, L. S. 562



### OWNER'S STATEMENT

We, the undersigned, being the owners of unplatted land situated in the Southwest Quarter of the Southwest Quarter of Section 19, Township 22 North, Range 64 West of the 6th p.m., Scotts Bluff County, Nebraska, as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as LOT 1, BLOCK 1, WESTERN ADDITION to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the Southwest Quarter of the Southwest Quarter of Section 19, Township 22 North, Range 64 West of the 6th P.M., Scotts Bluff County, Nebraska.

We hereby dedicate the easements shown for the use and benefit of the public.

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners.  
Dated this 17 day of September, 2018.

Owner:  
A.E. Staley Manufacturing Co / Western Sugar

  
By: Jerry Barnell, Vice President of Agriculture

09-11-2018 4:21:3

LOT 1, BLOCK 1,  
WESTERN ADDITION  
SCOTTSBLUFF, NEBRASKA  
SHEET 3 OF 3

### ACKNOWLEDGEMENT

STATE OF NEBRASKA )  
COUNTY OF SCOTTS BLUFF )

Before me, a Notary Public, qualified and acting in said County, personally came Jerry Darnell, Vice President of Agriculture for A. E. Staley Manufacturing Corporation / Western Sugar to me known to be the identical person whose signature is affixed to the foregoing 'Owner's Statement' and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of the A. E. Staley Manufacturing Corporation / Western Sugar.

WITNESS MY HAND AND SEAL THIS 17 DAY OF September 2018.

*Vicki E. Weber*  
Notary Public

My Commission Expires 09-02-22



### APPROVAL AND ACCEPTANCE

The foregoing plat of LOT 1, BLOCK 1, WESTERN ADDITION to the City of Scottsbluff, Scotts Bluff County, Nebraska situated in the Southwest Quarter of the Southwest Quarter of Section 18, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska is hereby approved by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska,

by resolution duly passed this 17 day of September 2018.

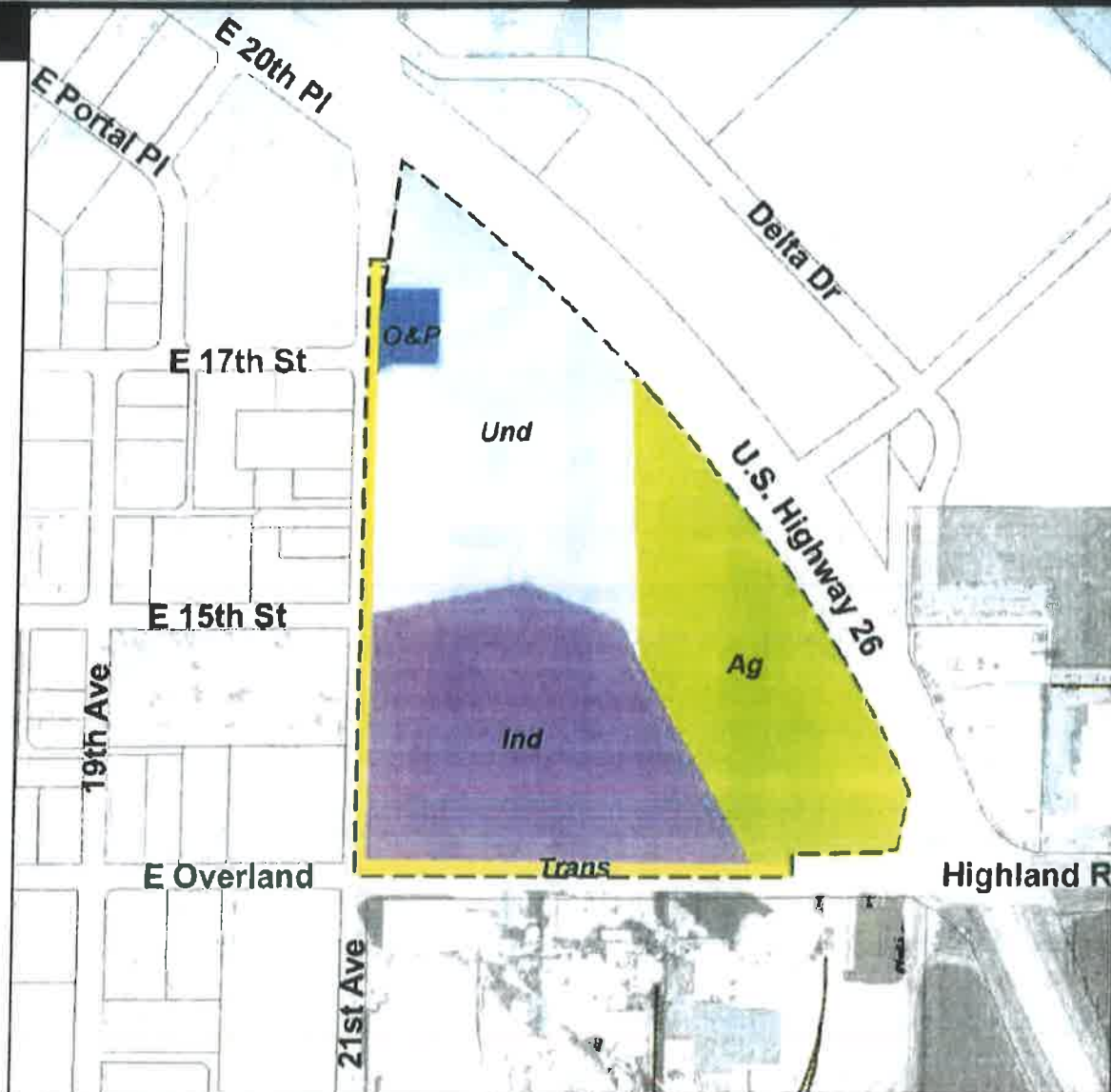
*Randy Mettlinger*  
Randy Mettlinger, Mayor

