

RESOLUTION NO. 2011-27

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS

WHEREAS, the City of Lexington, 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; and

WHEREAS, 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; and

WHEREAS, the City has previously declared the area legally described in **Exhibit A** attached hereto (the “**Redevelopment Area**”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Lexington, Nebraska (the “**Authority**”) has prepared or caused to be prepared a Redevelopment Plan Amendment (the “**Redevelopment Plan Amendment**”), in the form attached hereto as **Exhibit B**; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan Amendment 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

WHEREAS, the City has reviewed the Redevelopment Plan Amendment and determined that the proposed land uses and building requirements described therein 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.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The Redevelopment Plan Amendment is hereby 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; and it is hereby found and determined, based on the analysis conducted by the Authority, 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 (b) 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 Authority with respect to the Redevelopment Plan Amendment.

Section 2. The Redevelopment Plan Amendment is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Authority. The Mayor and Clerk are hereby authorized to execute the Notice to Divide Taxes and file the same with the Assessor and Treasurer of Dawson County.

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property described in the Redevelopment Plan Amendment, for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be January 1, 2011:

(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 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, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the Project. Specifically, such portion is pledged to the payment of principal and interest on the tax increment revenue bond of the community redevelopment authority of the city of Lexington, Nebraska. 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 the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Mayor and Clerk are hereby 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.

PASSED AND APPROVED this 26th day of July 2011.

CITY OF LEXINGTON, NEBRASKA

By: *Jim H. Fyfe*

Mayor

ATTEST:

By: *J. P. Pitt*

Clerk

[SEAL]



EXHIBIT A

LEGAL DESCRIPTION OF BLIGHTED AND SUBSTANDARD AREA

Beginning at the intersection of the north line of the Dawson County Drainage District #1 canal and the east line of the Plum Creek Parkway, thence south along said east line (also the east corporate limit line) to its intersection with the north line of Prospect Road, thence east approximately 1,320 feet to the east line of the northwest quarter of the northeast quarter of Section 17, Township 9 North, Range 21 West, of the 6th Principal Meridian, thence south approximately 2,640 feet to the south line of the northeast quarter of Section 17, Township 9 north, Range 21 West, thence east along said south section line to its intersection with the east line of South Taft Street, thence south along said east line to its intersection with the south line of Heartland Road, thence west along said south line to its intersection with the west line of South Jefferson Street, thence north along said west line to its intersection with the south line of Heartland Road, thence west along said south line to its intersection with the west line of the Plum Creek Parkway, thence south along said west line to its intersection with the north line of the Interstate 80 interchange, thence southwest and northwesterly along said north line, to its intersection with the west line of South Adams Street, thence north approximately 1,100 feet to the north line of the southwest quarter of the southwest quarter of Section 17, Township 9 North, Range 21 West, thence east 1,980 feet to the east line of the southwest quarter of the northeast quarter of the southwest quarter of Section 17, Township 9 North, Range 21 West, thence north along said east line to its intersection with the north line of the Dawson County Drainage District #1 canal, thence east along said north line to its intersection with the east line of the Plum Creek Parkway, the point of beginning, all located within or adjacent to the City of Lexington, Dawson County, Nebraska.

EXHIBIT B

REDEVELOPMENT PLAN AMENDMENT LEXINGTON REDEVELOPMENT AREA #1 JULY 2011

The Redevelopment Plan for Redevelopment Area #1 in Lexington provides for amendment to divide taxes pursuant to §18-2147 *Neb. Rev. Stat.* (L.B. 54, 102nd Legislature, 1st Session 2011). Such amendment requires a formal plan amendment, considered by the planning commission and subject to approval after hearing before the City Council.

The Community Redevelopment Authority of the city of Lexington (CRA) has determined that the Redevelopment Plan for Area #1 should be amended to provide for the division of real property taxes as to the following described property:

Lot 2, Greater Lexington Addition to the City of Lexington, Dawson County, Nebraska.

The effective date of the division of taxes for said real estate is January 1, 2011. Pursuant to the amendment to §18-2147 *Neb. Rev. Stat.* (Reissue 2007) by L.B. 54 of the 102nd Legislature, 1st Session, 2011, the amount of the taxes to be divided is 100%, 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 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, assumed, or otherwise, such Authority 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 Authority 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.

The incremental tax revenues received by the CRA from the division of taxes as set forth herein shall be allocated to the bond issued by the CRA, the proceeds of which shall be utilized as described in the Redevelopment Plan for Area #1

Dated June 30, 2011.

Community Redevelopment Authority of the City of Lexington, Nebraska.