

**COMMUNITY DEVELOPMENT AGENCY
LEXINGTON NEBRASKA
August 19, 2013**

A Regular Meeting of the Community Development Agency was held Monday, August 19, 2013, at the Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska at 5:30 p.m. Members present were Steve Smith, Gail Hall, Kory Cetak, Jason Fagot, and Linda Miller. Member Seth McFarland and John Fagot were absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold and Secretary Pamela Berke. The press was represented by KRVN.

NOTICE:

Notice of the meeting was given in advance notice, thereof by publication in the Lexington Clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

CALL TO ORDER:

The Meeting was called to order by Chairman Steve Smith who informed the public that the Open Meetings Act is posted in the Council Chambers at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska.

**MINUTES – REGULAR
MEETING 7-15-13**

Minutes of the Regular meeting held Monday, July 15, 2013, were presented for consideration. Moved by Miller, seconded by Hall, to approve the minutes as presented. Roll call. Voting “aye” were Fagot, Cetak, Hall, Miller, Smith. Motion carried.

REDEVELOPMENT CNTRCT:

Peplitsch requested Board consideration of a redevelopment contract proposal for the Legend Oaks II senior housing project. Following a review of the proposal, Resolution No. 2013-05 was presented for consideration. Moved by Smith, seconded by Fagot, to approve Resolution No. 2013-05 as presented. Roll call. Voting “aye” were Miller, Cetak, Hall, Fagot, Smith. Motion carried.

RESOLUTION NO. 2013-05

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA FORWARDING A REDEVELOPMENT PLAN TO THE PLANNING COMMISSION OF THE CITY FOR ITS RECOMMENDATION; PROVIDING NOTICE TO THE GOVERNING BODY THAT THE AGENCY INTENDS TO ENTER INTO A REDEVELOPMENT CONTRACT PREPARED BY LEGEND OAKS II, LLC, FOR REAL PROPERTY WITHIN THE CITY PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW

WHEREAS, it is desirable and in the public interest that the City of Lexington, Nebraska, a municipal corporation, undertake and carry out urban redevelopment projects in areas of the City which are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 2012, as amended, known as the Community Development Law, (the

“Act”) is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with the laws of the State of Nebraska has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110 of the Act; and

WHEREAS, Legend Oaks II, LLC, has prepared a redevelopment plan contained in a redevelopment contract, for an area declared blighted and substandard by the City; and

WHEREAS, Section 18-2112 of the Act, as amended, requires that, prior to the recommendation of a redevelopment plan, this Community Development Agency of the City, (the “Agency”), should submit such plan to the Planning Commission of the City for its review and recommendations as to its conformity with the general plan for the development of the City as a whole.

WHEREAS, Section 18-2119 of the Act, as amended, requires that, prior to the execution of a redevelopment contract for a redevelopment project, this Agency should provide the governing body notice of the Agency’s intent to execute a proposed redevelopment contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CHAIR AND MEMBERS OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY, AS FOLLOWS:

1. The Agency hereby submits the redevelopment plan contained in the redevelopment contract attached hereto as Exhibit A to the Lexington Planning Commission for its review and recommendations as to its conformity with the general plan for the development of the City as a whole.
2. By copy of this Resolution delivered to the City council of the City of Lexington on this date, the Agency hereby gives the 30 day notice required by Section 18-2119 of the Act of its intention to accept such redevelopment contract proposal with Legend Oaks II, LLC, such acceptance to occur not earlier than approval of the redevelopment plan contained in said redevelopment contract, by action of the City Council, after hearing according to law, in substantially the attached form Exhibit A and with such modifications, additions or deletions deemed necessary or appropriate by the Agency.

Passed and approved August 19, 2013.

COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON,
NEBRASKA

BY Steve Smith, Chair

ATTEST: Pamela Berke, Secretary

EXECUTIVE SESSION:

Moved by Miller, seconded by Hall, to enter into executive session at 5:48 p.m. to discuss purchase of property. Roll call. Voting "aye" were Cetak, Fagot, Hall, Miller, Smith. Motion carried.

Moved by Miller, seconded by Hall, to enter into open session at 6:06 p.m. following an executive session. Roll call. Voting "aye" were Cetak, Fagot, Hall, Miller, Smith. Motion carried.