ATTEST:

*Kimberly Wright*  
City Clerk



**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 2  
Land Uses**



- Land Use**
- Agriculture
  - Office & Professional
  - Industrial
  - Public Streets
  - Vacant / Undeveloped
  - Study Area



## Existing Land Use

City of Scottsbluff  
Scotts Bluff County, NE

Structure age obtained from  
Scotts Bluff County Assessor  
online data sheets, Jan. 2019.



**MCS**  
FAMILY OF COMPANIES

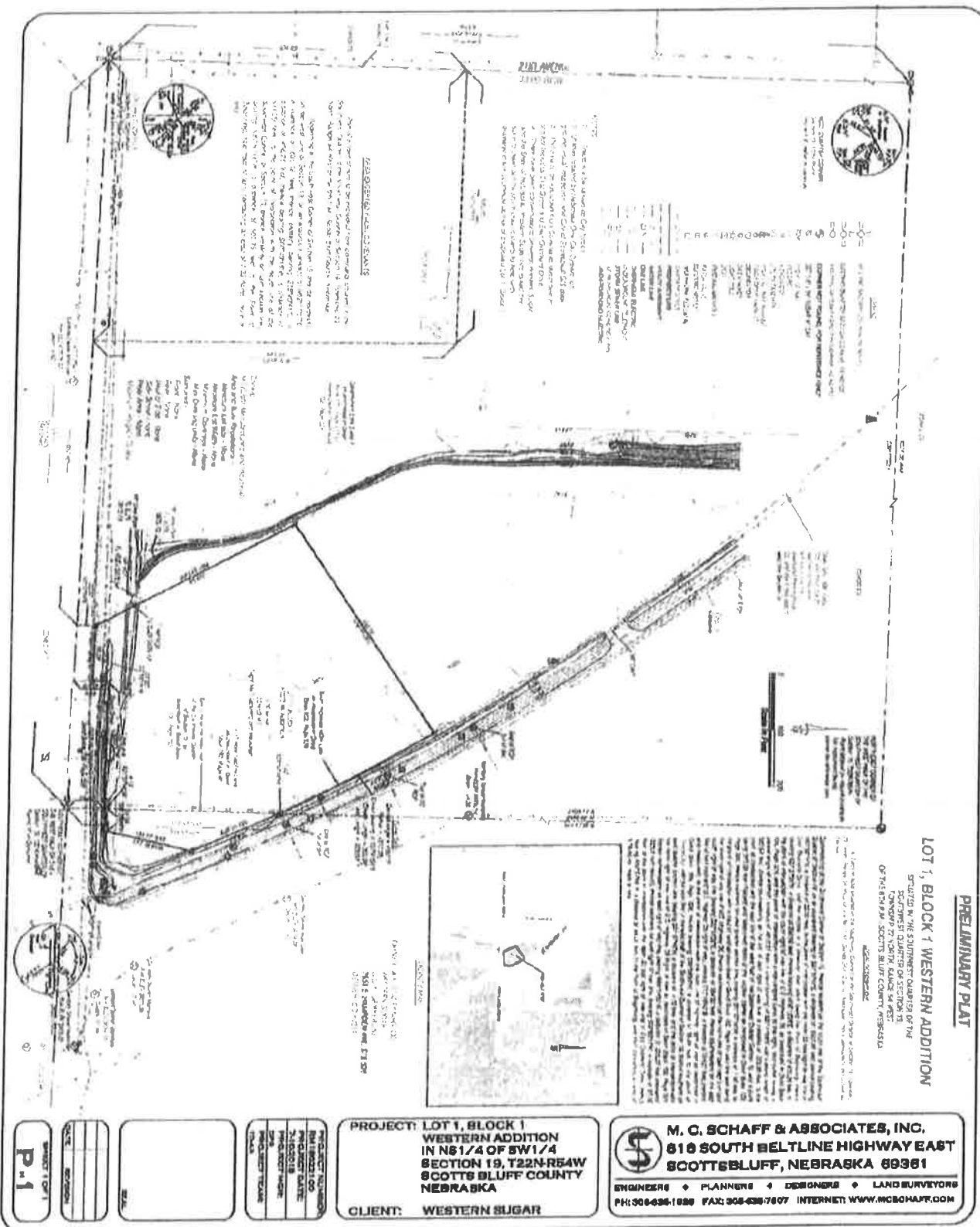
Headquarters:  
212 South Burlington Highway East, Scottsbluff, Nebraska 68901  
Phone: (308) 675-1926 Fax: (308) 635-7801 [www.MCSfamilyofcompanies.com](http://www.MCSfamilyofcompanies.com)

