

RESOLUTION NO. 08-22
SECOND PLAN AMENDMENT RESOLUTION

THE CITY OF FRIEND, NEBRASKA

RESOLUTION NO. 08-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA, APPROVING A SECOND AMENDMENT TO THE GENERAL REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA #1; RATIFYING CERTAIN REDEVELOPMENT PROJECTS WITHIN REDEVELOPMENT AREA #1; AND APPROVING RELATED MATTERS.

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;

WHEREAS, the Mayor and Council of the City of Friend, Nebraska, a municipal corporation and second class city (the “**City**”), pursuant to Resolution No. 07-34, previously declared the area described in **Attachment 1** (the “**Redevelopment Area**”) to be blighted and substandard and in need of redevelopment pursuant to the Act;

WHEREAS, the City Council previously adopted and the City has in place a comprehensive plan, which includes a general plan for development of the City within the meaning of Section 18-2110 of the Act;

WHEREAS, upon the recommendation of the Community Redevelopment Authority of the City (the “**Authority**”) and of the Planning Commission of the City (the “**Planning Commission**”), the City Council, pursuant to Resolution No. 08-08, approved a general redevelopment plan in the form attached as **Attachment 2** (the “**Redevelopment Plan**”) for the Redevelopment Area;

WHEREAS, upon the recommendation of the Authority and of the Planning Commission, the City Council, pursuant to Resolution No. 08-09, approved an amendment to the Redevelopment Plan in the form attached as **Attachment 3** (the “**Plan Amendment**”) the purpose of which was to authorize certain community redevelopment projects (collectively, the “**Project**”) within that portion of the Redevelopment Area described in **Attachment 4** (the “**Project Area**”);

WHEREAS, pursuant to the Plan Amendment, the Authority agreed to incur indebtedness for the purposes specified in the Plan Amendment, in accordance with and as permitted by the Act, and to secure such indebtedness with a pledge of tax increment financing revenue received from the county and attributable to the increase in the current equalized assessed valuation of taxable real property in the Project Area over and above the initial equalized assessed value of each such unit of property in the Project Area;

WHEREAS, the Authority has not yet incurred such indebtedness;

WHEREAS, the Authority received a proposal for the development of a new community redevelopment project not contemplated by the Plan Amendment (the “**Stutzman Project**”), and the Stutzman Project is to be constructed on real property currently situated within the boundaries of the Project Area (the “**Stutzman Project Area**”);

WHEREAS, the boundary of the Stutzman Project Area, and a map depicting the same, are attached as **Attachment 5** and **Attachment 6**, respectively;

WHEREAS, in order to promote development of the Stutzman Project, the boards of directors of the Authority and of the Planning Commission recommended to approve an amendment to the Plan Amendment in the form attached as **Attachment 7** (the “**Second Plan Amendment**”), remove from the Project Area the real property situated in the Stutzman Project Area, amend the boundaries of the Project Area to include only such real property described on **Attachment 8** (the “**Amended Project Area**”), and ratify the remaining portions of the Plan Amendment;

WHEREAS, the Authority conducted a cost-benefit analysis for the Project (the “**Cost-Benefit Analysis**”) in accordance with Section 18-2113 of the Act, a copy of which is attached as **Attachment 9**;

WHEREAS, the City published and mailed notice of a public hearing regarding the consideration of the Second Plan Amendment pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing to consider the Second Plan Amendment;

WHEREAS, the Authority and the Planning Commission each reviewed the Second Plan Amendment and recommended its approval by the Mayor and Council of the City; and

WHEREAS, the Mayor and City Council, having heard and considered the objections, protests, comments, and other evidence adduced at the public hearing, the evidence and testimony submitted at the meeting of the Authority and at the meeting of the Planning Commission, and the recommendations of the Authority and of the Planning Commission as set forth by resolution, have determined that it is in the best interests of the City to approve the Second Plan Amendment, to ratify the remaining portions of the Plan Amendment, to carry out the Project, and to take certain actions to adopt and implement the Second Plan Amendment.

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

Section 1. The Authority found, and the City Council now finds, that the proposed land uses and building requirements in the Redevelopment Area, including the Amended Project Area, are in conformance with the general plan of the City and designed with the general purposes 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 communitive 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.

Section 2. The Redevelopment Area on the whole was declared blighted and substandard pursuant to Resolution No. 07-34. The Redevelopment Area includes the Amended Project Area and the Stutzman Project Area, the blighted and substandard conditions have not yet been cured in the Amended Project Area and the Stutzman Project Area, and therefore the Amended Project Area and the Stutzman Project Area remain blighted and substandard under the Redevelopment Plan.

Section 3. The City Council approves the Cost-Benefit Analysis and finds that (a) the Second Plan Amendment is feasible and in conformity with the general plan for the development of the city as

a whole and the plan is in conformity with the legislative declarations and determinations set forth in the Act, and the Second Plan Amendment provides for the use of funds authorized in section 18-2147 because (b)(i) the Project would not be economically feasible without the use of tax-increment financing, (ii) the Project would not occur in the Amended Project Area without the use of tax-increment financing, and (iii) 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 analysed and are in the long-term best interest of the City. The City Council acknowledges receipt of the recommendations from the Authority and the Planning Commission with respect to the Second Plan Amendment.

Section 4. In accordance with Section 18-2114 of the Act, the Authority found as follows: the Authority anticipates to acquire title to certain real property in the Amended Project Area as set forth in the Second Plan Amendment, prepare the same for redevelopment, and retain title to such real property until the same is sold for further private development, but the associated costs for acquisition and redevelopment are unknown; additional real property rights or interests are not anticipated to be acquired or disposed of by the Authority or the City in the Amended Project Area; the Project is proposed to be financed with the revenues received pursuant to Section 18-2147 of the Act in the amount of \$96,711; and no families are to be displaced from the Amended Project Area.

Section 5. The Second 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 Mayor in his sole and absolute discretion. The Second Plan Amendment shall for all purposes serve as an amendment to the Redevelopment Plan. The remaining portions of the Plan Amendment unchanged by the Second Plan Amendment are hereby ratified and affirmed and all findings made in connection with approval of the Plan Amendment are adopted. The Redevelopment Plan, as amended by the Plan Amendment, this Resolution and the Second Plan Amendment, is hereby ratified and affirmed, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

Section 6. In accordance with Section 18-2147 of the Act, the City Council hereby amends the Redevelopment Plan by providing that any ad valorem tax on real property in the Amended Project Area 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, 2009:

(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 Amended 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 Amended Project Area shall be paid into the funds of the respective public bodies.

Section 7. The Mayor, Clerk, the City's special legal counsel, and any other City officials 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.

Section 8. All prior resolutions of the City in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 9. This resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 4th day of November, 2008.

CITY OF FRIEND, NEBRASKA

ATTEST:

By: *Jamie W. Vank*
Mayor

By: *Debbie Gilmer*
Clerk

