

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, October 11, 2021  
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the September 13, 2021 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
  - A. Public Hearing - regarding the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook, said property legally described as Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska (ie. Red Willow County, Nebraska Parcel ID's 001295200 and 001295300) and land located in Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska (ie. Red Willow County, Nebraska, Parcel ID's 000289901, 000289904, and 000289905).
    1. Adjourn the Public Hearing.
  - B. Approve Resolution No. PC 2021-01, making a recommendation to McCook City Council, amending Redevelopment Area #3 by adding additional property to Redevelopment Area #3.
  - C. Public Hearing - Regarding the implementation of a Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.
    1. Adjourn the Public Hearing.
  - D. Approve Resolution No. PC 2021-02, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the North Point Redevelopment Project.
  - E. Public Hearing - Regarding the implementation of an Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.
    1. Adjourn the Public Hearing.
  - F. Approve Resolution No. PC 2021-03, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the Amendment to the Quillan Court Redevelopment Plan.

Adjournment.

**CITY MANAGER'S REPORT  
OCTOBER 11, 2021 PLANNING COMMISSION MEETING**

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**ITEM:**          **1**  

**RECOMMENDATION:**

Approve the minutes of the September 13, 2021 regular meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL**

**IMPACT:**    None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

October 7, 2021

McCook Planning Commission  
September 13, 2021  
5:15 PM Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Vosburg; Vice Chair Hilker; Commissioners Bradley, Davidson, Dueland, Lyons, Mockry.

Absent: Commissioners Friehe, McDowell, Stevens; City Attorney Mustion.

City Officials present: City Manager Schneider, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 10, 2021, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Vosburg announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the August 9, 2021 regular Planning Commission meeting.

Motion to approve the minutes of the August 9, 2021 regular Planning Commission meeting. This motion, made by Hilker and seconded by Vosburg, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA  
YEA: 7, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M, in the City of McCook, Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the proposed Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M, in the City of McCook, Red Willow County, Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by Lyons, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA

YEA: 7, NAY: 0, ABSENT: 3

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 13, 2021 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - proposed Final Plat HCC Subdivision (1 page).

City Manager Schneider reviewed the information presented in Exhibit #1 as it pertained to the proposed HCC Subdivision.

With no one else was present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Dueland, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA

YEA: 7, NAY: 0, ABSENT: 3

2.B. Recommend to the McCook City Council approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA

YEA: 7, NAY: 0, ABSENT: 3

2.C. Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M, in the City of McCook, Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M, in the City of McCook, Red Willow County, Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by Lyons, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA

YEA: 7, NAY: 0, ABSENT: 3

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 13, 2021 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing

published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - City Manager Report prepared for the August 20, 2012 City Council meeting for the Planned Development District approval (18 pages).

City Manager Schneider reviewed the information presented in Exhibit #1 as it pertained to the removal of the PUD designation.

Project Sponsor, Dave Winder, was present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Dueland, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA

YEA: 7, NAY: 0, ABSENT: 3

- 2.D. Recommend to the McCook City Council dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Bradley, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA

YEA: 7, NAY: 0, ABSENT: 3

- 2.E. Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M, in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M, in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM), with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by Lyons, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA

YEA: 7, NAY: 0, ABSENT: 3

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 13, 2021 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - City Manager Report prepared for the August 20, 2012 City Council meeting for the Planned Development District and zoning change approval (18 pages).

City Manager Schneider reviewed the information presented in Exhibit #1 as it pertained to the requested zoning change.

Project Sponsor, Dave Winder, was present to address questions from the Commission.

With no one else present, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Hilker, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA  
YEA: 7, NAY: 0, ABSENT: 3

2.F. Recommend to the McCook City Council the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

Motion to recommend to the McCook City Council approval of the zoning change for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM). This motion, made by Vosburg and seconded by Lyons, passed.

Vosburg: YEA, Hilker: YEA, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: ABSENT, Stevens: ABSENT, Mockry: YEA  
YEA: 7, NAY: 0, ABSENT: 3

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 5:43 P.M.

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Lea Ann Doak  
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT  
OCTOBER 11, 2021 PLANNING COMMISSION MEETING**

**2.A.**  
ITEM NO. \_\_\_ Public Hearing - Regarding the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook, said property legally described as Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska (ie. Red Willow County, Nebraska, Parcel ID's 001295200 and 001295300) and land located in Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska (ie. Red Willow County, Nebraska, Parcel ID's 000289901, 000289904, and 000289905).