Blight Study - City of Scottsbluff, NE

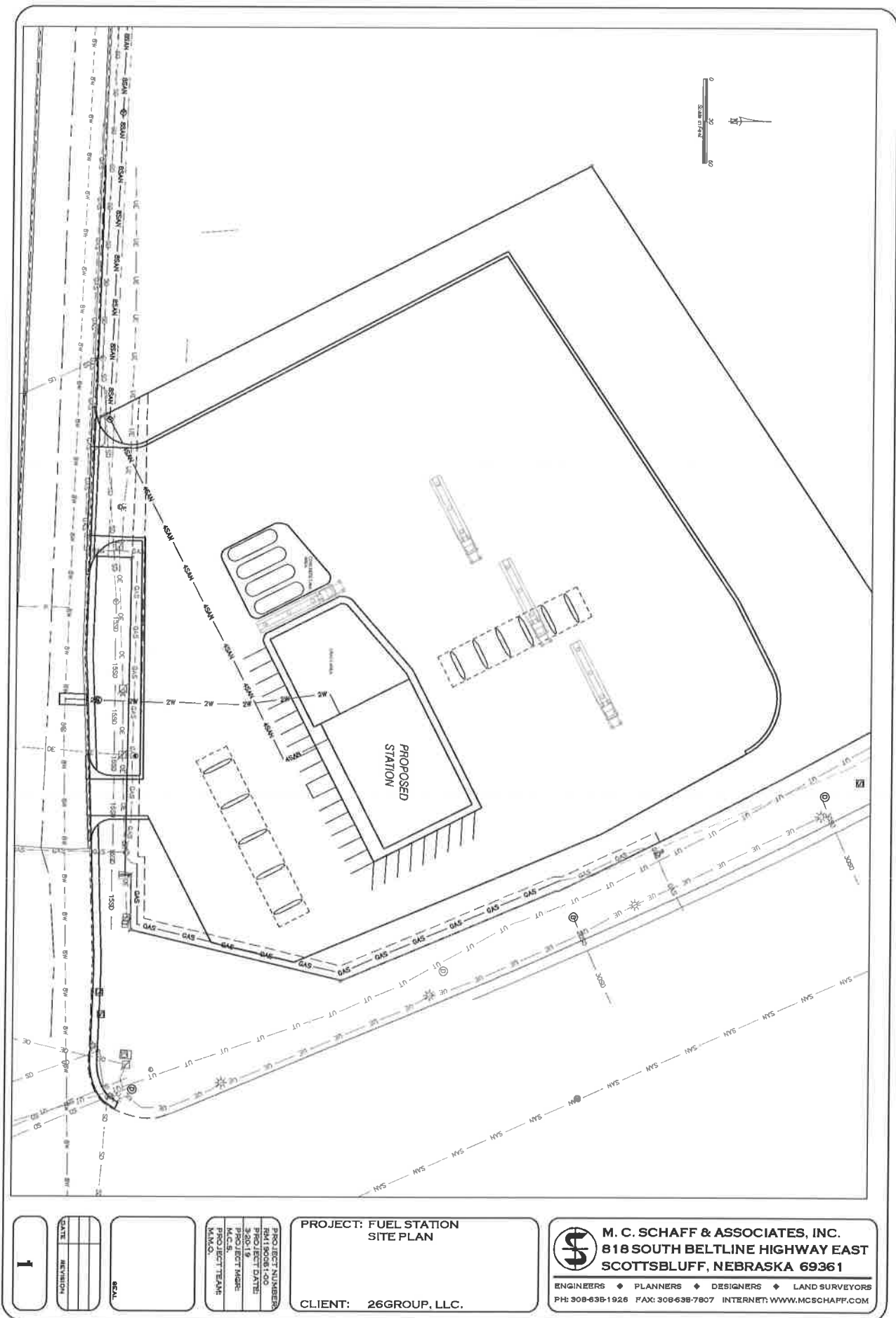
page 11

**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 3  
Preliminary Plat**





**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 4  
Site Plan**



**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 5  
Letter from Great Western Bank**

**Question #12b Attachment**

January 15, 2019

26 Group, LLC  
C/O Eric and Brandy Reichert  
5415 Oriole Dr  
Scottsbluff, NE 69361

RE: Tax Increment Financing

To Whom It May Concern;

Great Western Bank has reviewed the proposed project and is willing to finance the project with the assistance of tax increment financing. In our financial analysis the project is not cost feasible to build without tax increment financing and Great Western Bank would not be able to fund the project without it.

Sincerely,



Troy Brandt  
Business Banker  
Great Western Bank

**GreatWesternBank.com**

**26 Group, LLC Fuel Station and Convenience Store Redevelopment Plan  
Attachment 6  
Cost-Benefit Analysis**

**CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN**

***Fuel Station and Convenience Store***

***By: 26 Group, LLC***

**Cost Benefit Analysis**

**A. *Tax Revenues and Tax Shifts Resulting from the Division of Taxes.*** The base value of the Project Site will be available to the local taxing jurisdictions regardless of the tax increment financing. The local taxing jurisdictions are the City, Scotts Bluff County, Scottsbluff Public Schools, WNCC, ESU 13, and North Platte NRD. The tax increment revenues created by the Project are estimated to be approximately \$60,000.00 per year. These tax increment revenues will not be available to local taxing jurisdictions for 15 years after the effective date of the division of taxes, or earlier if the TIF Revenues pay off the TIF Indebtedness early. During those times, the tax increment revenues from the Project Site will be used to reimburse the Redeveloper for the eligible development costs (with interest) necessary for the Project, as set forth in the Redevelopment Plan.

