

Misc. 08003

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 19th Street Blight Update Area, located within the North 27th
15 Corridor/Enterprise Community Target Neighborhood Area (for which a Blight and Substandard
16 Determination Study was completed in April 1996), as shown and described on Attachment "A"
17 (Letter of Hanna Keelan Associates of January 4, 2008 Re: Confirmation of Blight and
18 Substandard Conditions); and

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

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

4 WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to
5 the preparation by the City of an urban redevelopment plan for a redevelopment project for the
6 South 19th Street Blight Update Area, this Council as governing body of the City, by resolution,
7 after review and recommendation from the Lincoln City Lancaster County Planning
8 Commission, find and determine that said area is both a substandard and blighted area as
9 defined in said Community Development Law, and in need of redevelopment; and

10 WHEREAS, on January 18, 2008, (and on January 22, 2008 corrected) notice of
11 public hearing was mailed, postage prepaid, to the president or chairperson of the governing
12 body of each county, school district, community college, educational service unit, and natural
13 resource district in which the real property subject to such plan is located and whose property
14 tax receipts would be directly affected and to all registered neighborhood associations located in
15 whole or in part within a one mile radius of the area to be redeveloped setting forth the time,
16 date, place, and purpose, of the public hearing to be held on January 30, 2008, before the
17 Lincoln City - Lancaster County Planning Commission regarding the proposed determination
18 that the South 19th Street Blight Update Area be declared a blighted and substandard area as
19 defined in the Nebraska Community Development Law, a copy of said notice and list of said
20 registered neighborhood associations having been attached hereto as Attachment "B" and "C"
21 respectively; and

22 WHEREAS, the Lincoln City-Lancaster County Planning Commission on January
23 30, 2008 recommended that the South 19th Street Blight Update Area be found to be both a
24 substandard and blighted area as defined in said Community Development Law and the
25 evidence demonstrates that said South 19th Street Blight Update Area as shown and described

1 on Attachment "A" constitutes both a substandard and blighted area as defined in said
2 Community Development Law, which area is in need of redevelopment.

3 WHEREAS, on February 8, 2008 a notice of public hearing was mailed, postage
4 prepaid, to the foregoing governing bodies and registered neighborhood associations setting
5 forth the time, date, place, and purpose of the public hearing before the City Council to be held
6 on February 25, 2008 regarding the proposed determination that the South 19th Street Blight
7 Update Area be declared a blighted and substandard area as defined in the Nebraska
8 Community Development Law, a copy of said notice having been attached hereto as
9 Attachment "D"; and

10 WHEREAS, on February 8, 2008 and February 15, 2008 a notice of public
11 hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place,
12 and purpose of the public hearing to be held on February 25, 2008 regarding the proposed
13 determination that the South 19th Street Blight Update Area be declared a blighted and
14 substandard area as defined in the Nebraska Community Development Law, a copy of such
15 notice having been attached hereto and marked as Attachment "E"; and

16 WHEREAS, on February 25, 2008 in the City Council Chambers of the County
17 City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing
18 relating to the proposed determination that the South 19th Street Blight Update Area be
19 declared a blighted and substandard area as defined in the Nebraska Community Development
20 Law and all interested parties were afforded at such public hearing a reasonable opportunity to
21 express their views respecting said proposed plan; and

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

24 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
25 Lincoln, Nebraska:

1 1. That it is hereby found and determined that substandard and blighted
2 conditions exist as set forth and discussed in Attachment "A" (Letter of Hanna Keelan
3 Associates of January 4, 2008 Re: Confirmation of Blight and Substandard Conditions) attached
4 hereto and incorporated herein as though fully set forth verbatim.

5 2. That it is hereby found and determined that the South 19th Street Blight
6 Update Area as shown and described on Attachment "A", constitutes both a substandard and
7 blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S.
8 1943, as amended, and that said area is in need of redevelopment.

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

12 4. That the elimination of said substandard and blighted conditions under
13 the authority of the Community Development Law is found to be a public purpose and in the
14 public interest.

15 5. That such substandard and blighted conditions are beyond remedy and
16 control solely by regulatory process and the exercise of police power and cannot be dealt with
17 effectively by the ordinary operations or private enterprise without the aid provided by the
18 Community Development law, specifically including Tax Increment Financing.

19 BE IT FURTHER RESOLVED that the Department of Urban Development as the
20 duly designated community development agency for the City of Lincoln is hereby authorized and
21 directed to immediately proceed with the preparation of a new redevelopment plan and
22 associated projects for the South 19th Street Blight Update Area, which plan shall be prepared
23 in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate
24 review and consideration by this Council.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2008:

Mayor