**2.B.**  
ITEM NO. \_\_\_ Approve Resolution No. PC 2021-~~01~~, making a recommendation to McCook City Council, amending Redevelopment Area #3 by adding additional property to Redevelopment Area #3.

ITEM NO. \_\_\_ Public Hearing - Regarding the implementation of a Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

ITEM NO. \_\_\_ Approve Resolution No. PC 2021-~~02~~, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the North Pointe Redevelopment Plan.

ITEM NO. \_\_\_ Public Hearing - Regarding the implementation of an Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.

ITEM NO. \_\_\_ Approve Resolution No. PC 2021-~~03~~, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the Amendment to the Quillan Court Redevelopment Plan.

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**BACKGROUND:**

There are three items before the McCook Planning Commission for consideration: 1) Amendment to Redevelopment Area #3 of the City of McCook, Nebraska; 2) Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska; and 3) Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.

**1) Amendment to Redevelopment Area #3 of the City of McCook, Nebraska.**

The McCook Economic Development Corporation owns two parcels of property that are adjacent to Redevelopment Area #3. MEDC would like to extend Redevelopment Area #3 to include the two parcels of land. The first parcel of property is located adjacent to East 11<sup>th</sup> Street, just south of Kelley Creek Apartments. The second parcel of property is located adjacent to West 7<sup>th</sup> Street and is located on the east side of the Clary Subdivision. A map illustrating the exact location of the two areas is included with these materials. Under the Nebraska Community Development Law (the "Act"), land cannot be added to an existing community redevelopment area unless (1) the additional land is declared blighted or substandard within the meaning of the Act or (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan. This second prong was added as an allowable modification as a result of a Nebraska Supreme Court decision, Fitzke v.

**EXHIBIT #1**

**PAGE(S) - 3**

City of Hastings, 255 Neb. 46, 61 (1998). The proposed amendment incorporates both prongs of the test.

With respect to the land located adjacent to East 11<sup>th</sup>, the larger parcel is landlocked (Parcel ID 001295200) and can only be developed through the use of current city right of way (Parcel ID 001295300). A breakdown of the blight related deficiencies for the land located adjacent to East 11<sup>th</sup> are included in the Amendment to Redevelopment Area #3 starting on page 6. Additionally, applying the Fitzke test to the property adjacent to East 11<sup>th</sup> Street, the property at issue cannot be properly developed but for including the area in Redevelopment Area #3. The land would be suitable for residential development, however, such development is stymied by the fact that it was not originally included in Redevelopment Area #3. The property should have been included in Redevelopment Area #3 in order to accomplish the goals of the existing redevelopment area.

With respect to the land located adjacent to West 7<sup>th</sup> Street, all three lots proposed to be blighted touch West 7<sup>th</sup> Street. Under the first prong of the redevelopment test, without a blight designation, there will continue to be a defective or inadequate street layout. Over the past few years, action has been taken to develop Clary Subdivision. In order to properly develop the land located within Clary Subdivision, there must be street access to West 7<sup>th</sup> Street. This must occur to assure there is proper ingress and egress for safety vehicles and solid refuse vehicles. The lack of West 7<sup>th</sup> Street ingress and egress could endanger life or property due to fire or other safety hazards. Additionally, under the Fitzke test, adding the three lots adjacent to West 7<sup>th</sup> Street is reasonably necessary to accomplish the implementation of the existing redevelopment plan. The Clary Subdivision area has seen an up-tick in residential development over the course of the last five years. In order to continue with necessary residential development projects, the three parcels at issue need to be added to Redevelopment Area #3 in order to provide proper infrastructure to continue needed community development.

## **2) Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.**

In 2013, a Redevelopment Plan was passed by the City of McCook which paved the way for the use of Tax Increment Financing (TIF) for the first phase of the North Pointe Project. As a result of the Plan, six residential properties were built in the Clary Subdivision. The properties are all located north of West R Street. There are similar plans for residential construction north of the first phase. In order to use TIF on any future redevelopment projects in this area, a second Redevelopment Plan is necessary. The purpose of the newly proposed Redevelopment Plan is to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions. The Project Site is currently vacant and requires substantial public infrastructure improvements to be developable. Due to the lack of public infrastructure, the Developer (ie. MEDC) has been unable to attract a builder or developer to undertake any residential development on the Project Site. At a minimum, public water, sanitary sewer, and streets must be extended to the Project Site. In accordance with the Nebraska Community Development Act, the City of McCook has reviewed MEDC's request in conjunction with the statutory criteria required to proceed with a redevelopment project (see Exhibit "B" - Statutory Elements). Based on the City's review, the approval of this Redevelopment Plan will not have negative consequences for the area at issue. As part of the Redevelopment Plan, a cost-benefit analysis has been conducted. The projection contained within the analysis is a rough estimate and an amendment to the Redevelopment Plan may be necessary as project discussions continue. MEDC has visioned a residential construction project that would yield 25 new residences within the Clary Subdivision. Assuming