**B. *Public Infrastructure and Community Public Service Needs Impacts and Local Tax Impacts Arising from Project Approval.*** This Project will require getting City water and sewer utilities to the Project Site. Tax increment financing will pay for these improvements, and thus, no additional local tax impacts, except those identified in section A above will result from the Project.

The Redeveloper and City have entered into an agreement under which the Redeveloper will excavate and use fill material from the City's stormwater detention facility located east of 27<sup>th</sup> Street and Highway 26 (the Scottsbluff Drain) to sufficiently elevate the Project Site in lieu of onsite storm water detention.

**C. *Impacts on Employers and Employees of Firms Locating or Expanding Within the Boundaries of the Redevelopment Project Area.*** Currently there is no employment on the Project Site. Employment on the Project Site at the fuel station and convenience store is estimated by the Redeveloper as follows:

2 Full Time Managers  
2 Full Time Assistant Managers  
3 Full Time Cooks  
2 Part Time Cooks  
5 Part Time Cashiers

**D. *Impacts on other Employers and Employees within the City and immediate area located outside the Redevelopment Project Area.*** No negative impacts on other employers and employees in the area are expected.

**E. *Impacts on Student Populations of School Districts within the City.*** No negative impacts on the student population at Scottsbluff Public Schools are expected.

**F. *Other Impacts.***

- The Redeveloper estimates a substantial amount of personal property to be added as a result of this Project. Personal property taxes are not included in tax increment financing and are immediately available to the local taxing jurisdictions.
- The Project is expected to create additional sales tax revenues.

