

City of Scottsbluff, Nebraska

Monday, June 1, 2015

Regular Meeting

Item Pub. Hear.5

Council to take action on the Resolution and Redevelopment Plan.

Staff Contact: Annie Folck, City Planner

RESOLUTION NO. 15-06-01

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”) 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, and recommended the Redevelopment Plan to the Planning Commission of the City;

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 Agency has prepared a Cost Benefit analysis of the Redevelopment Project set forth in the Redevelopment Plan and has recommended approval of the Redevelopment Plan by the City Council; and

g. There has been presented to the City by the Agency for approval, a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as described on the attached Exhibit D (the “Redevelopment Project”); and

h. 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 to include the Redevelopment Project and the Enhanced Employment Area; and

Resolved that:

1. The Redevelopment Plan 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 determined to be feasible and in conformity with the general plan for the development of the City of Scottsbluff as a whole and the 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 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. .

2. The Redevelopment Plan is approved. The Agency is directed to implement the 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 approved and affirmed. The Mayor and Clerk are 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 Agency 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 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 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.

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

5. The City 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. 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.

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

PASSED and APPROVED on June 1, 2015.

Randy Meininger, Mayor

ATTEST:

Cindy Dickinson, City Clerk (Seal)

EXHIBIT A

REDEVELOPMENT AREA

Lot 3, Block 3, Third Replat of Lots 3 and 4, Block 3, Northeast Second Add Replat No. 2 and Lot 2, Block 3, Northeast Second Add Replat No. 2 in the City of Scottsbluff, Scotts Bluff County, Nebraska.

EXHIBIT B

ENHANCED EMPLOYMENT AREA

A building and portion of parking lot situated in Lot 2, Block 3, Northeast Second Addition Replat No. 2, and part of Lot 3, Block 3, Third Replat of Lots 3 and 4, Block 3, Northeast Second Addition, Replat Number 2, to the City of Scottsbluff, Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of Lot 3, Block 3, as monumented by a 5/8" Rebar, thence southeasterly on the arc of a curve to the left, said curve having a central angle of 01°25'40", a radius of 2451.83, a chord bearing of S33°04'10"E and a chord length of 61.10 feet, thence continuing southeasterly on the arc of said curve, a distance of 61.10 feet, to the point of intersection with the extension of a traffic control paint stripe, said point also being the Point of Beginning, thence bearing S49°55'46"W, on the extension of a traffic control paint stripe, a distance of 362.44 feet, to the point of intersection of a building wall, thence northwesterly on said building wall, bearing N39°51'16"W, a distance of 61.04 feet to the point of intersection with the south line of Lot 2, Block 3, Northeast Second Addition, Replat No. 2, thence northeasterly on said south line and on said building wall, bearing N49°59'29"E, a distance of 5.33 feet, thence bearing N40°02'50"W, on said wall, a distance of 34.27 feet, thence bearing N49°57'10"E, on said wall, a distance of 8.55 feet, thence bearing N40°02'50"W, on said wall, a distance of 45.67 feet, thence bearing N84°14'35"W, on said wall, a distance of 12.26 feet, thence bearing N40°02'50"W, on said wall, a distance of 99.53 feet, thence bearing N49°57'09"E, on said wall, a distance of 15.45 feet, thence bearing N40°05'07"W, on said wall, a distance of 75.45 feet, thence bearing S49°57'10"W, on said wall, a distance of 15.40 feet, thence bearing N40°02'50"W, on said wall, a distance of 116.47 feet, thence bearing S50°00'04"W, on said wall, a distance of 290.94 feet, thence bearing S40°02'00"E, on said wall, a distance of 22.00 feet, thence bearing S49°58'00"W, on said wall, a distance of 16.05 feet, thence bearing S33°45'24"E, on said wall, a distance of 16.70 feet, thence bearing N56°42'07"E, on said wall, a distance of 18.00 feet, thence bearing S40°02'00"E, on said wall, a distance of 314.52 feet, thence bearing S50°00'11"W, on said wall, a distance of 33.10 feet, thence bearing S39°59'49"E, on said wall, a distance of 25.00 feet, to the point of intersection with the south line of Lot 2, Block 3, Northeast Second Addition, Replat No. 2, thence bearing N49°59'29"E, on the south line of Lot 2, Block 3, Northeast Second Addition, Replat No. 2, and on said wall, a distance of 109.66 feet, thence bearing S39°46'32"E, on said wall, a distance of 56.47 feet, thence bearing N64°53'04"E, on said wall, a distance of 24.00 feet, thence bearing S24°36'09"E, on said wall, a distance of 59.77 feet, thence bearing N70°26'42"E, on said wall, a distance of 6.47 feet, thence bearing S24°24'41"E, on said wall, a distance of 61.20 feet, thence bearing N86°07'20"W, on said wall, a distance of 124.13 feet, thence bearing S03°53'57"W, on said wall, a distance of 100.15 feet, thence bearing S86°05'49"E, on said wall, a distance of 119.52 feet, thence bearing N03°36'58"E, on said wall, a distance of 32.18 feet, thence bearing S86°37'10"E, on said wall, a distance of 34.80 feet, thence bearing S39°57'47"E, on said wall, a distance of 186.26 feet, thence bearing S45°25'05"W, on said wall, a distance of 7.37 feet, thence bearing N42°45'59"W, on said wall, a distance of 12.72 feet, thence bearing S50°03'55"W, on said wall, a distance of 28.21 feet, thence bearing N83°58'48"W, on said wall, a distance of 13.00 feet, thence bearing S05°58'56"W, on said wall, a distance of 34.66 feet, thence bearing N84°10'56"W, on said wall,