a valuation of \$200,000 for each of the 25 homes, the projected final valuation for the Project would be approximately \$5,069,543. The current valuation of the land at issue is \$69,543. The projected tax increment base is \$5,000,000. At the estimated tax levy of 1.922795, the projected annual tax shift is \$96,140. These funds would be available to pay down the qualifying expenses included in a Tax Increment Financing Bond. Some of the qualifying expenses include streets, water, and sewer projects.

**3) Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.**

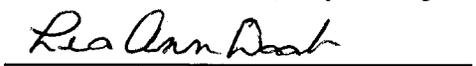
In 2015, a Redevelopment Plan was passed by the City of McCook which paved the way for the use of TIF for the Quillan Court Project. As a result of the Plan, 16 new housing units were built in the Clary Subdivision. An area in the southwest portion of the Quillan Courts project was not utilized for the building project at the time. Since 2015, the MEDC has split the lot into two lots. MEDC would like to construct two residential properties, one on each lot. In order to assist with the project, TIF can be used. The proposed Amendment to the Quillan Court Redevelopment Plan contemplates separating the previously constructed project from the newly proposed project. As was mentioned with respect to the North Pointe Redevelopment Plan, the City of McCook has reviewed the Plan in conjunction with the statutory elements found within the Nebraska Community Development Act. Staff believes the project can occur without negatively impacting the surrounding neighborhood. Additionally, a cost-benefit analysis has been completed in order to determine whether the Redevelopment Plan would generate funds to satisfy a TIF Bond. The current valuation of the property at issue is \$11,421. It is estimated that the projected completed project assessed valuation will be \$236,172, for a projected tax increment base of \$224,751. At the current tax levy, the annual projected tax shift would be \$4,322 annually that could be used to pay toward the bond. There is \$47,600 of TIF eligible expenditures that could be offset by the annual tax payments.

**APPROVALS:**



Nathan A. Schneider, City Manager

October 6, 2021



Lea Ann Doak, City Clerk

October 6, 2021

## NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska.

- (b) the West 7th Street right of way between "Q" Street and Spruce Street and the two parcels located between West 7th Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence  $N00^{\circ}06'58''W$  (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence  $S85^{\circ}38'36''E$  along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence  $N00^{\circ}34'20''W$  a distance of 633.34 feet, thence  $S85^{\circ}38'35''E$  a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence  $S00^{\circ}34'20''E$  a distance of 479.68 feet, thence  $N85^{\circ}38'36''W$  a distance of 81.20 feet to the Point of Beginning.

And

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

**EXHIBIT #2**

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Thence N00°27'00"W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9°20'00" a distance of 238.71 feet to a point;

Thence N08°52'00"E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska,

#### EXCEPT

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning

2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a

specific redevelopment project. The property that is the subject of this notice and of the public hearings is a portion of Parcel ID 001002000 generally located near West 7th Street and West "R" Street, in the City of McCook, Nebraska and legally described as follows:

Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak  
City Clerk

[Publish by September 24, 2021 and October 1, 2021]

COPIES OF NOTICES MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chairman of the Board  
Middle Republican NRD  
222 Center Ave  
PO Box 47  
Curtis, NE 690025-0047

Earl McNutt, Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Tom Bredvick, President  
McCook School District  
600 West 7th  
McCook, NE 69001

**EXHIBIT #3**

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P.O. BOX 1059 · 505 West C Street · McCook, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

September 28, 2021

CERTIFIED MAIL  
McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska.

- (b) the West 7th Street right of way between "Q" Street and Spruce Street and the two parcels located between West 7th Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

And

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

Thence N00°27'00"W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9°20'00" a distance of 238.71 feet to a point;

Thence N08°52'00"E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska,

EXCEPT

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly

along a curve having a radius of 2108 feet, a distance of 153.32 feet,  
thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W  
a distance of 81.20 feet to the Point of Beginning

2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a specific redevelopment project. The property that is the subject of this notice and of the public hearings is a portion of Parcel ID 001002000 generally located near West 7th Street and West "R" Street, in the City of McCook, Nebraska and legally described as follows:

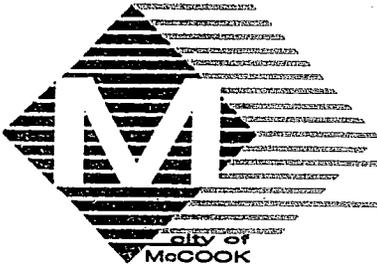
Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

September 28, 2021

CERTIFIED MAIL  
Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

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Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska,

EXCEPT

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows:

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2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

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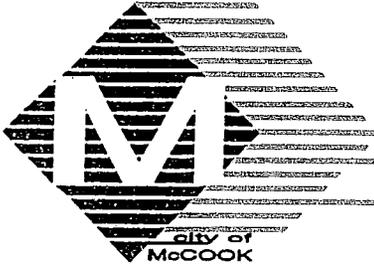
Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461



September 28, 2021

CERTIFIED MAIL  
Chairman of the Board  
Middle Republican NRD  
222 Center Ave  
PO Box 47  
Curtis, NE 690025-0047

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

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Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

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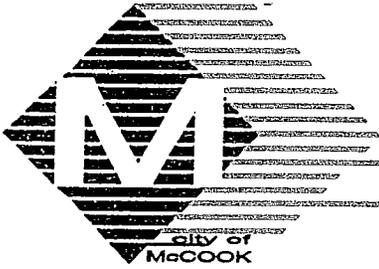
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Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

September 28, 2021

CERTIFIED MAIL  
Earl McNutt, Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

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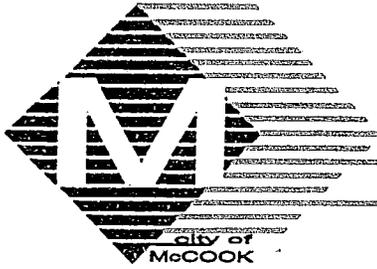
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Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461



September 28, 2021

CERTIFIED MAIL  
Tom Bredvick, President  
McCook School District  
600 West 7th  
McCook, NE 69001

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

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#### EXCEPT

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Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a specific redevelopment project. The property that is the subject of this notice and of the public hearings is a portion of Parcel ID 001002000 generally located near West 7th Street and West "R" Street, in the City of McCook, Nebraska and legally described as follows:

Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

Respectfully,



Lea Ann Doak  
City Clerk-Treasurer

**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2021-01  
(Amendment to Redevelopment Area #3)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, TO AMEND REDEVELOPMENT AREA #3, ADD ADDITIONAL PROPERTY TO REDEVELOPMENT AREA #3.**

**RECITALS**

A. The Community Development Agency of the City of McCook, Nebraska has submitted the question of whether Redevelopment Area # 3 should be amended to add certain real property to the Redevelopment Area as set forth in the said amendment. A copy of said amendment to the Redevelopment Plan is on file and available for public inspection with the City Clerk (the "Amendment").

B. Notice of public hearing regarding the question of whether the Amendment should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

C. On October 11, 2021, the Planning Commission held a public hearing relating to the question of whether the Amendment should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

D. The Planning Commission has reviewed the Amendment and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found and recommended by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), as follows:

1. Based on the criteria set forth in the Amendment, it is reasonably necessary to add the additional property identified in the Amendment to the Redevelopment Area to accomplish the implementation of the CDA's existing plan for redevelopment of the Redevelopment Area.
2. The Amendment will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the

**EXHIBIT #4**

**PAGE(S) - 2**

community in conformance with the legislative declarations and determinations set forth in the Act.

3. The Amendment is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

BE IT RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend approval of the Amendment by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 11<sup>th</sup> day of October, 2021.

PLANNING COMMISSION OF THE CITY  
OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Kurt Vosburg, Chair

ATTEST:

By: \_\_\_\_\_  
Lea Ann Doak  
City Clerk/Secretary

**AMENDMENT TO REDEVELOPMENT AREA #3  
OF THE CITY OF MCCOOK, NEBRASKA**

**INTRODUCTION**

The City of McCook, Nebraska ("City") has declared certain areas within the City blighted and substandard pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"). The designated redevelopment areas in the City are set forth on the attached and incorporated Exhibit "A" ("Current Redevelopment Area Map"). The Current Redevelopment Area Map includes the redevelopment area designated as Redevelopment Area #3, which is the subject of this Amendment.

Pursuant to the Act, the City created the Community Development Agency of the City of McCook ("CDA"), which administers the redevelopment activities for the City. The purpose of this Amendment is to add additional property to Redevelopment Area #3 which is reasonably necessary to accomplish the implementation of the CDA's plan for redevelopment, as further described herein.