# Simmons Olsen Law Firm, P.C., L.L.O.

Attorneys at Law

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John A. Selzer, Of Counsel  
Steven C. Smith, Of Counsel

Robert G. Simmons, Jr. (1918-1998)  
John F. Simmons, Retired

ALLIANCE OFFICE  
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Alliance, NE 69301  
(308) 761-0474

\*Also admitted in Wyoming  
\*\*Also admitted in Colorado

Please Direct All Correspondence  
To Scottsbluff Office

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To: City of Scottsbluff City Council  
From: John L. Selzer, Deputy City Attorney  
Date: March 28, 2019  
Re: 26 Group Redevelopment Plan

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**Introduction:** At your April 1, 2019 meeting, you will consider approval of the Redevelopment Plan for the *Fuel Station and Convenience Store* Project (the “Plan” and the “Project”) submitted by 26 Group, LLC (the “Redeveloper”). The proposed Project is in an area that has previously been designated as blighted and substandard and in need of redevelopment.

## **Standards of Review:**

### ***1. Conformity to Comprehensive Plan and Community Development Law.***

One of the standards of your review is to analyze whether the Project and Plan conform to the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”). According to the Comprehensive Plan, the Project Site is located in the Southeast Industrial and Commercial District. This area is characterized as having active daytime and nighttime hours, heavy personal and commercial vehicular traffic, a wide variety of buildings and a high amount of noise and smells tolerated closer to Highway 26. Under the theme, “Growing as a regional leader of commerce and economic opportunity” this area is listed as a “key area for heavier commercial and industrial.”

The Comprehensive Plan provides the following principles for sustainable development in this area:

- Plans and investments to increase economic viability of business corridor in East Overland.
- Encourage infill development through mitigation of blighted properties and incentives.
- Economic industrial growth on City periphery along Highway 26 and South 21<sup>st</sup> Avenue.

The Project Site is zoned as M-1 (Light Manufacturing and Industrial), which includes convenience stores with dispensing gasoline as a permitted use. Thus, no zoning changes are necessary.

Both the Planning Commission and CRA have conducted this same review and recommended approval of the Plan.



In addition, you must consider whether the Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law. Those declarations include, among other things that:

[Blighted and substandard] conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination. NEB. REV. STAT. § 18-2102.

The Blight and Substandard Determination Study adopted by the City Council related to this Project Site recognizes that due to a number of challenges, this area has not kept pace with community standards while other areas along the Highway 26 corridor have seen steady growth and development. The Study also recognizes that being adjacent to the sugar factory presents challenges. Traffic circulation is tight and parking is minimal. The sugar factory structures and activities present the appearance of limited space to the south. This Plan begins to address these challenges by initiating growth and development along Highway 26 and near the sugar factory. The Plan points out that the Project could encourage development to continue throughout the adjacent blighted and substandard areas including the East Overland Corridor.

## **2. *The “But For” Test.***

Because this Plan proposes the use of tax-increment financing (“TIF”), in order to approve the Plan you must determine that the Plan would not be economically feasible or occur in the blighted and substandard area without the use of TIF. The Redeveloper has certified these requirements on Page 4 of the Plan. Also, Attachment 6 of the Plan is a letter from the Redeveloper’s lender stating that TIF is essential to the Redeveloper’s financing.

## **3. *Cost-Benefit Analysis.***

You must also analyze and, in order to approve the Plan, make a finding that the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long- term best interests of the community. The CRA adopted a cost-benefit analysis which is in your packet.

**Conclusion:** The above findings must be documented in writing. To that end, a proposed resolution for Plan approval is in your packet. Please don’t hesitate to contact us with any questions or concerns prior to the Council meeting.

### ***Attachments:***

Redevelopment Plan  
Planning Commission Plan Resolution  
CRA Plan Resolution  
CRA Cost Benefit Analysis  
Proposed City Council Resolution

RESOLUTION 3-11-19

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan titled *Fuel Station and Convenience Store*, prepared by 26 Group, LLC (the "Redevelopment Plan") has been submitted to the Planning Commission.

b. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the 2016 Scottsbluff Comprehensive Plan (the "Comprehensive Plan").

Resolved:

1. The Planning Commission finds that Redevelopment Plan conforms to the Comprehensive Plan and recommends approval of the Redevelopment Plan to the Scottsbluff Community Redevelopment Authority and City Council.

2. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

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

PASSED and APPROVED on March 11, 2019

PLANNING COMMISSION OF THE CITY  
OF SCOTTSBLUFF, NEBRASKA

By:

  
Chair

ATTEST:

By:

  
Recording Secretary

RESOLUTION NO. CRA 32719-1

**BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF SCOTTSBLUFF, NEBRASKA:**

**Recitals:**

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan for the *Fuel Station and Convenience Store* project submitted by 26 Group, LLC (the "Redevelopment Plan") has been submitted to the Scottsbluff Community Redevelopment Authority ("CRA"). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2016 Scottsbluff Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Redevelopment Plan to the CRA and City Council.

c. The CRA has reviewed and conducted a cost-benefit analysis of the Redevelopment Plan and makes the findings and recommendations as set forth in this Resolution.

**Resolved:**

1. The proposed land uses and building requirements in the Redevelopment Plan are designed with the general purposes of accomplishing, in conformance with the Comprehensive Plan, 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 provision of adequate transportation, water, sewerage, and other public utilities, 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 conditions of blight.

2. The CRA has conducted a cost benefit analysis for the project in accordance with the Community Redevelopment Law, and finds that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, are in the long term best interests of the community. The CRA Chair is authorized to execute the cost benefit analysis to show the CRA's review and discussion thereof.

3. The CRA states: (a) the owners of the Redeveloper, Eric and Brandy Reichert, acquired the Project Site in September of 2018 for \$514,000.00 in contemplation of redevelopment and the Project Site will be conveyed to the Redeveloper prior to redevelopment; (b) the estimated cost of preparing the project area for redevelopment is \$217,610.00; (c) the Redevelopment Plan does not propose that either the CRA or City will acquire the project area and neither the CRA nor City will receive proceeds or revenue from disposal of the project area to the Redeveloper; (d) the proposed methods of financing of the project are (i) tax increment financing for eligible costs and (ii) private investment and borrowing for the remainder of the project costs; and (e) no families or businesses will be displaced as a result of the project.

4. The CRA recommends approval of the Redevelopment Plan to the City Council.
5. This Resolution along with the recommendation of the Planning Commission shall be forwarded to the City Council for its consideration when reviewing the Redevelopment Plan.
6. All prior resolutions of the CRA in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.
7. This Resolution shall become effective immediately upon its adoption.

**PASSED AND APPROVED** on March 27, 2019

ATTEST:

Secretary

**COMMUNITY REDEVELOPMENT  
AUTHORITY OF THE CITY OF  
SCOTTSBLUFF**

Chair

**CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN**

***Fuel Station and Convenience Store***

***By: 26 Group, LLC***

**Cost Benefit Analysis**

**A. Tax Revenues and Tax Shifts Resulting from the Division of Taxes.** The base value of the Project Site will be available to the local taxing jurisdictions regardless of the tax increment financing. The local taxing jurisdictions are the City, Scotts Bluff County, Scottsbluff Public Schools, WNCC, ESU 13, and North Platte NRD. The tax increment revenues created by the Project are estimated to be approximately \$60,000.00 per year. These tax increment revenues will not be available to local taxing jurisdictions for 15 years after the effective date of the division of taxes, or earlier if the TIF Revenues pay off the TIF Indebtedness early. During those times, the tax increment revenues from the Project Site will be used to reimburse the Redeveloper for the eligible development costs (with interest) necessary for the Project, as set forth in the Redevelopment Plan.

**B. Public Infrastructure and Community Public Service Needs Impacts and Local Tax Impacts Arising from Project Approval.** This Project will require getting City water and sewer utilities to the Project Site. Tax increment financing will pay for these improvements, and thus, no additional local tax impacts, except those identified in section A above will result from the Project.

The Redeveloper and City have entered into an agreement under which the Redeveloper will excavate and use fill material from the City's stormwater detention facility located east of 27<sup>th</sup> Street and Highway 26 (the Scottsbluff Drain) to sufficiently elevate the Project Site in lieu of onsite storm water detention.

**C. Impacts on Employers and Employees of Firms Locating or Expanding Within the Boundaries of the Redevelopment Project Area.** Currently there is no employment on the Project Site. Employment on the Project Site at the fuel station and convenience store is estimated by the Redeveloper as follows:

- 2 Full Time Managers
- 2 Full Time Assistant Managers
- 3 Full Time Cooks
- 2 Part Time Cooks
- 5 Part Time Cashiers

**D. Impacts on other Employers and Employees within the City and immediate area located outside the Redevelopment Project Area.** No negative impacts on other employers and employees in the area are expected.

