

Narrative

January 3, 2023



RESOLUTION – REDEVELOPMENT CONTRACT 385 APARTMENTS, LLC

City Council approved the Redevelopment Plan for the Alliance Heartland Flats Mall and Apartments at their August 16, 2022 meeting. As discussed when the Redevelopment Plan was presented to Council for 385 Apartments, LLC desired additional economic development revenue from an “enhanced employment area” under the Nebraska community development laws. Council adopted Ordinance No. 2950 at their December 20, 2022 meeting, officially adopting the enhanced employment area and the additional 2% occupation tax.

Now Council has before them the Redevelopment Contract with 385 Apartments, LLC and the Community Redevelopment Authority (CRA). This Contract implements the Heartland Flats Mall and Apartments Redevelopment Project and governs the Redeveloper’s, City’s, and CRA’s respective responsibilities regarding the project, the TIF Bond, and Enhanced Employment Area (EEA) Occupation Tax Revenue Bond. After the Council’s approval, the CRA will consider this Contract for approval at their January 5, 2023 meeting and will authorize the TIF Bond and EEA Bond.

RECOMMENDATION: APPROVE RESOLUTION APPROVING THE REDEVELOPMENT CONTRACT WITH 385 APARTMENTS, LLC AND THE COMMUNITY REDEVELOPMENT AUTHORITY.

RESOLUTION NO. 23-05

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

Recitals:

a. A Redevelopment Plan for the *Alliance Heartland Flats Mall and Apartments Project* by 385 Apartments, LLC (the "Redevelopment Plan") has been submitted to the Alliance Community Redevelopment Authority ("Authority") according to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment.

b. The area to be redeveloped under the Redevelopment Plan is described as Lot 4A, a Replat of Lots 1, 2, and 3 Holsten Addition, a Replat of Block 10 Syndicate Addition, to the City of Alliance, in the SW $\frac{1}{4}$ of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska. This Redevelopment Plan includes a request for tax increment financing from the division of taxes on the Redevelopment Area. This Redevelopment Plan also provides for the designation of an Enhanced Employment Area for purposes of establishing an occupation tax on taxable sales in the following area: Lots 1A, 2A, 3A, and 4A, a Replat of Lots 1, 2, and 3 Holsten Addition, a Replat of Block 10 Syndicate Addition, to the City of Alliance, in the SW $\frac{1}{4}$ of Section 35, Township 25 North, Range 48 West of the 6th P.M., Box Butte County, Nebraska.

c. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2009 Alliance Comprehensive & Long Range Transportation Plan. The Planning Commission recommended approval of the Redevelopment Plan to the Authority and City Council.

d. The Authority and City Council have both approved and adopted the Redevelopment Plan.

e. The City Council adopted Occupation Tax Ordinance No. 2950, on December 20, 2022.

f. The City Council desires to enter into a Redevelopment Contract (the "Contract") with the Authority and 385 Apartments, LLC (the "Redeveloper"), under which the Authority will provide tax increment financing and an enhanced employment area occupation tax revenue bond to the Redeveloper to assist with the implementation of the Redevelopment Plan.

Resolved:

1. The Contract between the City, Authority, and Redeveloper as presented is approved. The Mayor and City Clerk are authorized to sign the Contract on behalf of the City. The Mayor, upon consultation with the City Manager and City Attorney, may make changes and amendments to the Contract and take all actions and execute all documents which the Mayor deems in the best interest of the City in connection with the Redevelopment Plan.

2. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

3. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED this 3rd day of January, 2023.

(SEAL)

Mike Dafney, Mayor

Attest: _____
Tarrah S. Johnson, City Clerk

Approved as to Form and Legality:

Simmons Olsen Law Office, Legal Counsel