a distance of 36.68 feet, thence bearing S06°07'24"W, on said wall, a distance of 71.72 feet, thence bearing N87°02'46"W, on said wall, a distance of 0.66 feet, thence bearing S07°18'33"W, on said wall, a distance of 1.94 feet, thence bearing N87°07'45"W, on said wall, a distance of 0.63 feet, thence bearing S06°00'22"W, on said wall, a distance of 48.77 feet, thence bearing S83°55'29"E, on said wall, a distance of 183.20 feet, thence bearing N06°16'34"E, on said wall, a distance of 122.24 feet, thence bearing N83°25'46"W, on said wall, a distance of 22.49 feet, thence bearing N06°34'14"E, on said wall, a distance of 20.79 feet, thence bearing S54°49'21"E, on said wall, a distance of 180.23 feet, thence bearing S48°29'41"W, on said wall, a distance of 16.70 feet, thence bearing S39°36'21"E, on said wall, a distance of 55.97 feet, thence bearing S50°47'47"W, on said wall, a distance of 5.79 feet, thence bearing S39°46'34"E, on said wall, a distance of 27.46 feet, thence bearing N50°39'07"E, on said wall, a distance of 6.01 feet, thence bearing S40°05'51"E, on said wall, a distance of 91.46 feet, thence bearing N50°07'05"E, on said wall, a distance of 17.23 feet, thence bearing S39°52'55"E, on said wall, a distance of 24.99 feet, thence bearing N49°54'13"E, on said wall, a distance of 17.36 feet, thence bearing S39°56'08"E, on said wall, a distance of 24.51 feet, thence bearing N49°54'13"E, on said wall, a distance of 17.29 feet, thence bearing S40°05'47"E, on said wall, a distance of 24.50 feet, thence bearing N49°56'41"E, on said wall, a distance of 198.37 feet, thence bearing N40°12'47"W, on said wall, a distance of 32.62 feet, thence bearing N49°48'05"E, on said wall, a distance of 6.20 feet, thence bearing N40°13'55"W, on said wall, a distance of 34.34 feet, thence bearing S49°48'05"W, on said wall, a distance of 5.91 feet, thence bearing N40°06'39"W, on said wall, a distance of 89.44 feet, thence bearing N49°48'05"E, on said wall, a distance of 6.16 feet, thence bearing N40°03'36"W, on said wall, a distance of 45.46 feet, thence bearing S49°48'05"W, on said wall, a distance of 6.17 feet, thence bearing N39°47'25"W, on said wall, a distance of 67.00 feet, thence bearing S49°49'20"W, on said wall, a distance of 35.52 feet, thence bearing N54°49'24"W, on said wall, a distance of 77.60 feet, thence bearing N34°48'40"E, on said wall, a distance of 14.08 feet, thence bearing N55°05'04"W, on said wall, a distance of 65.95 feet, thence bearing S35°04'49"W, on said wall, a distance of 13.83 feet, thence bearing N40°03'06"W, on said wall, a distance of 39.05 feet, to the point of intersection with the extension of a line being 200.00 feet south of and parallel with a raised concrete island, thence northeasterly on the extension of a line being 200.00 feet south of and parallel with a raised concrete island, bearing N50°07'11"E, a distance of 353.94 feet, to the point of intersection with a non-tangent curve to the right, said curve having a central angle of 05°52'03", a radius of 2451.83 feet, a chord bearing of N40°56'42"W and a chord length of 250.97 feet, thence northwesterly on the arc of said curve, a distance of 251.08 feet, to the point of intersection with the southeast corner of Lot 4, as monumented by a 5/8" Rebar, thence continuing northwesterly on the same curve, said segment having a central angle of 3°58'25", a radius of 2451.83 feet, a chord bearing of N36°01'28"W and a chord length of 170.00 feet, thence northwesterly on the arc of said curve, a distance of 170.04 feet, to the point of intersection with the northeast corner of Lot 4, as monumented by a 3/4" Rebar, thence continuing northwesterly on the arc of said curve, whose segment has a central angle of 00°15'16", a radius of 2451.83 feet, a chord bearing of N33°54'38"W and a chord length of 10.89 feet, thence northwesterly on the arc of said curve segment, a distance of 10.89 feet, to the Point of Beginning, containing an area of 11.86 Acres, more or less.

EXHIBIT C
REDEVELOPMENT PLAN

EXHIBIT “D”
REDEVELOPMENT CONTRACT