**E. Impacts on Student Populations of School Districts within the City.** No negative impacts on the student population at Scottsbluff Public Schools are expected.

**F. Other Impacts.**

- The Redeveloper estimates a substantial amount of personal property to be added as a result of this Project. Personal property taxes are not included in tax increment financing and are immediately available to the local taxing jurisdictions.
- The Project is expected to create additional sales tax revenues.

Approved by the Scottsbluff Redevelopment Authority on March 27, 2019.

Attest:

Secretary

Chair

## AFFIDAVIT OF PUBLICATION

Star Herald  
PO Box 1709  
Scottsbluff, NE 69363

State of Nebraska  
County of Scotts Bluff } ss.

I, Cheryl Helser-Garcia do solemnly swear that I am the Accounts Receivable Bookkeeper of the Star-Herald, a legal newspaper of general circulation, published daily except Mondays, at Scottsbluff, Scotts Bluff County, Nebraska; that the notice hereto attached and which forms a part of this affidavit was Published in said paper 2 (two)

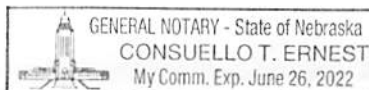
consecutive week (s) in the issues published, respectively March 14, 21, 2019

- that said notice was published in the regular and entire issues and every number of the paper on the days mentioned, the same being the corresponding day of each week during the period of time of publication and that said notice was published in the newspaper proper and not in the supplement.

Cheryl Helser-Garcia  
SUBSCRIBED in my presence and sworn to before me on March 22, 2019

Consuello T. Ernest  
Notary Public

The publication fees amount to \$ \$34.37  
SCOCCL - 54031250



### City of Scottsbluff City Council Notice of Public Hearing

Notice is hereby given that the City Council of the City of Scottsbluff, Nebraska will hold a public hearing at its regular meeting scheduled for Monday, April 1, 2019 at 6:00 p.m. in the Council Chambers, City Hall 2525 Circle Drive, Scottsbluff, Nebraska for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by 26 Group, LLC for the Fuel Station and Convenience Store Project. The area to be redeveloped under the Redevelopment Plan is legally described as Lot 1, Block 1, Western Addition, City of Scottsbluff, Scotts Bluff County, Nebraska. This Redevelopment Plan includes a request for tax increment financing. A copy of the Redevelopment Plan, a map to show the area to be redeveloped, and any cost-benefit analysis of the Redevelopment Plan can be found at Development Services, City Hall 2525 Circle Drive, Scottsbluff, Nebraska during regular business hours. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed redevelopment plan.  
/s/ Kimberley Wright  
City Clerk  
City of Scottsbluff

Published in the Star-Herald  
Scottsbluff, NE  
2t. March 14, 21, 2019

NOTICE TO THE PUBLIC

April 1, 2019  
10:00 AM  
10:00 AM

10:00 AM  
10:00 AM

NOTICE TO THE PUBLIC

10:00 AM  
10:00 AM

NOTICE TO THE PUBLIC

10:00 AM  
10:00 AM

NOTICE TO THE PUBLIC

10:00 AM  
10:00 AM

10:00 AM



308-632-4136  
2525 Circle Drive  
Scottsbluff, NE 69361

March 18, 2019

**Sent via Certified Mail: Return Receipt Requested**

Scotts Bluff County  
c/o Chairperson of Board of Commissioners  
County Administration Building—2<sup>nd</sup> Level  
1825 10<sup>th</sup> Street  
Gering, NE 69341

**Re: City of Scottsbluff City Council; Notice of Public Hearing**

Notice is hereby given that the City Council of the City of Scottsbluff, Nebraska will hold a public hearing at its regular meeting scheduled for Monday, April 1, 2019 at 6:00 p.m. in the Council Chambers, City Hall 2525 Circle Drive, Scottsbluff, Nebraska for the purpose of reviewing and obtaining comment on a Redevelopment Plan submitted by 26 Group, LLC for the Fuel Station and Convenience Store Project. The area to be redeveloped under the Redevelopment Plan is legally described as Lot 1, Block 1, Western Addition, City of Scottsbluff, Scotts Bluff County, Nebraska. This Redevelopment Plan includes a request for tax increment financing. A copy of the Redevelopment Plan, a map to show the area to be redeveloped, and any cost-benefit analysis of the Redevelopment Plan can be found at Development Services, City Hall 2525 Circle Drive, Scottsbluff, Nebraska during regular business hours. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed redevelopment plan.