**THE PROPERTY TO BE ADDED TO REDEVELOPMENT AREA #3**

The additional property is identified and legally described as follows:

- (a) The East 11<sup>th</sup> Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11<sup>th</sup> Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska

("Additional Land 1")

- (b) The West 7<sup>th</sup> Street right of way between Q Street and Spruce Street and the two parcels located between West 7<sup>th</sup> Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

**EXHIBIT #5**

**PAGE(S) - 12**

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

And

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

Thence N00°27'00"W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9°20'00" a distance of 238.71 feet to a point;

Thence N08°52'00"E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE¼ of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska.

EXCEPT

A tract of land located in the NE¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

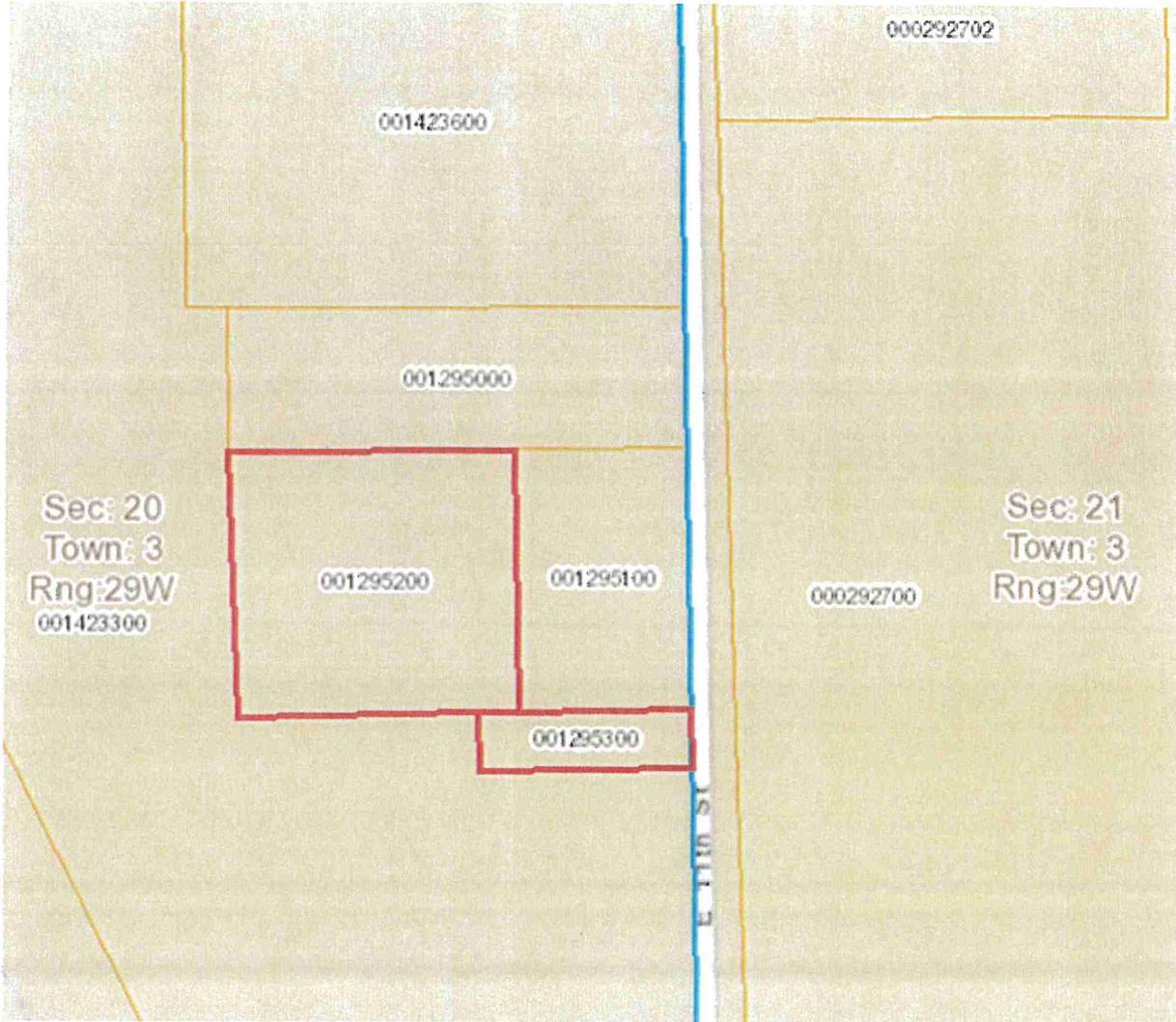
Referring to the SW corner of the said NE¼ of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the ¼ section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning

("Additional Land 2")

Additional Land 1 and Additional Land 2 are collectively referred to herein as the "Additional Land".

