

RESOLUTION NO. 12-62
(WEST PLAINS - BLIGHTED AND SUBSTANDARD AREA)

WHEREAS, it is necessary, desirable, advisable, and in the best interests of the City of Alliance, Nebraska (the “City”), for the City to undertake and carry out redevelopment projects in certain areas that are determined to be blighted and substandard and in need of redevelopment; and

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; and

WHEREAS, Section 18-2109 of the Act requires that, prior to the preparation by the Community Development Agency of the City of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard; and

WHEREAS, on Thursday July 19, 2012, the Mayor and City Council of the City held a public hearing (the “Public Hearing”) to determine whether the following described area (the “Redevelopment Area”) should be declared blighted and substandard and in need of redevelopment as required by the Act:

An area of land located in Box Butte County, Nebraska, more particularly described as follows:

Beginning at the intersection of the west right-of-way line of the Burlington Northern Santa Fe Railroad and the north right-of-way line of Madison Road, thence eastward along the north right-of-way line of Madison Road to the east right-of-way line of County Road 61, thence southward along the east right-of-way line of County Road 61 to a point on said right-of-way line that is five hundred sixteen feet (516') north of the south right-of-way line of Nance Road, thence eastward, parallel to the south right-of-way line of Nance Road a distance of three hundred feet (300'), thence southward, parallel to the east right-of-way line of County Road 61 to the south right-of-way line of Nance Road, thence westward along the south right-of-way line of Nance road to the east right-of-way line of the Burlington Northern Santa Fe Railroad, thence southeastward along the east right-of-way line of the Burlington Northern Santa Fe Railroad to the corporate limit line of the City of Alliance, thence westward along said corporate limit line to the west right-of-way line of the Burlington Northern Santa Fe Railroad, thence northwestward along the west right-of-way line of the Burlington Northern Santa Fe Railroad to the north right-of-way line of Madison Road, which is the point of beginning;

and

WHEREAS, notice of the Public Hearing was published according to law, which notice described the time, date, place and purpose of the Public Hearing and the legal description of the Redevelopment Area; the last publication of such notice being at least ten days prior to the time of the Public Hearing; and

WHEREAS, on or before 10 days prior to the time of the Public Hearing, the City mailed notice of the Public Hearing by United States Mail, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district with real property in the Redevelopment Area, which notice included the time, date, place, and purpose of the Public Hearing and included a map of sufficient size to show the Redevelopment Area; and

WHEREAS, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a *Blighted and Substandard Area Determination Analysis – Northwestern Analysis Area* prepared by Stahr and Associates (the “Blight Study”); and

WHEREAS, the Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA AS FOLLOWS:

Section 1. The Redevelopment Area is declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Blight Study is attached as Attachment 1.

Section 2. The Redevelopment Area is further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in the Act, including, without limitation, (a) one or more of the factors set forth in Section 18-2103(11)(a) of the Act and (b) at least one of the factors set forth in (i) through (iv) of Section 18-2103(11)(b) of the Act, as described and set forth in the Blight Study.

Section 3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

PASSED AND APPROVED this 19th day of July, 2012.



Fred Feldges, Mayor

(SEAL)

Attest:



Linda S. Jines, City Clerk

Approved as to Form and Legality:



Simmons Olsen Law Office, Legal Counsel

**ATTACHMENT 1
BLIGHT STUDY**

BLIGHTED AND SUBSTANDARD AREA DETERMINATION ANALYSIS

NORTHWESTERN ANALYSIS AREA

Alliance, Nebraska

STAHR & ASSOCIATES, INC.

Municipal Planning - Economic Development Consultants

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Purpose of this Analysis

The purpose of this analysis is to identify and determine if areas within and surrounding the City of Alliance, Nebraska should be considered blighted and substandard under the criteria for such areas as set forth in the Nebraska Community Development Law, Section 18-2103.

A field survey of an area adjoining the City of Alliance was conducted in March, 2011 to determine if this area, in fact, has experienced structure and site deterioration or if the area is experiencing other negative influences which decrease the potential for redevelopment or new development. The boundaries of this area are indicated in Figure 1 and described in Appendix A. The following report describes this Analysis Area in detail, as well as, providing the methods and procedures used to determine if the area should be declared blighted and substandard under the Nebraska Community Development Law.

Definitions

The following details the specific definitions of "substandard" and "blighted" according to Nebraska State Law. These definitions serve to be the basis of the entire analysis and each portion of the definitions are examined individually throughout this document.

Substandard Area

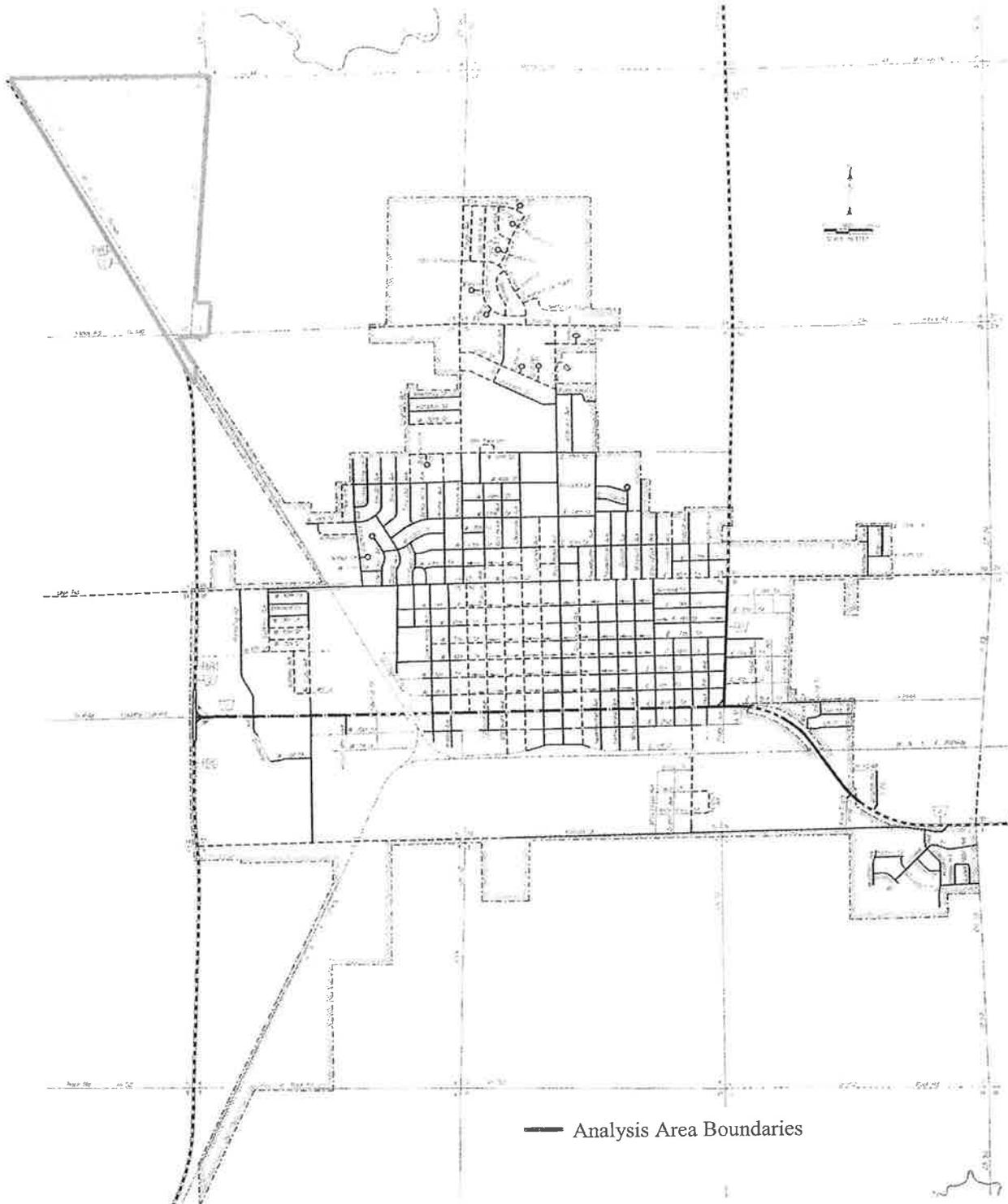
Under the above referenced Nebraska Statute, a substandard area is an area in which there is a predominance of buildings or improvements, whether non-residential or residential in character, which by reason of:

- dilapidation / deterioration,
- age or obsolescence,
- inadequate provision for ventilation, light, air, sanitation or open spaces,
- high density of population or overcrowding,
- the existence of conditions which endanger life or property by fire and other causes, or
- any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals and welfare of the residents of the community.

Blighted Area

Section 18-2103 of the Nebraska Revised Statutes indicates that a blighted area shall mean an area, 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,
- unsanitary or unsafe conditions,
- deterioration of site or other improvements,
- diversity of ownership,
- tax or special assessment delinquency exceeding the fair value of the land,
- defective or unusual conditions of title,
- improper subdivision or obsolete platting,
- the existence of conditions which endanger the life or property by fire and other causes, or any combination of such factors which 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



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Figure 1
ANALYSIS AREA BOUNDARIES
Northwestern Analysis Area

ALLIANCE, NEBRASKA

there is at least one of the following present:

- unemployment in the designated area is at least one hundred twenty percent of the State or National average,
- the average age of the structures in the area is at least forty years old or older,
- more than one-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,
- the per capita income of the area is lower than the average per capita income of the municipality in which the area is designated, or
- the area has had either a stable or decreasing population based on the last two decennial censuses.

Analysis Approach

The approach and methodology utilized by Stahr & Associates, Inc. in conducting the Blighted and Substandard Area Determination Analysis included an assessment of all factors listed in the Nebraska Community Development Law as factors that indicate or contribute to making an area blighted and substandard. Data relating to factors such as building condition, building age, site conditions, adequacy of building sites, condition of public improvements and unsanitary or unsafe conditions were developed through field surveys on a structure by structure basis or through collection of data on a unit by unit basis available from public records at the Box Butte County Courthouse.

Data relating to other factors such as the adequateness of street layouts, lot layouts and overall subdivision design were investigated on an area-wide basis. Assessment of potential blighting factors relating to diversity of ownership and tax or special assessment delinquencies were conducted through evaluation of courthouse records on all property within the analysis area, now referred to as the Northwestern Analysis Area. This analysis also utilized two guideposts in the investigation of blighted or substandard conditions. These included:

Additional Public Intervention Necessary

Although the presence of one or more of these substandard or blighting conditions may make it appropriate to declare an area substandard and blighted under the Statute, this analysis was conducted on the basis that additional public intervention over and above the exercise of the police power is necessary to overcome the problems that exist in any substandard and blighted area. Specifically, Section 18-2012 of the Nebraska Community Development Law states that a determination shall be made that the conditions existing in any such substandard and blighted area are beyond remedy and control solely by regulatory process in the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided under the Community Development Law.

Existing Land Use

The land uses that now exist within the Analysis Area; and depicted on Figure 2, consist of land uses which can be placed in four categories, including:

- Residential
- Public Street Rights-of-Way
- Railroad Rights-of-Way

- Vacant / Undeveloped

The land uses in the Analysis Area are analyzed further in Table 1. The data detail the breakdown of land uses within the Analysis Area and the total acreage within this Analysis Area.

Table 1
EXISTING LAND USE – Northwestern Analysis Area
Alliance, Nebraska

Land Use Category	Northwestern Analysis Area	
	Area* (Acres)	% of Total Area
Residential	3.1	1.6%
Road Rights-of-Way	12.4	6.3%
Railroad Right-of-Way	15.8	7.9%
Vacant/Undeveloped	166.7	84.2%
TOTAL	198.0	100%

Source: Stahr & Associates, Inc., (2011)

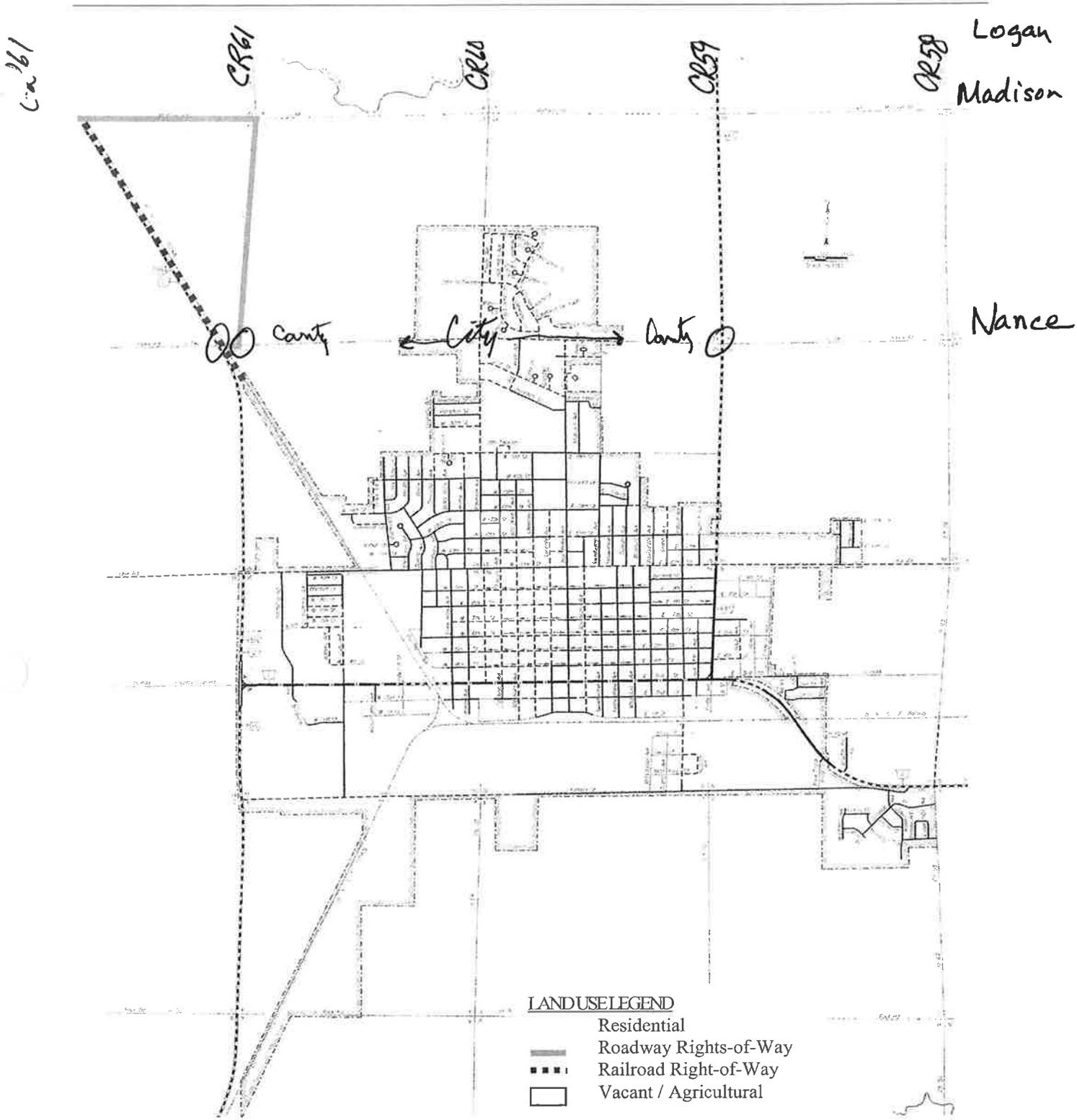
* Existing land use acreage totals are tabulated based upon scaled plat maps and field surveys

Vacant/Undeveloped Land in agricultural production is the largest land use within this Analysis Area. This land is divided into two parcels located along the railroad right of way. Vacant land comprises 166.7 acres, or just over 84% of the Analysis Area.

The second largest land use in Analysis Area is that of railroad right-of-way. The total acreage devoted to this land use is located along the entire western boundary of this Analysis Area. Railroad right-of-way occupies 15.8 acres or nearly 8% of the total Analysis Area.

The third largest land use in this Analysis is County road rights-of-way. The rights-of-way of portions of Madison Road, Nance Road and County Road 61 occupy 12.4 acres or just over 6% of the Analysis Area.

The smallest land use category in this Analysis Area is residential. This use consist of a 3+ acre farmstead site located in the southeastern portion of the Area. The residential use and its associated accessory buildings occupy just under 2% of the Analysis Area.



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Figure 2
EXISTING LAND USE - 2011
Northwestern Analysis Area

ALLIANCE, NEBRASKA

Analysis of Substandard Factors

1. Dilapidation/Deterioration of Structures

The determination and rating of building structure conditions is a major part of any substandard area determination. Therefore the system utilized for classifying the conditions is a major part of any substandard area determination. The system utilized for classifying the conditions of buildings and structures must be based upon established and consistent criteria. Stahr & Associates, Inc. utilized a field survey method for evaluating the exterior conditions and to identify and classify building sites and other localized environmental conditions or deficiencies of all structures within the Analysis Area.

All data regarding each structure was dated and recorded on a Structure / Site / Infrastructure Survey Form. This form was utilized not only to record the data collected for later evaluation, but to assure that similar data for each structure was evaluated. (See Structure / Site / Infrastructure Survey Form, Appendix B).

During the field survey, each component of each structure in the Analysis Area was examined to determine whether it was in sound condition or had minor, major or critical defects. Two types of building components were evaluated. These included:

- Major Components
These components include the basic structural elements of any building; the foundation walls, load bearing walls and columns and roof structure.
- Minor Components
These components include the necessary secondary elements of any building; the wall surfaces and condition, paint or wall covering condition, the roof condition, windows, doors, porches, steps and stairways, fire escapes, chimneys and vents, gutters and downspouts, etc. Both the major and minor components were evaluated and ranked in one of four categories and each category was assigned a numerical value as follows:

<u>Ranking Category</u>	<u>Numerical Value</u>
No Problems	1
Minor Problems	2
Major Problems	3
Critical Problems	4

The numerical rankings of each major and minor component were then combined to generate an overall building condition evaluation comprised of five categories as follows:

<u>Major Component Numerical Ranking</u>	<u>Minor Component Numerical Ranking</u>	<u>Combined Numerical Ranking</u>	<u>Overall Building Condition</u>
2 or less	6 or less	8 or less	Sound
3 – 5	7 – 8	10 – 13	Minor Deficiencies
6 – 7	9 – 17	14 – 24	Major Deficiencies
7 – 9	18 – 19	25 – 29	Substandard
10 or more	20 or more	30 or more	Dilapidated

The overall building conditions are defined as follows:

SOUND: A sound building is one that has been and can be kept in good condition with normal maintenance. A sound building has no major component defects, no minor component defects ranked as major or critical or with major deficiencies, but may have up to three minor components ranked as having minor defects.

MINOR DEFICIENT: Buildings ranked as deficient are those that require only minor repairs, which have not more than one major component defect that is minor in nature, which has not more than one minor component defect that is ranked as major in nature, nor more than three minor component defects ranked as minor in nature.

MAJOR DEFICIENT (DETERIORATING): Buildings ranked as deficient are buildings that require major repairs, which have not more than one major component ranked as critical or not more than two ranked as having deficiencies that are major in nature, nor more than five minor component defects ranked as major in nature.

SUBSTANDARD: A structurally substandard building contains defects which are so serious and so extensive that the building may not be economically repairable. Buildings classified as substandard have not more than two major component defects ranked as critical or major in nature, nor more than four minor component defects ranked as critical.

DILAPIDATED: A dilapidated building contains such a combination of serious defects that there is no question that the building is uninhabitable and should be razed. All major components of a dilapidated building have defects that are major or critical in nature or a combination of less serious major component defects together with at least four minor component defects that are ranked as critical in nature.

Field Survey Results

As indicated in Table 2, the field survey of exterior building conditions in the Analysis Area indicates the following:

**Table 2
EXTERIOR BUILDING CONDITIONS – Northwestern Analysis Area
Alliance, Nebraska**

BUILDING TYPE	SOUND	DEFICIENT (MINOR)	DEFICIENT (MAJOR)	SUBSTANDARD	DILAPIDATED	TOTAL BUILDINGS	TOTAL SUBSTANDARD BUILDINGS	%
Residential	-	-	1	-	-	1	0	0.00%
<u>Outbuildings</u>	<u>1</u>	<u>1</u>	<u>-</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>2</u>	<u>50.0%</u>
Total	1	1	1	1	1	5	2	40.0%

Source: Stahr & Associates, Inc., March, 2011

- The single primary structure in the Analysis Area is classified as being in deficient condition as it has major defects. The additional outbuilding analysis indicates that 2 out of 4 outbuilding structures are in sound condition or have only minor defects.
- One of the primary structures in this Analysis Area is classified as substandard is probably beyond economically feasible rehabilitation. In addition, 1 outbuilding is classified as dilapidated and uninhabitable.
- Combined, 2 of the total 5 structures (primary and outbuilding), or 40% of all structures, in this Analysis Area are classified, in accordance with the Nebraska Community Development Law, as being deteriorated, substandard or dilapidated.

Conclusion:

The fact that over 2 in every 5 structures in the Analysis Area are in deteriorating or worse condition indicates that condition of structures should be considered a factor contributing to the substandard conditions within the Analysis Area.

2. Age or Obsolescence

As presented in Table 3, observations made and data collected with regard to age of structures indicates the following:

**Table 3
AGE OF STRUCTURES – Northwestern Analysis Area
Alliance, Nebraska**

BUILDING TYPE	NEW TO 1 YEAR	1-5 YEARS	6-10 YEARS	11-20 YEARS	21-40 YEARS	41 YEARS OR OLDER	TOTAL STRUCTURES	PERCENT OVER 40 YEARS OLD
Residential	-	-	-	-	-	1	1	100.0%
<u>Outbuildings</u>	-	<u>1</u>	<u>1</u>	-	-	<u>2</u>	<u>4</u>	<u>50.0%</u>
Total	0	1	1	0	0	3	5	60.0%

Source: Stahr & Associates, Inc., March, 2011

- Survey results indicate that none primary structures and only 2 outbuilding structures were constructed less than 40 years ago. One primary structure and 2 outbuildings were constructed over 40 years ago. In the Analysis Area, a total of 3 structures out of 5 total structures, or 60%, are 40 plus years old.

Conclusion:

The findings of the field survey and analysis and interpretation of the resulting data indicates that 60% of all the structures in the Analysis Area are in excess of 40 years old. In order for an area to be designated substandard, the law specifies that there must be a predominance of older structures. In this analysis the word predominance is defined as meaning "most frequent" or "a majority". In accordance with this definition, structures which are in excess of 40 years old are in the majority of this Area, thus this Area can be considered to be substandard by reasons of structure age and / or obsolescence.

3. Inadequate Provisions for Ventilation, Light, Air, Sanitation or Open Space

During the field survey conducted to determine building conditions, building and lot conditions were also evaluated with regard to factors that present on-going negative conditions or impacts and thus contribute to the physical decline of any developed urban area. The lack of adequate ventilation, sun light, clean air, proper sanitation facilities and open space can be a contributing factor to the decline of any urban area and the presence of any or all of these in reasonable numbers or intensity is considered, under Nebraska Community Development Law, to contribute to the substandard character of any urban area.

The survey did not reveal any appreciable problems with ventilation of structures or where the size of the building on the lot and / or the small lot size itself contributed to situations where there is a lack of sunlight and lack of open space.

Conclusion:

The field investigation documented that there are not any properties within the Analysis Area where the lack of adequate provisions for sunlight and open space contribute to the substandard factors of the Analysis Area.

4. Existence of Conditions which Endanger Life or Property by Fire or other Causes

The field survey indicated that there are two conditions which endanger life or property to varying degrees within Analysis Area. These include:

- The analysis of the average age of structures within the Analysis Area indicate that over 60% of such structures in the Area are in excess of 40 years old and the field survey indicates that a majority of these structures are of wood frame or other flammable material construction. The age of these structures implies that the wiring within these homes is outdated and in many instances probably reaching a point of being overloaded. This combination of old and potentially overloaded wiring combined with wood and brick frame construction, also presents a substantial potential for endangerment of life and property.
- The close proximity of 3 structures, both primary and outbuildings, presents a potential fire hazards as fire could spread easily from one structure to another. Few if any present building codes were in force when the structures were built. Therefore, a fire hazard condition that could endanger both life and property does exist.

Conclusion:

A number of conditions which endanger life or property through fire or other causes do now exist in the Analysis Area, and these conditions are sufficient in number and distribution to qualify as a substandard factor.

5. Any Combination of Factors which are conducive to Ill Health, Transmission of Disease, Infant Mortality, Juvenile Delinquency and Crime, and is Detrimental to the Public Health, Safety, Morals or Welfare

The above listed factors indicate substandard conditions that do exist in the Analysis Area. These conditions also present a real potential for detrimental effects on the safety and health of the citizens residing within the Analysis Areas when two or more of the substandard conditions occur in the Area. The combination of older housing and the close proximity of numerous structures (all factors listed above) combine to create negative factors that are detrimental to the public health, safety, morals and welfare of the citizens residing within the

Area. An evaluation of the various combinations of substandard conditions listed above produced the following findings in the Analysis Area:

- The lack of separation between structures creates a fire-spreading hazard resulting in possible property loss and endangerment of life.
- The presence of older structures, with older and outdated wiring, and the lack of separation between structures is another condition which increases the risk of fire spreading from one structure to another again resulting in possible property loss and endangerment of life.

Conclusion:

The combination of these types of substandard factors throughout the Analysis Area affects the local population working and residing in this Area. The level of impact is sufficient to conclude that this combination of negative factors is in and of itself a substandard factor in Analysis Area.

Analysis of Blight Factors

1. Presence of a Substantial Number of Deteriorated or Deteriorating Structures

As presented in the previous evaluation of the "Substandard Factors", a total of 2 primary and accessory buildings in the Analysis Area are judged to be in deteriorating or worse condition. These deteriorating buildings represent 40% of all structures in the Analysis Area.

Conclusion:

The presence of approximately 2 substandard structures for every 5 structures in the Analysis Area indicates that deteriorating and deteriorated structures are occurring within Analysis Area. This percentage of deteriorating and deteriorated structures can be considered a contributing condition of blight.

2. Existence of Defective or Inadequate Roadway Layout

The roadway pattern in the Analysis Area consists primarily of a three road network of one arterial and two local roads that provide access to locations throughout the area. The roads in the Analysis Area provide reasonable access to individual properties. The roadway layout is sufficient to handle current traffic volumes and axle loads.

Conclusion:

The Analysis Area does not currently have inadequacies in the form of traffic movement capabilities and property access, thus defective or inadequate roadway layout cannot be considered a blighting influence on this Area.

3. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness

The field survey, combined with investigations of property ownership and plat maps, indicate that there are no problems relative to size, adequacy, accessibility and usefulness within the Analysis Area.

Conclusion:

There are not any situations where usefulness of lots, due to limited width and size are a problem. Faulty lot layout does not contribute to blighted conditions.

4. Unsanitary and Unsafe Conditions

As stated previously in the analysis of "substandard" factors, there are several instances within the Analysis Area where unsanitary and unsafe conditions exist. These include:

- The average age of structures within the Analysis Area indicate that over 40% of such structures in the Area are in excess of 40 years old and the field survey indicates that a majority of these structures are of wood frame or other flammable material construction. The age of these structures implies that the wiring within these homes is outdated and in many instances probably reaching a point of being overloaded. This combination of old and potentially overloaded wiring combined with wood frame construction also presents unsafe conditions within the Area.
- The close proximity of structures, both primary and outbuildings, present fire hazards in that a fire can spread easily from one structure to another. This creates unsafe conditions within the Area.

Conclusion:

There are numerous instances in the Analysis Area where unsanitary and unsafe conditions exist. These conditions do contribute to the unattractiveness of the Area and can thus be considered to be a blighting condition.

5. Deterioration of Site and Other Improvements

The field survey also included an evaluation of the condition of site improvements including: roadway surface conditions, roadway width adequacy, sidewalks, driveways and off-street parking facilities. The data presented in Table 4 document the present condition of these improvements in the Analysis Area.

The lack of or deterioration of site improvements include:

- All of the roadways providing access to abutting properties are gravel surfaced which would not provide an adequate load bearing surface to serve development in this Area.
- One of the roadways is in poor condition in terms of smoothness of the driving surface and adequacy of surfacing.
- None of the properties in the Analysis Area are presently served by a sidewalk system. This lack of sidewalks is not a problem for the present level of development in the Area, but will present potential pedestrian movement problems when the area is developed.

Conclusion:

A combined rating of overall site improvements, as indicated on Table 4, indicates the majority of overall site improvements are in good condition. However, the area does lack or contains deteriorated site improvements, creating a fair or poor rating. This implies that the Area is experiencing some deterioration, thus contributing to the blighted conditions already present. In addition, the lack of site improvements in the Analysis Area also serves to be a limiting factor to future development in the Area and is an additional factor contributing to blight.

Table 4 **SITE COMPONENT CONDITIONS**
Northwestern Analysis Area
Alliance, Nebraska

	TOTAL	RESIDENTIAL	AGRICULTURAL
ROADWAY CONSTRUCTION			
CONCRETE	0	0	0
ASPHALT	0	0	0
GRAVEL / DIRT	5	2	3
ROADWAY WIDTH			
ADEQUATE	5	2	3
INADEQUATE	0	0	0
ROADWAY CONDITION			
GOOD	3	1	2
FAIR	1	1	0
POOR	1	0	1
SIDEWALK CONSTRUCTION			
CONCRETE	0	0	0
NONE	3	1	2
DRIVEWAY / OFF-STREET PARKING CONSTRUCTION			
CONCRETE	0	0	0
ASPHALT	0	0	0
GRAVEL / DIRT	4	2	2
NONE	0	0	0
DRIVEWAY / OFF-STREET PARKING CONDITION			
GOOD	1	1	0
FAIR	2	0	2
POOR	0	0	0
APPEARANCE			
UNKEPT	1	0	1
DEBRIS / JUNK	0	0	0
OVERALL SITE CONDITION			
GOOD	2	0	2
FAIR	1	1	0
POOR	0	0	0

Source: Stahr & Associates, Inc., March, 2011

6. Diversity of Ownership

Stability and the livelihood of any urban area are dependent to a large extent on slow, but consistent, renewal of the area through maintenance and modernization or replacement of the existing development. The ability to renew an area is thus partially dependent on the ability of the private and public sectors to acquire land of sufficient size to develop new housing or other non-residential land uses. The existence of smaller than optimal lots, under separate ownership make it difficult and expensive, if not impossible, to consolidate a sufficient amount of land to facilitate such renewal or redevelopment.

Diversity of ownership is not a problem within the Analysis Area.

Conclusion:

Diversity of ownership within the Analysis Area is limited and is not a factor that contributes to the blighted conditions already present.

7. Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land

Correspondence with the Box Butte County Treasurer's Office, as well as, the Box Butte County Assessor's Office indicated that there are no tax or special assessment delinquencies, therefore, not a blighting factor.

Conclusion:

Information regarding tax or special assessment delinquencies allows us to infer that no major delinquencies exceeding the fair value of the land currently exist in the Analysis Area. This indicates that tax or special assessment delinquencies cannot be considered sufficient to constitute a blighting factor in the Analysis Area.

8. Defective or Unusual Conditions of Title

A random examination of deeds and encumbrances on properties within the Analysis Area was conducted as part of this Blighted and Substandard Area Determination Analysis. The sampling did not provide any indication of defective or unusual conditions of title.

Conclusion:

Defective or unusual conditions of title are not found to be a significant factor contributing to blight in the Analysis Area.

9. Improper Subdivision and Obsolete Platting

The field surveys, combined with investigations of property ownership and plat maps, indicate that there are not any problems existing in the Analysis Area with regard to improper subdivision or obsolete platting.

Conclusion:

There are not any problem areas within the Analysis Area regarding obsolete platting, thus improper or obsolete platting are not major conditions of blight within this Analysis Area.

10. Existence of Conditions which Endanger Life or Property by Fire and other Causes

The same factors listed in the "substandard factor" analysis that endanger life or property by fire and other causes can directly be correlated to conditions that cause blight. Therefore, those factors also contribute to the blighted character within the Area. These factors include:

- The analysis of the average age of residential structures within the Analysis Area indicate that 60% of such structures in the Area are in excess of 40 years old and the field survey indicates that a majority of these structures are of brick and wood frame or other flammable material construction. The age of these structures implies that the wiring within these homes is outdated and in many instances probably reaching a point of being overloaded. This combination of old and potentially overloaded wiring combined with wood frame construction also presents a substantial potential for endangerment of life and property.
- The combination of the close proximity of structures, both primary and outbuildings, present significant fire hazards in that a fire can spread easily from one structure to another. This is a condition that could endanger both life and property.

Conclusion:

A number of conditions which endanger life or property through fire or other causes now exist in Analysis Area. These conditions, listed above, are sufficient in number and distribution in this Analysis Area to qualify as a major blighting factor.

11. Combination of Blighting Factors

Section 18-2103 of the Nebraska Community Development Law, in its definition of blighted area, indicates that an area may be considered blighted if there exists any combination of the above factors which substantially impairs or arrests the sound growth of the community, retards the provisions 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 or use, and in which there is at least one of the following present:

- Unemployment in the designated area is at least 120% of the state or national average;
- The average age of the residential or commercial units in the area is at least forty years;
- More than one-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;
- The per capita income of the area is lower than the average per capita income of the City in which the area is designated; or
- The area has had either stable or decreasing population in the last two decennial censuses.

Examination of the data and information generated by field surveys and record investigations completed as part of this analysis indicates the existence of the following conditions which impede the sound growth of the Analysis Area:

- The age of all structures within the Analysis Area is an additional factor which impedes the sound growth of the Area. 60% of the structures within the Analysis Area and 90% are 40 years old or older. These older structures, if not structurally unsound, are often deteriorated or deteriorating and thus are factors which blight the Area.

-
- The Analysis Area have had a stable or decreasing population in the last two decennial censuses.

Conclusion:

The combination of the above factors which limit sound development of the City, impede development and redevelopment and produce an ongoing economic liability, are sufficient to be considered blighting factors in the Analysis Area. In addition, in accordance with this Section of the law, the average age of the structures in the Analysis Area is in excess of 40 years and the Analysis Area has had a stable or decreasing population in the last two decennial censuses.

12. Other Blighting Factors

In Section 18-2102, the Legislative Findings and Declarations (Introduction) of the Community Development Law, states in part some additional criteria for identifying blighting conditions including "economically or socially undesirable land uses". Factors which are commonly used to evaluate undesirable land uses include: 1) mixing of incompatible land uses, 2) economic obsolescence of the land uses or the land uses ability to compete in the market place, and 3) functional obsolescence of the land uses or the physical utility of the land and structures.

Evaluation of the Analysis Area indicate that none of the above blighting factors are present.

Conclusion:

Economically and socially undesirable land uses do not exist within the Analysis Area and thus do not constitute a blighting influence.

SUMMARY DETERMINATION OF THE ANALYSIS AREA AS BLIGHTED AND SUBSTANDARD

The land area contained within the Analysis Area, as set forth in Figure 1, meets the requirements of the Nebraska Community Development Law for designation as both a "blighted" and "substandard" area.

As documented in this report, there is a varying, but reasonable distribution of 5 of the 6 factors that indicate that Analysis Area is substandard. These substandard factors and the intensity of occurrence are as follows:

Present to a Strong Degree

- Age and obsolescence of buildings and improvements,
- Existence of conditions which endanger life or property by fire and other causes, and
- Combinations of these factors which are conducive to ill health and detrimental to the public health, safety and welfare.

Present to a Reasonable Degree

- Dilapidation and deterioration of buildings and improvements.
- Inadequate provision for ventilation, light, air, sanitation or open spaces

Not Present

- High density of population or overcrowding.

Also documented in this report, there is a predominance of the factors regarding the characteristics of buildings and improvements, as set forth in the Nebraska Community Development Law. In fact, 10 of the 12 factors set forth in the law predominate the Area and thus can be considered blighted in accordance with the Law.

Present to a Strong Degree

- A substantial number of deteriorated or deteriorating structures,

Present to a Reasonable Degree

- Unsanitary and unsafe conditions,
- Existence of conditions which endanger the life or property by fire and other causes, and
- Deterioration of site and other improvements.

Not Present

- Faulty lot layout in relation to size, adequacy, accessibility or usefulness,
- Improper subdivision or obsolete platting,
- Diversity of ownership,
- Existence of defective or inadequate street layout,
- Tax or special assessment delinquency exceeding the fair value of the land, and
- Defective or unusual conditions of title.

Combinations of these blighting factors which substantially impair or arrest the sound growth of the community, retards the provisions for housing accommodations and constitute an economic and social liability and which area detrimental to the public health, safety and welfare are present to a reasonable degree. In addition, two of the five critical factors for blight determination is present as follows:

Present

- The average age of the structures in the area is at least forty years, and
- The Analysis Area has had a decreasing population in the last two decennial censuses.

DETERMINATION OF NEED FOR PUBLIC INTERVENTION

Section 18-2102 of the Nebraska Community Development Law requires that in determining whether or not any area is blighted or substandard, the conditions of the area must be such that arresting of the blight and substandard conditions within the area be beyond the remedy and control of the City solely by regulatory control and exercise of the police power and cannot be effectively dealt with by the ordinary operations of private enterprise without the aids provided under this law.

Evaluation of the conditions of the Analysis Area, as determined by the analysis of each substandard or blight factor, indicate that although Alliance can encourage long-term improvement of conditions within both Analysis Areas through implementation of zoning districts and zoning regulations, through replacement or improvement of streets, sidewalks, alleys and utilities and through improved overall law enforcement, it cannot overcome these problems without substantially increasing property taxes or creating property assessment districts to finance the improvements needed. Increasing taxes or assessments over the existing levels will only serve to reduce spendable incomes in the City resulting in a further decline in the maintenance and thus the quality of structures and infrastructure within the area.

In summary, if the blighting and substandard conditions in the Analysis Area are to be effectively arrested within a time frame that will minimize further deterioration of the Area, the City of Alliance and private enterprise working together through actions of local investors, government officials, the aids provided through Tax Increment Financing (TIF) and the use of other grant funds targeted to arrest the causes of the blighted and substandard conditions, identified herein, is necessary, essential and warranted.

APPENDIX A

LEGAL DESCRIPTION – NORTHWESTERN ANALYSIS AREA

Beginning at the intersection of the west right-of-way line of the Burlington Northern Santa Fe Railroad and the north right-of-way line of Madison Road, thence eastward along the north right-of-way line of Madison Road to the east right-of-way line of County Road 61, thence southward along the east right-of-way line of County Road 61 to a point on said right-of-way line that is five hundred sixteen feet (516') north of the south right-of-way line of Nance Road, thence eastward, parallel to the south right-of-way line of Nance Road a distance of three hundred feet (300'), thence southward, parallel to the east right-of-way line of County Road 61 to the south right-of-way line of Nance Road, thence westward along the south right-of-way line of Nance road to the east right-of-way line of the Burlington Northern Santa Fe Railroad, thence southeastward along the east right-of-way line of the Burlington Northern Santa Fe Railroad to the corporate limit line of the City of Alliance, thence westward along said corporate limit line to the west right-of-way line of the Burlington Northern Santa Fe Railroad, thence northwestward along the west right-of-way line of the Burlington Northern Santa Fe Railroad to the north right-of-way line of Madison Road, which is the point of beginning.

APPENDIX B

Structure / Site / Infrastructure Condition Form

Date of Survey _____ Parcel Number _____ Name & Type of Land Use _____ Address _____

Description of Parcel

1. Type of Use: Residential Commercial Industrial Public / Semi-Public Other (specify) _____

2. Type of Unit: Single-family Duplex Multi-Family Mobile Home Manufactured Home
No. of Units _____

3. Unit Status: Occupied Vacant Under Construction Being Rehabilitated For Sale Other
Habitable Unhabitable (specify) _____

4. Vacant Parcel: Developable Undevelopable Flood Hazard

Building / Structural Components

Major Components	Type	Critical Problems	Major Problems	Minor Problems	No Problems
5. Roof (structural)	_____	C	M	m	N
6. Foundation	_____	C	M	m	N
7. Walls (structural)	_____	C	M	m	N

Minor Components

	Critical Problems	Major Problems	Minor Problems	No Problems
8. Wall Surface Condition	C	M	m	N
9. Roofing Condition	C	M	m	N
10. Windows	C	M	m	N
11. Doors	C	M	m	N
12. Porches / Steps / Fire Escapes	C	M	m	N
13. Chimney / Vents	C	M	m	N
14. Paint	C	M	m	N
15. Gutters / Downspouts _____ In Place _____ Partial _____ None	C	M	m	N
16. Driveway _____ Concrete _____ Asphalt _____ Gravel _____ None	C	M	m	N

Building / Structure Combined Rating

_____ Sound _____ Minor Deficiencies _____ Major Deficiencies _____ Substandard _____ Dilapidated

Building / Structure Age

_____ New - 1 yr _____ 1-5 yrs _____ 5-10 yrs _____ 10-20 yrs _____ 20-40 yrs _____ 40 plus yrs

Site Conditions

17. Street Condition: Concrete Asphalt Gravel / Dirt _____ E _____ G _____ F _____ P

18. Street Width: Adequate Inadequate _____ E _____ G _____ F _____ P

19. Alley Condition: Concrete Asphalt Gravel / Dirt None _____ E _____ G _____ F _____ P

20. Sidewalks: Concrete Brick Asphalt None _____ F _____ G _____ F _____ P

21. Sidewalks on all Frontages: Yes No _____ F _____ G _____ F _____ P

22. Off Street Parking: Concrete Asphalt Gravel / Dirt None _____ F _____ G _____ F _____ P

23. On-Street Parking: None Permitted One-Side Only Both Sides _____ F _____ G _____ F _____ P

24. Lot / Site Condition: Unkept Junk Present Other _____ E _____ G _____ F _____ P

25. Fencing Condition: None _____ E _____ G _____ F _____ P

26. Outbuilding Condition: Number of Outbuildings _____
(indicate by number the condition of each outbuilding if more than one outbuilding exists)
 _____ E _____ G _____ F _____ P

Age of Outbuildings: _____ New - 1 yr _____ 1-5 yrs _____ 5-10 yrs _____ 10-20 yrs _____ 20-40 yrs _____ 40 plus yrs
(indicate by number the age of all outbuilding structures present on the lot)

27. Sign Condition: None _____ E _____ G _____ F _____ P

28. Adjoining Railroad: Yes No

29. Adjoining Major Roadway: Yes No

30. Front Yard Setback: Very Limited Limited Adequate

31. Side / Rear or Other Setbacks: Very Limited Limited Adequate

32. Public Utility Impacts: None Major Negative Impact Minor Negative Impact

33. Evidence of Vagrants: Yes No

34. Adjacent Land Use: North _____ South _____ East _____ West _____

35. Adjacent Land Use Compatibility: Compatible Negative Factor / Minor Land Use Conflicts Incompatible / Major Land Use Conflicts

Overall Site Conditions (Rating)

_____ Good _____ Fair _____ Poor

ADDITIONAL NOTES:

**CITY OF ALLIANCE
Planning Commission Minutes
June 14, 2011**

The meeting was called to order at 7:00 P.M. in the Board of Education room of the School Administration Building, located at 1604 Sweetwater Avenue, Alliance, Nebraska.

Item 1: Call Meeting to Order – Roll Call

Present: Brittan, Carr, Davis, Schnell, Bell, Hoff
Absent: Parks, Jones
Others Present: Larry Miller, Interim Community Development Director
Marta Fritzler, Recording Secretary

Amend Agenda: In the absence of Chairman Jones and Vice Chairman Parks, on motion by Bell, 2nd by Brittan, all members present elected Josh Carr as Chairman Pro Tempore.

Item 2: Approval of Amended Agenda: Motion by Davis, 2nd by Schnell, all in attendance approved the agenda as presented.

Item 3: Open Meetings Act Announcement:

Chairman Pro Tempore Carr noted the location of the Open Meetings Act posted within the room.

Item 4: Action on Minutes of the May 10, 2011, Planning Commission Meeting:

Motion by Davis, 2nd by Carr those present unanimously approved the minutes of the May 10, 2011, meeting.

Item 5: Public hearing, review and take action on Substandard and Blight Study proposed for 2142 CR 61, Alliance, Nebraska and described as part of Section 22, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, lying easterly of the BNSF railway right-of-way and other lands:

Public Hearing: Opened 7:03 P.M.

In Favor: Mr. Mike Bacon, attorney representing West Plains Co., spoke in favor of approving the substandard and blight study prepared by Stahr & Associates, Inc., Municipal Planning and Economic Development Consultants from York, Nebraska. They are requesting the area described as 2142 CR 61, Alliance, Nebraska, be declared substandard and blighted in order to proceed with application of Tax Increment Financing (TIF). He explained that

this is a method used extensively throughout Nebraska and he has been a part of several projects, including grain elevators and ethanol plants that have included TIF as part of their plan. Both the County and City will benefit when TIF has ended and the property goes on the tax rolls.

Mr. Orville Stahr of Stahr & Associates, Inc., Municipal Planning and Economic Development Consultants from York, Nebraska also spoke in favor of recommendation of the proposed substandard and blight study. He noted that in order for an area to be declared substandard and blighted in general three criteria must be met:

1. Age of structures
2. Condition or deterioration of buildings
3. Condition or lack of infrastructure

The farmstead directly north of the proposed area is included in the study and as an area the area meets all of the outlined criteria. Mr. Stahr noted that this area has no infrastructure whatsoever.

The Commission was advised that West Plains Co. is waiving any water and sewer hook-ups from the City.

Other lands included in the substandard and blighted study will not be included in any annexation sought by West Plains Co.

John McGhghy, representing Box Butte Development Corporation, also favors approval of the study. He pointed out that it provides an excellent tool for economic development for our city.

Against: None

Public Hearing: Closed 7:23 P.M.

General discussion followed. Dorothy Schnell, owner of property directly to the south of the proposed elevator site questioned what impact this would have on her property if the substandard and blighted designation was approved. Mr. Bacon again spoke and assured her that this would not affect her property value, that nothing would be filed in the records. The one negative aspect could and might be increased traffic flow near her home.

Motion by Bell, 2nd by Hoff to submit the Substandard and Blight Study prepared by Stahr & Associates, Inc., Municipal Planning and Economic Development Consultants from York, Nebraska as presented for 2142 CR 61, Alliance, Nebraska and described as part of Section 22, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, lying easterly of the BNSF railway

right-of-way and other lands, to the Alliance City Council and recommend approval of the Substandard and Blight Study

Ayes: Davis, Schnell, Bell, Brittan, Hoff and Carr

Nays: None

Motion carried.

Item 6: Public hearing, review and take action on proposed Redevelopment Plan proposed by West Plains Co. for an area located at 2142 CR 61, Alliance, Nebraska, and described as that part of the North Half of Section 22, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, lying easterly of the BNSF railway right-of-way:

Public Hearing: Opened 7:31 P.M.

In Favor: Mr. Mike Bacon introduced Bryce Wells, President of West Plains Co. Mr. Wells gave an outline of what West Plains Co. is about, what they do and who they serve. He expressed gratitude to the City and County for their joint efforts in getting this project started and seeing it to fruition. They are excited about the economic growth to our community by constructing this grain handling facility.

Mr. Morey Cade, Director of Business Development for West Plains Co., also spoke in favor of the Redevelopment Plan. Mr. Cade is in charge of the development and design of this project. He spoke about the facility structure and components of the grain handling facility.

Road structure and maintenance are a major concern. Mr. Bacon spoke of working with both the city and county to make the figures work for all involved. He stated that there are both costs and benefits for economic growth. West Plains Co wants what is best for the community and its citizens.

Against: K. J. Hutchinson, County Attorney representing the County Board, spoke against the Redevelopment Plan. She believes there are too many variables in the contract and too many "blanks". She felt they needed more time to work out details and that by hurrying it could potentially cost the city and county more money.

Mr. Bacon answered by informing Ms. Hutchinson that the Planning Commission is neither approving nor denying the Redevelopment Plan but are making their recommendations to City Council (who will be in charge of working out details of the Plan).

It is also the responsibility of the Planning Commission to assure that if they recommend approval of the Plan that it does conform to the Comprehensive Plan adopted by the City. He also stated that this Redevelopment Plan is the initial draft and revisions were undoubtedly going to be made.

Everyone wants a win/win situation for West Plains Co. and the City.

Public Hearing: Closed 8:30 P.M.

No further discussion.

Motion by Hoff, 2nd by Davis to submit the proposed Redevelopment Plan proposed by West Plains Co. for an area located at 2142 CR 61, Alliance, Nebraska, and described as that part of the North Half of Section 22, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska, lying easterly of the BNSF railway right-of-way to the Alliance City Council and recommend approval of the Redevelopment Plan with any changes as negotiated between the parties.

Ayes: Davis, Brittan, Hoff, Carr

Nays: Bell

Abstain: Schnell

Motion carried.

Item 7: Adjournment:

Chairman Pro Tempore Carr adjourned the meeting at 8:35 P.M.