Sincerely,

A handwritten signature in cursive script that reads "Kimberley Wright".

Kimberley Wright  
City Clerk, City of Scottsbluff





308-632-4136  
2525 Circle Drive  
Scottsbluff, NE 69361

March 18, 2019

**Sent via Certified Mail: Return Receipt Requested**

Western Nebraska Community College  
c/o Chairperson of Board of Governors  
1601 E. 27<sup>th</sup> Street  
Scottsbluff, NE 69361

**Re: City of Scottsbluff City Council; Notice of Public Hearing**

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Sincerely,

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Kimberley Wright  
City Clerk, City of Scottsbluff



308-632-4136  
2525 Circle Drive  
Scottsbluff, NE 69361

March 18, 2019

**Sent via Certified Mail: Return Receipt Requested**

Scottsbluff Public Schools  
c/o President of Board of Education  
1722 First Avenue  
Scottsbluff, NE 69361

**Re: City of Scottsbluff City Council; Notice of Public Hearing**

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Kimberley Wright  
City Clerk, City of Scottsbluff



308-632-4136  
2525 Circle Drive  
Scottsbluff, NE 69361

March 18, 2019

**Sent via Certified Mail: Return Receipt Requested**

Educational Service Unit #13  
c/o President of Board  
4215 Avenue I  
Scottsbluff, NE 69361

**Re: City of Scottsbluff City Council; Notice of Public Hearing**

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Kimberley Wright  
City Clerk, City of Scottsbluff



308-632-4136  
2525 Circle Drive  
Scottsbluff, NE 69361

March 18, 2019

**Sent via Certified Mail: Return Receipt Requested**

North Platte Natural Resources District  
c/o Chairperson of Board of Directors  
100547 Airport Road  
Scottsbluff, NE 69361

**Re: City of Scottsbluff City Council; Notice of Public Hearing**

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Sincerely,

A handwritten signature in cursive script that reads "Kimberley Wright".

Kimberley Wright  
City Clerk, City of Scottsbluff

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| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>North Platte Natural Resources District<br/>c/o Chairperson of Board of Directors<br/>100547 Airport Road<br/>Scottsbluff, NE 69361</p> | <p>A. Signature<br/>X <u>Terrie Kaufman</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Terrie Kaufman</u> C. Date of Delivery <u>Mar 27 2018</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>If YES, enter delivery address below: <input type="checkbox"/> No</p>   | <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:<br/>Scotts Bluff County<br/>c/o Chairperson of Board of Commissioners<br/>County Administration Building—2nd Level<br/>1825 10th Street<br/>Gering, NE 69341</p> | <p>A. Signature<br/>X <u>Shelly Davis</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Shelly Davis</u> C. Date of Delivery <u>3/27/18</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>If YES, enter delivery address below: <input type="checkbox"/> No</p>   |
| <p>9590 9402 3098 7124 5331 28</p> <p>2. Article Number (Transfer from service label)<br/>7018 1830 0001 5143 1867</p>   | <p>3. Service Type<br/><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br/><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br/><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br/><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br/><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br/><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br/><input type="checkbox"/> Mail Restricted Delivery</p> | <p>9590 9402 3098 7124 5331 35</p> <p>2. Article Number (Transfer from service label)<br/>7018 1830 0001 5143 1904</p>   | <p>3. Service Type<br/><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br/><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br/><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br/><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br/><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br/><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br/><input type="checkbox"/> Mail Restricted Delivery</p> |
| PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt   |   | PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt   |   |

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| <p>9590 9402 3098 7124 5331 04</p> <p>2. Article Number (Transfer from service label)<br/>7018 1830 0001 5143 1861</p>   | <p>3. Service Type<br/><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br/><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br/><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br/><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br/><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br/><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br/><input type="checkbox"/> Mail Restricted Delivery</p> | <p>9590 9402 3098 7124 5331 11</p> <p>2. Article Number (Transfer from service label)<br/>7018 1830 0001 5143 1898</p>   | <p>3. Service Type<br/><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br/><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br/><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br/><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br/><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br/><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br/><input type="checkbox"/> Mail Restricted Delivery</p> |
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| <p>9590 9402 3098 7124 5331 42</p> <p>2. Article Number (Transfer from service label)<br/>7018 1830 0001 5143 1874</p>  | <p>3. Service Type<br/><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br/><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br/><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br/><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise<br/><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™<br/><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br/><input type="checkbox"/> Mail Restricted Delivery</p> |
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