

RESOLUTION NO. 2020-32

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN; APPROVING A REDEVELOPMENT PROJECT; AND APPROVING OF RELATED ACTIONS.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

WHEREAS, the City of Wayne, Nebraska, a municipal corporation (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 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; and

WHEREAS, the Community Redevelopment Authority of the City of Wayne, Nebraska (the “Authority”) has prepared a Redevelopment Plan (the “Redevelopment Plan”) for a redevelopment project proposed by Sebade Housing, LLC, a Nebraska limited liability company (the “Redeveloper”), in the form attached as Exhibit B, for the redevelopment of the Redevelopment Area; and

WHEREAS, the Planning Commission of the City (the “Planning Commission”) held a public hearing on the Redevelopment Plan in strict accordance with notice provisions of the Act, has reviewed the Redevelopment Plan and passed a Resolution recommending that the Mayor and Council of the City approve the Redevelopment Plan; and

WHEREAS, the Authority has conducted a cost benefit analysis, pursuant to Section 18-2113 of the Act, of the project which is set forth in the Redevelopment Plan (the “Redevelopment Project”), reviewed the Redevelopment Plan, and recommended approval of the Redevelopment Plan by the Mayor and Council of the City; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan in strict accordance with Section 18-2115.01 of the Act, and has on June 16, 2020, conducted a public hearing on said Redevelopment Plan, and all members of the public who wished to be heard on said Redevelopment Plan have been heard; and

WHEREAS, the City has reviewed the Redevelopment Plan and finds and documents the following:

- (a) The Redevelopment Plan provides that funds authorized in Section 18-2147 of the Act will be utilized to finance a portion of the redevelopment project; that the Redeveloper has provided the Authority and City with a letter from the Redeveloper's lender showing that the Redevelopment Project is not financially feasible without such funds and would not occur in the Redevelopment area or elsewhere, as the Redevelopment Project would not generate positive cash flow without such funds.
- (b) 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 governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment project. Specifically, the Council has considered the Cost-Benefit Analysis in the Redevelopment Plan and the testimony at the public hearing.
- (c) The Council has determined that the proposed land uses and building requirements described in it 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.

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE,
NEBRASKA:**

1. The Redevelopment Plan is determined to be feasible and in conformity with the general plan for the development of the City as a whole, as it demolishes two extremely dilapidated vacant residences, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act. It is 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 without the use of tax-increment financing, (b) the Redevelopment Project would not occur 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. The City acknowledges receipt of the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Plan.

2. The Redevelopment Plan is approved in substantially the form attached as Exhibit B.
3. In accordance with Section 18-2147 of the Act, the City provides that any ad valorem tax on real property in the City of Wayne, Nebraska, more fully described on Exhibit A, attached hereto, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the Authority. Said tax shall be divided 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, shall be 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 Redevelopment 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 Redevelopment Project Area shall be paid into the funds of the respective public bodies.
4. 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.
5. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED this 16th day of June, 2020.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA

Lot 1 and Lot 2, Block 7, John Lake's Addition to the City of Wayne,
Wayne County, Nebraska.

EXHIBIT B

FORM OF REDEVELOPMENT PLAN

[Attach Plan]