### Additional Land 1

Additional Land 1 consists of a parcel platted for right of way and owned by the City (PID 001295300) and a vacant and landlocked parcel owned by the McCook Economic Development Corporation (PID 001295200). Additional Land 1 is depicted below:

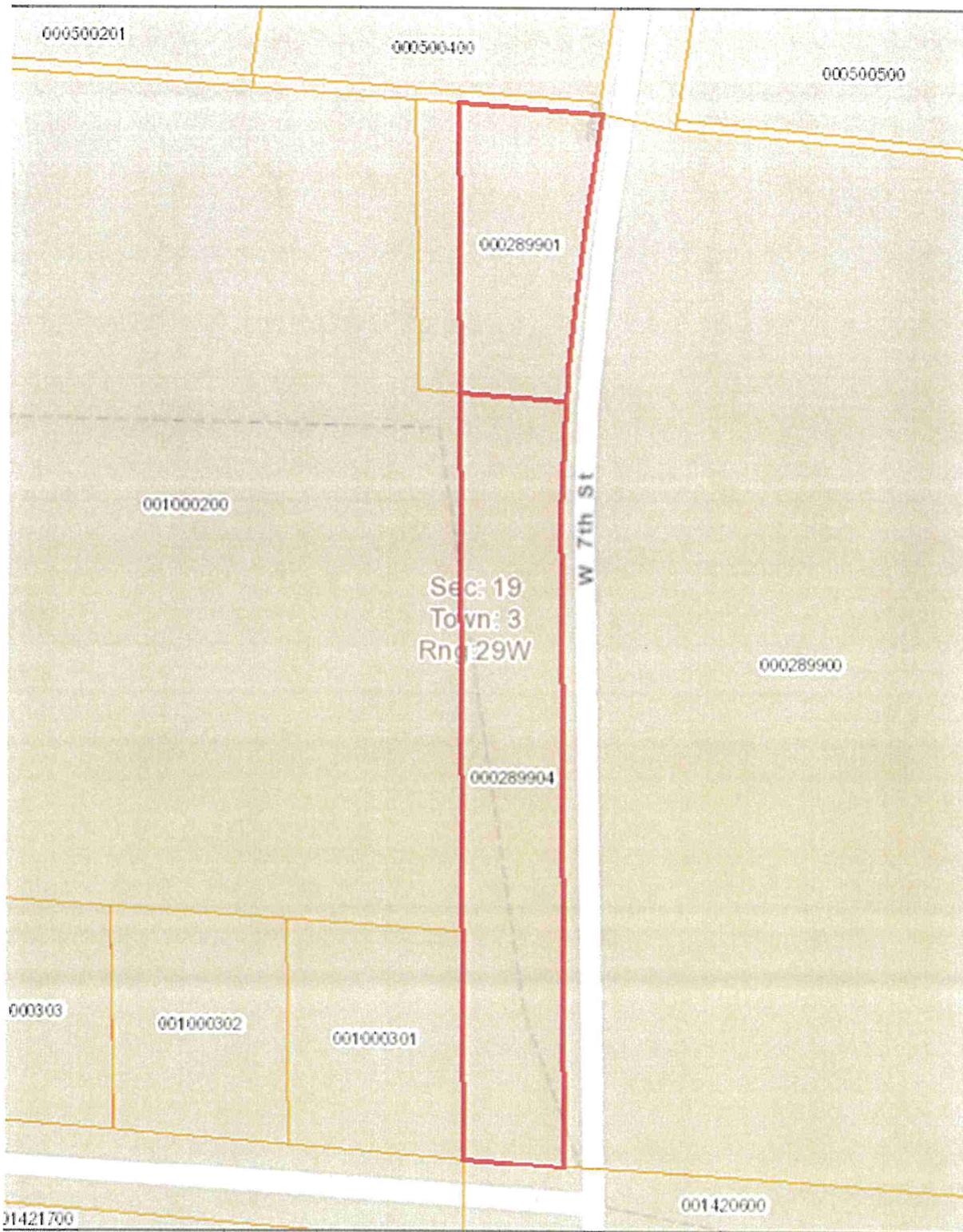


Additional Land 1 is shown in connection with the existing Redevelopment Area #3 on the following images:

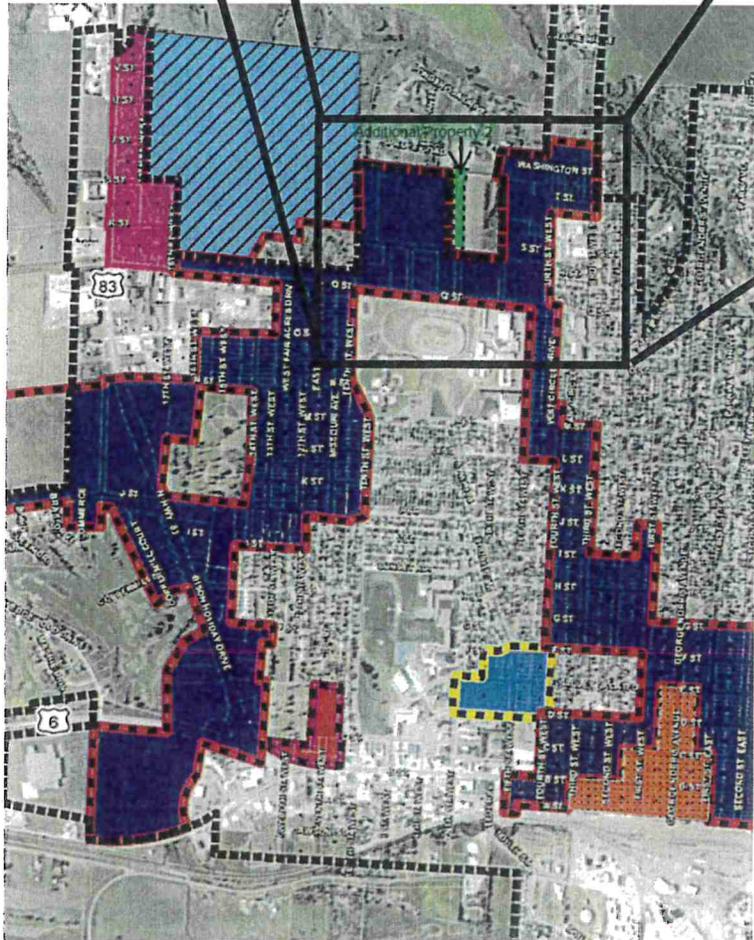
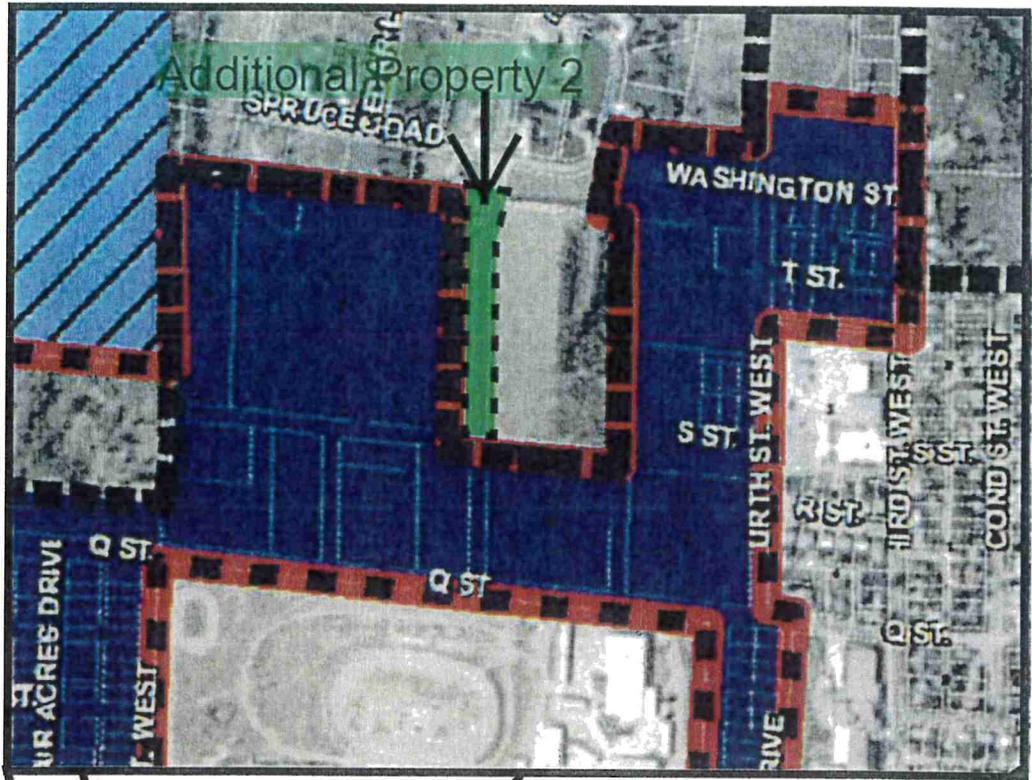


