

Misc. 06009

RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, it is desirable and in the public interest that the City of Lincoln,  
2 Nebraska, a municipal corporation and a city of the primary class, undertake and carry out  
3 urban redevelopment projects in areas of the City which are determined to be substandard and  
4 blighted and in need of redevelopment; and

5           WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943,  
6 as amended, known as the Community Development Law, is the urban renewal and  
7 redevelopment law for the State of Nebraska and prescribes the requirements and procedures  
8 for the planning and implementation of urban redevelopment projects; and

9           WHEREAS, the City in accordance with its Home Rule Charter and the laws of  
10 the State of Nebraska applicable to cities of the primary class has duly prepared and approved  
11 a general plan for the development of the City known as its Comprehensive Plan, all as required  
12 by Section 18-2110, R.R.S. 1943; and

13           WHEREAS, this Council has received and duly considered evidence relating to  
14 the present condition of the South Street Redevelopment Area, as shown and described on  
15 Attachment "A"; and

16           WHEREAS, this Council has received and duly considered other evidence,  
17 including evidence relating to the scope and limitations of the nearby redevelopment plans in  
18 the area, and the inability of the other plans to effectively remedy the substandard and blighted  
19 conditions;

20           WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska  
21 requires that said area must be found to be both substandard and blighted in order for tax  
22 increment financing to be used in said area; and

1           WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to  
2 the preparation by the City of an urban redevelopment plan for a redevelopment project for the  
3 South Street Redevelopment Area, this Council as governing body of the City, by resolution,  
4 after review and recommendation from the Lincoln City Lancaster County Planning  
5 Commission, find and determine that said area is both a substandard and blighted area as  
6 defined in said Community Development Law, and in need of redevelopment; and

7           WHEREAS, on May 26, 2006, notice of public hearing was mailed, postage  
8 prepaid, to the president or chairperson of the governing body of each county, school district,  
9 community college, educational service unit, and natural resource district in which the real  
10 property subject to such plan is located and whose property tax receipts would be directly  
11 affected and to all registered neighborhood associations located in whole or in part within one  
12 mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the  
13 public hearing to be held on June 7, 2006, before the Lincoln City - Lancaster County Planning  
14 Commission regarding the proposed determination that the South Street Redevelopment Area  
15 be declared a blighted and substandard area as defined in the Nebraska Community  
16 Development Law, a copy of said notice and list of said registered neighborhood associations  
17 having been attached hereto as Attachment "B" and "C" respectively; and

18           WHEREAS, the Lincoln City-Lancaster County Planning Commission on June 7,  
19 2006 recommended that the South Street Redevelopment Area be found to be both a  
20 substandard and blighted area as defined in said Community Development Law and the  
21 evidence demonstrates that said South Street Redevelopment Area as shown and described on  
22 Attachment "A" constitutes both a substandard and blighted area as defined in said Community  
23 Development Law, which area is in need of redevelopment.

24           WHEREAS, on June 29, 2006 a notice of public hearing was mailed, postage  
25 prepaid, to the foregoing governing bodies and registered neighborhood associations setting

1 forth the time, date, place, and purpose of the public hearing before the City Council to be held  
2 on July 10, 2006 regarding the proposed determination that the South Street Redevelopment  
3 Area be declared a blighted and substandard area as defined in the Nebraska Community  
4 Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

5 WHEREAS, on June 23, 2006 and June 30, 2006 a notice of public hearing was  
6 published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose  
7 of the public hearing to be held on July 10, 2006 regarding the proposed determination that the  
8 South Street Redevelopment Area be declared a blighted and substandard area as defined in  
9 the Nebraska Community Development Law, a copy of such notice having been attached hereto  
10 and marked as Attachment "E"; and

11 WHEREAS, on July 10, 2006 in the City Council Chambers of the County City  
12 Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing  
13 relating to the proposed that the South Street Redevelopment Area be declared a blighted and  
14 substandard area as defined in the Nebraska Community Development Law and all interested  
15 parties were afforded at such public hearing a reasonable opportunity to express their views  
16 respecting said proposed plan; and

17 WHEREAS, the City Council has duly considered all statements made and  
18 materials submitted relating to said proposed determination.

19 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
20 Lincoln, Nebraska:

21 1. That it is hereby found and determined that the South Street  
22 Redevelopment Area as shown and described on Attachment "A", constitutes both a  
23 substandard and blighted area as defined by subsections (10) and (11), respectively, of Section  
24 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

1           2.       That it is hereby found and determined that substandard and blighted  
2 conditions exist as set forth and discussed in Attachment "F" (entitled Blight and Substandard  
3 Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

4           3.       That such substandard and blighted conditions are beyond remedy and  
5 control solely by regulatory process and the exercise of police power and cannot be dealt with  
6 effectively by the ordinary operations or private enterprise without the aids provided by the  
7 Community Development law, specifically including Tax Increment Financing. The elimination  
8 of said substandard and blighted conditions under the authority of the Community Development  
9 Law is found to be a public purpose and in the public interest.

10          4.       That it is hereby found and determined that said area is an eligible site for  
11 urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised  
12 Statutes of 1943, as amended.

13                 BE IT FURTHER RESOLVED that the Department of Urban Development as the  
14 duly designated community development agency for the City of Lincoln is hereby authorized and  
15 directed to immediately proceed with the preparation of a new redevelopment plan and  
16 associated projects for the South Street Redevelopment Area, which plan shall be prepared in  
17 accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate  
18 review and consideration by this Council.

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor