

Misc. 08015

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 Capitol Redevelopment Area, generally bounded by 8th  
15 Street to 18th Street, between Euclid Avenue and G Street, as shown and described on  
16 Attachment "A" (entitled South Capitol Redevelopment Area Blight and Substandard  
17 Determination Study); and

18           WHEREAS, this Council has received and duly considered other evidence,  
19 including evidence relating to the scope and limitations of the nearby redevelopment plans in  
20 the area, and the inability of the other plans to effectively remedy the substandard and blighted  
21 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 Capitol Redevelopment 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 2, 2009, notice of public hearing was mailed, postage  
11 prepaid, to the president or chairperson of the governing body of each county, school district,  
12 community college, educational service unit, and natural resource district in which the real  
13 property subject to such plan is located and whose property tax receipts would be directly  
14 affected and to all registered neighborhood associations located in whole or in part within a one  
15 mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the  
16 public hearing to be held on January 14, 2009, before the Lincoln City - Lancaster County  
17 Planning Commission regarding the proposed determination that the South Capitol  
18 Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska  
19 Community Development Law, a copy of said notice and list of said registered neighborhood  
20 associations having been attached hereto as Attachment "B" and "C" respectively; and

21           WHEREAS, the Lincoln City-Lancaster County Planning Commission on January  
22 14, 2009 recommended that the South Capitol Redevelopment Area be found to be both a  
23 substandard and blighted area as defined in said Community Development Law and the  
24 evidence demonstrates that said South Capitol Redevelopment 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 6, 2009 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 23, 2009 regarding the proposed determination that the South Capitol  
7 Redevelopment 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 6, 2009 and February 13, 2009 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 23, 2009 regarding the proposed  
13 determination that the South Capitol Redevelopment 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 23, 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 Capitol Redevelopment Area be declared  
19 a blighted and substandard area as defined in the Nebraska Community Development Law and  
20 all interested parties were afforded at such public hearing a reasonable opportunity to express  
21 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.

1                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
2 Lincoln, Nebraska:

3                   1.       That it is hereby found and determined that substandard and blighted  
4 conditions exist as set forth and discussed in Attachment "A" (entitled South Capitol  
5 Redevelopment Area Blight and Substandard Determination Study) attached hereto and  
6 incorporated herein as though fully set forth verbatim.

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

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

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

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

21                  BE IT FURTHER RESOLVED that the Department of Urban Development as the  
22 duly designated community development agency for the City of Lincoln is hereby authorized and  
23 directed to immediately proceed with the preparation of a new redevelopment plan and  
24 associated projects for the South Capitol Redevelopment Area, which plan shall be prepared in

1 accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate  
2 review and consideration by this Council.

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2009:

\_\_\_\_\_

Mayor