

**RESOLUTION NO. 08-21**  
**PLAN AMENDMENT RESOLUTION**

THE CITY OF FRIEND, NEBRASKA

RESOLUTION NO. 08-21

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA, RECOMMENDING AN AMENDMENT TO THE GENERAL REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA #1, INCLUDING A REDEVELOPMENT CONTRACT; APPROVING CERTAIN REDEVELOPMENT PROJECTS WITHIN REDEVELOPMENT AREA #1; APPROVING A COST BENEFIT ANALYSIS FOR SUCH PROJECTS; AND APPROVING RELATED MATTERS.**

**WHEREAS**, the City of Friend, Nebraska, a municipal corporation and second class city (the “City”), and the Mayor and Council of the City have determined it to be desirable to undertake and to carry out certain community redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment;

**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, 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 Mayor and the 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 Mayor and 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**, the Authority received a proposal from Mark Stutzman (the “**Redeveloper**”), in the form of the redevelopment contract attached as **Attachment 3** (the “**Plan Amendment**”), the terms and conditions of which are incorporated herein, to construct certain community redevelopment projects (collectively, the “**Project**”), and to redevelop that portion of the Redevelopment Area described in **Attachment 4** (the “**Project Area**”) in conformance with the Redevelopment Plan, which Plan Amendment would serve as an amendment to the Redevelopment Plan;

**WHEREAS**, pursuant to the Plan Amendment, the Authority would agree to incur indebtedness and make a grant for the Project, in accordance with and as permitted by the Act;

**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 5**;

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

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

**WHEREAS**, the Mayor and 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 Plan Amendment, to carry out the Project, and to take certain actions to adopt and implement the Plan Amendment.

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

**Section 1.** The Council finds that the proposed land uses and building requirements in the Redevelopment Area, including the 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 Project Area, the blighted and substandard conditions have not yet been cured in the Project Area, and therefore the Project Area remains blighted and substandard under the Redevelopment Plan.

**Section 3.** The Council approves the Cost-Benefit Analysis and finds that (a) the 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 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.

**Section 4.** As required by Section 18-2114 of the Act, the Authority found as follows: the Redeveloper will acquire the real property situated in the Project Area at the estimated cost of \$50,000, prepare the same for redevelopment at the estimated cost of \$231,150, and retain title to such real property during the term of the Plan Amendment; the Project is proposed to be financed with the revenues received pursuant to Section 18-2147 of the Act in the amount of \$56,150, developer equity in the amount of \$75,000, a commercial loan in the amount of \$75,000, and a community development block grant in the amount of \$100,000; and no families are to be displaced from the Project Area.

**Section 5.** The Council authorizes and approves the Plan Amendment between the Authority and the Redeveloper in substantially the form attached hereto for the redevelopment of the Project Area as an amendment to the Redevelopment Plan, and authorizes and approves the execution, delivery, and

performance of the documents and transactions contemplated by the Plan Amendment and the Project, including, without limitation, promissory notes and other documents evidencing indebtedness to be incurred pursuant to the Plan Amendment, all with such changes, additions and deletions as are deemed necessary or advisable by the Chair and Secretary of the Authority in their sole and absolute discretion, the approval of such changes to be evidenced by the signatures of the Chair and Secretary on the Plan Amendment. The Plan Amendment shall for all purposes serve as an amendment to the Redevelopment Plan and the Authority is directed to implement the Redevelopment Plan and the Plan Amendment 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 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, 2008:

(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:

[SEAL]

Clerk

By:

Mayor