

RESOLUTION NO. 03-93

WHEREAS, by Ordinance passed by the City Council of the City of Alliance, the City of Alliance has created a Community Development Agency pursuant to the Community Development Law of the State of Nebraska; and

WHEREAS, surveys were conducted at the direction of the City of Alliance by the Panhandle Area Redevelopment District entitled *Redevelopment Area Substandard/Blight Survey 2002* and *Redevelopment Area Substandard/Blight Survey for a property located at 3rd Street and Cody Avenue, October 2003*; and

WHEREAS, such surveys describe certain areas within the City of Alliance as qualifying for designation as substandard and blighted according to the definitions of the Community Development Law; and

WHEREAS, the physical description of said properties is Beginning at the intersection of 3rd Street and Cody Avenue, then east a distance of 210 feet, then north a distance of 392 feet, then west a distance of 627 feet, then south a distance of 397 feet, then east to the point of beginning; and

WHEREAS, the City Council finds that Cox Tract #1, Cox and Tasso Tract #2 of the Annexation Plat of Cox, Tasso, Samuelson, Ross and Gaines Properties located in the NW $\frac{1}{4}$ of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, and Lots 7 and 8, Frontier Addition, Alliance, Box Butte County, Nebraska, are substandard and blighted as evidenced by the survey, as shown by conditions such as, but not limited to, the following: areas where there is a predominance of buildings or improvements, whether residential or non-residential in nature, which by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors which is detrimental to the public health, safety, morals, or welfare; areas which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, improper subdivision or obsolete planning, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and in which the average age of the residential or commercial units in the area is at least 40 years, more than half of the platted and subdivided property in the area is unimproved land that has been within the City for forty years and has remained unimproved during that time; and

WHEREAS, Section 18-2109 of the Community Development Law requires the governing body of the City to submit the question of whether an area is substandard and blighted to the Planning Commission for its review and recommendation prior to making its declaration. No recommendation has been received from the Planning Commission and more than thirty days has passed since the matter was referred to the Planning Commission; and

WHEREAS, a public hearing with notice according to Section 18-2115 has been conducted by City Council concerning the substandard and blighted nature of said properties.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Cox Tract #1, Cox and Tasso Tract #2 of the Annexation Plat of Cox, Tasso, Samuelson, Ross and Gaines Properties located in the NW¹/₄ of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, and Lots 7 and 8, Frontier Addition, Alliance, Box Butte County, Nebraska, according to the recorded plat thereof, are substandard and blighted pursuant to the Community Development Law for the State of Nebraska.

PASSED AND APPROVED this 20th day of November, 2003.


Mike Dafney, Mayor

(SEAL)

Attest: 
Linda S. Jines, City Clerk

Approved as to Form and Legality:


Leo Dobrovlny, City Attorney

CITY OF ALLIANCE

REDEVELOPMENT AREA SUBSTANDARD/BLIGHT SURVEY for property located at 3RD STREET & CODY AVENUE

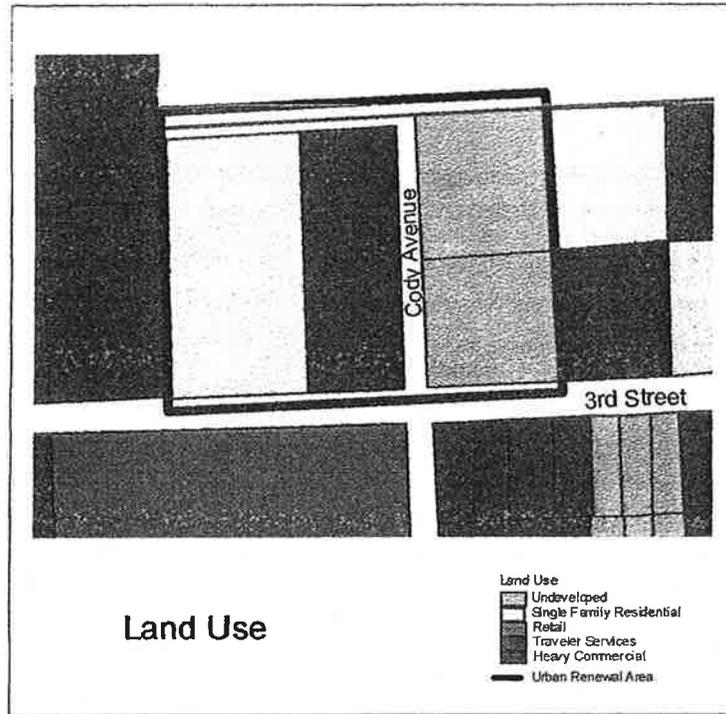
Prepared by: The Panhandle Area Development District
October, 2003