LAND ACQUISITION:

Resolution No. 2013-06 was presented for Agency consideration. Moved by Miller, seconded by Fagot, to approve Resolution No. 2013-06 as presented. Roll call. Voting "aye" were Hall, Cetak, Fagot, Miller, Smith. Motion carried.

RESOLUTION NO. 2013-06

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO THE REDEVELOPMENT OF SUBSTANDARD AND BLIGHTED AREAS, NECESSARY FOR A REDEVELOPMENT PROJECT, AND CONSISTENT WITH THE MASTER PLAN OF THE CITY AND RECOMMENDING ACQUISITION OF THE SAME BY THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska a municipal corporation and city of the first class ("City"), determined it to be desirable to undertake and carry out development projects in areas of the City determined by the City to be substandard and blighted and in need of redevelopment;

WHEREAS, the Nebraska Community Development Law, Nebraska Revised Statutes sections 18-2101 through 18-2154, as amended ("Development Law"), prescribes the requirements and procedures for the planning and implementation of redevelopment pursuant to the Development Law;

WHEREAS, the City previously created the Community Development Agency of Lexington, Nebraska ("Agency") pursuant to the Development Law;

WHEREAS, the City previously adopted Redevelopment Plan #1, attached as "Exhibit A", for a redevelopment project that includes the real property described herein ("Redevelopment Project"), determined it to be within the best interests of the community impacted by the Redevelopment Project, and directed the Authority to implement the Redevelopment Project in accordance with the Development Law;

WHEREAS, the real property described herein is poorly maintained, vacant, undeveloped land that includes conditions that are insanitary or unsafe; endanger life or property; are conducive to ill health, transmission of disease, juvenile delinquency, and crime; are detrimental to the public health, safety, morals, and welfare; includes defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness; and substantially impairs or

arrests the sound growth of the community and constitute an economic or social liability;

WHEREAS, the City previously determined the real property described herein to be substandard and blighted as defined by Nebraska Revised Statutes section 18-2103, subsections (10) and (11), in that such area meets the criteria described in subsection (10) and meets one or more of the factors set forth in subsections (i) through (iv) of subsection (11)(b);

WHEREAS, Nebraska Revised Statutes section 18-2122 provides that the Agency may acquire any real property which it may deem necessary for a redevelopment project, as defined under Nebraska Revised Statutes section 18 2103(12);

WHEREAS, Nebraska Revised Statutes, Chapter 76, Article 7, provides general authority and procedures for a political subdivision, such as the City, to utilize the power of eminent domain;

WHEREAS, the Agency deems the acquisition of the real property described herein necessary for the Redevelopment Project, essential to the removal of blight and substandard conditions in the Redevelopment Project, consistent with the City of Lexington Master Plan ("Master Plan"), and in the best interests of the City and the Authority to acquire said real property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

Section 1. RESOLVED, the Agency finds that the following described undeveloped vacant real property is located within the limits of the City; that said lands are a necessary part of the Redevelopment Project; are substandard and blighted as defined by Nebraska Revised Statute section 18-2103, subsections (10) and (11); are in need of redevelopment; and that such redevelopment is consistent with the Master Plan:

[See Attached Exhibit B]

Section 2. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations of private enterprise without the aids of the Development Law. The elimination of said substandard and blighted condition under the authority of the Development Law is a public purpose and in the public interest.

Section 3. The Agency hereby recommends that the City authorize and direct the City Manager of the City, or his or her designee, to acquire said real property, on behalf of the Agency, through good faith negotiation with the property owner.

Section 4. The Agency hereby recommends the City authorize the Agency to acquire said real property through eminent domain

proceedings if, after a reasonable period of time, said good faith negotiations to acquire said real property are unsuccessful.

Section 5. The Agency hereby recommends that the City authorize and direct the Agency to provide for the development and redevelopment of said real property according to the Development Law upon acquisition of said real property.

Section 6. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this 19th day of August, 2013.

COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON,
NEBRASKA

Steve Smith, Chair

ATTEST: Pamela Berke, Secretary

ROUNDTABLE:

There were no reports.

ADJOURNMENT:

There being no further business to discuss, Chairman Steve Smith declared the meeting adjourned.

Respectfully submitted,
Pamela Berke
CDA Secretary