For

The City of Alliance Community Development Agency

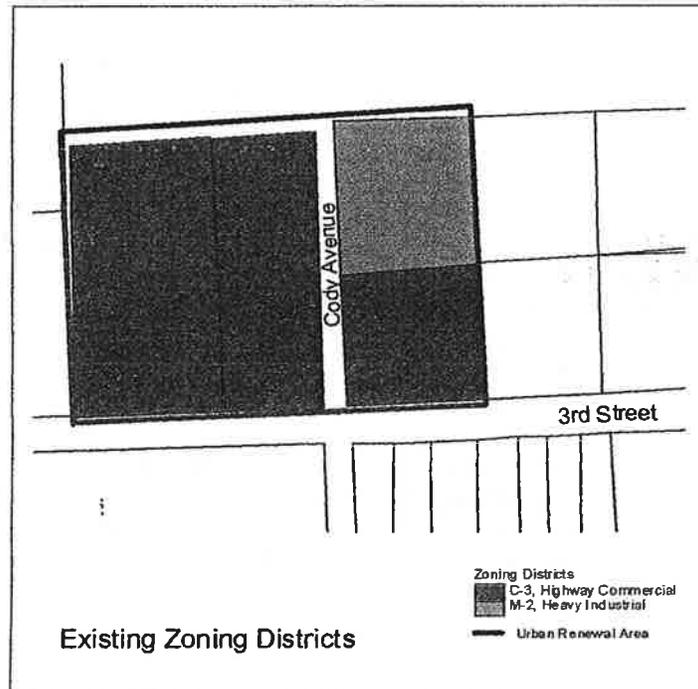
TABLE OF CONTENTS

	<u>Page</u>
Resolution Declaring the City of Alliance Redevelopment Area Blighted & Substandard.....	3
Introduction	4
Area Overview and Description	
A. Survey Area Boundary	4
B. Existing Land Use	4
C. Existing Zoning	5
Substandard & Blighted Area Survey	
A. Definitions	6
B. Presence of Substandard Conditions	7
C. Presence of Blighted Conditions	9
1. Section 18-2103(11)(a) conditions	9
2. Section 18-2103(11)(b)	9
Conclusions	9
Eligible Redevelopment Project Activities	10
Redevelopment Plan Requirements	11
Eligible Redeveloper Defined	11
Redevelopment Plan Approval Process	12



C. Existing Zoning:

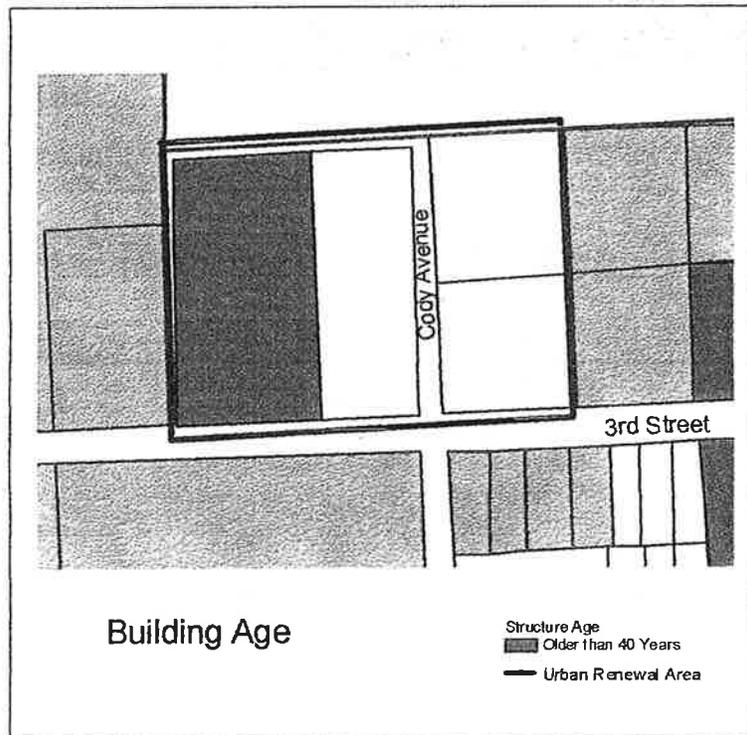
The proposed redevelopment area is zoned C-3, Highway Commercial and M-2, Heavy Industrial. Adjacent properties are similarly zoned. Principal permitted uses in the C-3, Highway Commercial zone include retail, wholesale, offices, dining, motels, services, etc. Principal permitted uses in the M-2, Heavy Industrial zone include manufacturing/assembly, offices and other lower impact uses.



B. Presence of Substandard Conditions:

To qualify as substandard at least one of the conditions described in Section 18-2103(10) must be substantiated in the survey area. The substantiating criteria used for this report included a predominance of buildings and improvements subject to both "age & obsolescence" and "conditions which endanger life or property". The following documentation is provided to verify the presence of substandard conditions in the proposed redevelopment areas:

A survey of existing buildings was conducted to identify both age and condition of the structures. County Assessor records were used to identify structure ages. Only two principle structures are present within the proposed renewal area. The single family residence was constructed in 1910. The commercial facility is believed to have been constructed in 1960 or earlier. Therefore, the average age of existing structures would be approximately 1935, or over 40 years of age as required to serve as documenting factor.



C. Presence of Blighted Conditions:

1. To qualify as blighted at least one of the conditions described in Section 18-2103 (11) (a) must be substantiated in the survey area. The following documentation is provided to verify the presence of blighted conditions in the proposed redevelopment areas:

As previously described in Section "B" above, structures located in the proposed renewal area are subject to evidence of deterioration. This deterioration includes cracked facades and cornices and buildings that are in the process of collapsing. Additional blighting conditions include curbs, drives and sidewalks in need of repair and non-existent sidewalks.

2. In addition to substantiating the blighting influence described in Section 18-2103 (11)(a), at least one of the conditions described in Section 18-2103 (11)(b) must also be present. The following documentation is provided to verify these conditions in the proposed redevelopment area:

- a) The average age of the structures in the study area is 1935, which exceeds the required forty years.
- b) The parcels of land representing the proposed redevelopment area are a part of the City of Alliance which city has experienced a decreasing population based upon the last two decennial censuses. In 1980 the City's population was 9,869; in 1990 it decreased to 9,765; and in 2000 it decreased to 8,959.

CONCLUSIONS

The proposed redevelopment area identified in the City of Alliance substandard and blight survey contains "substandard and blighted" conditions as described in Nebraska Community Development Law, Section 18-2103 (10), (11)(a) &(11)(b). The City of Alliance contains approximately 3,008 acres of land. The proposed redevelopment area contains approximately 6 acres of land volume. This area in combination with previously approved renewal areas represents just over 1% of the city's total land volume, which is under the maximum 25% allowed by Nebraska Community Development Law for inclusion in redevelopment areas of cities of the first class.

REDEVELOPMENT PLAN REQUIREMENTS

As indicated in Sections 18-2103(13) and 18-2111, a redevelopment plan may be created for a redevelopment area or for a redevelopment project. The plan must at a minimum meet the following requirements:

- 1) The plan must conform to the general plan for the municipality as a whole, and
- 2) The plan must be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.
- 3) The plan must be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to the following:
 - a. the boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein;
 - b. a land use plan showing proposed uses of the area;
 - c. information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment;
 - d. a statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances;
 - e. a site plan of the area; and
 - f. a statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

To utilize the benefits of tax increment financing in a designated redevelopment area a redeveloper, as defined in the following section, must prepare and obtain approval of a redevelopment plan.

REDEVELOPER DEFINED

Eligible redevelopers are defined in 18-2103(14) and 18-2103(19) as follows:

“Redeveloper shall mean any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract.”

“Person shall mean any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and shall include any trustee, receiver, assignee, or other similar representative thereof.”

Section 18-2115:

The following steps are required to be taken prior to approval by the City of any redevelopment plan:

- 1) The governing body of the city must hold a public hearing on any redevelopment plan, or substantial modification of an existing plan. The hearing must be published at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community. The time of the hearing must be at least ten days from the last publication. The notice must describe the time, date, place and purpose of the hearing specifically identifying the area to be redeveloped under the plan. All interested parties must be afforded an opportunity to express their views at the public hearing.
- 2) Except as provided in subsection (3) below the governing body of the city must at least ten days prior to the public hearing, mail notice of the hearing by first-class United States mail, postage prepaid, or by certified mail to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the area to be redeveloped and to the president or chairperson of the governing body of each county, township, school district, and other political subdivision in which the real property subject to such plan or major modification is located and whose property tax receipts would be directly affected. This notice must set out the time, date, place and purpose of the hearing and shall include a map of sufficient size to show the area to be redeveloped.
- 3) This sub-section states that if the redevelopment authority holds a public hearing and provides notice as described in subsection (2) above then the governing body is not required to mail the notices described in subsection (2) above prior to holding its own public hearing.

Neighborhood associations wishing to receive the notice described in (2) above must register with the city's planning department or, if there is no planning department, with the city clerk. The registration must include a description of the area of representation of the association and the name and address of the individual designated by the association to receive the notice on its behalf.

Section 18-2116:

Following the public hearing the governing body may approve a redevelopment plan if it finds the plan 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 sections 18-2101 to 18-2144.

Ad Valorem Tax / Tax Increment Financing

If it is determined by the governing body of the city that (1) a redevelopment project would not be economically feasible without the use of tax-increment financing and (2) that the redevelopment project would not occur in the redevelopment area without the use of tax-increment financing, and (3) the costs and benefits of the redevelopment project, including the 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 then any redevelopment plan as originally approved or as later modified pursuant to section 18-2117, may contain a provision that ad valorem tax levied upon real property in a redevelopment may be used as set forth in section 18-2147.