**Additional Land 2**

Additional Land 2 consists of an approximately 80 foot strip of land owned by the McCook Economic Development Corporation located between the existing Redevelopment Area # 3 and West 7<sup>th</sup> Street (PID 000289904) and the parcel directly the north of said parcel located between the existing Redevelopment Area # 3 and West 7<sup>th</sup> Street (PID 000289901). Additional Land 2 is depicted below:



Additional Land 2 is shown in connection with the existing Redevelopment Area #3 on the following images:



## **ADDITION OF PROPERTY TO THE REDEVELOPMENT AREA**

The location and condition of the Additional Parcels for the Project presents a unique circumstance that must be addressed in this Amendment. Under the Act, land cannot be added to an existing community redevelopment area unless (1) the additional land is declared blighted or substandard within the meaning of the Act or (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan. See Fitzke v. City of Hastings, 255 Neb. 46, 61 (1998).

Pursuant to the Act, a blighted area means an area:

(a) 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,
- 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 life or property by fire and 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:

(b) in which there is at least one of the following conditions:

- (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average;
- (ii) the average age of the residential or commercial units in the area is at least forty years;
- (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time;
- (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or
- (v) the area has had either stable or decreasing population based on the last two decennial censuses.

Neb. Rev Stat. § 18-2103(3).

The Additional Land meets the blight criteria. Substantial compliance with the blight criteria should be a consideration in the determination that adding the Additional Land to Redevelopment Area #3 is appropriate even though not required under the Fitzke analysis. The Additional Land includes:

- an existence of defective or inadequate street layout.
  - Additional Land 1 is a parcel that was platted, but should be and can only be utilized as public right of way (PID 001295300), and a landlocked parcel (PID 001295200) that cannot be accessed unless the aforementioned parcel is utilized as public right of way.
  - Additional Land 2 contains a long parcel that separates Redevelopment Area #3 from West 7<sup>th</sup> Street. Without access to West 7<sup>th</sup> Street, the development of this portion of Redevelopment Area #3 is impeded because of limited access for safety vehicles and for adequate traffic flow that will be required for any development.
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness
  - See the statements above. The parcels contained in the Additional Land are inadequate for reasonable use based primarily on accessibility concerns. The lack of accessibility to West 7<sup>th</sup> Street from Redevelopment Area #3 through Additional Land 2 impedes any reasonable development opportunities.
- improper subdivision or obsolete platting,
  - See the statements above.
- the existence of conditions which endanger life or property by fire and other causes
  - In particular, the inability to develop access through Additional Land 2 as part of a redevelopment project would create a safety concern for any development of the adjacent portion of Redevelopment Area #3. Another access point for fire and police vehicles is necessary to protect the life and safety of the occupants of any development in this area
- Based on the combination of these factors, excluding the Additional Land from Redevelopment Area #3 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.
- Finally, the Additional Land has had either stable or decreasing population based on the last two decennial censuses. The Additional Land is vacant and undevelopable. It will remain vacant and unusable unless it is developed, and development is unlikely if it is not included in the Redevelopment Area. Therefore, not only is the exclusion of the Additional Land impeding the development of Redevelopment Area #3, but it is unlikely that these conditions will be ameliorated on their own.

Pursuant to the Act, a substandard area means an area in which there is a predominance of buildings or improvements, whether nonresidential 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 and overcrowding, or 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, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare. Neb. Rev Stat. § 18-2103(31). Because of the small size of the vacant parcels, the definition of substandard is not appropriate to apply to the parcels on their own. However, regardless of the blight and substandard analysis, the Additional Land needs to be added to Redevelopment Area # 3 in order to implement the CDA's plan for development of the Redevelopment Area, as set forth in the Supreme Court's Fitzke decision.

For the reasons stated above and the additional reasons set forth below, the Additional Land is necessary to implement the CDA's plan for redevelopment of Redevelopment Area #3:

- Additional Land 1 includes a landlocked parcel adjacent to Redevelopment Area #3 and a parcel that is inadequate for any use other than public street. Adding Additional Land 1 to the Redevelopment Area will allow the opportunity to create the necessary public infrastructure to provide access to the landlocked parcel and provide additional access to the adjacent portion of Redevelopment Area #3.
- Without adding the Additional Land to the Redevelopment Area, the portion of Redevelopment Area #3 adjacent to Additional Land 2 cannot be adequately redeveloped for the highest and best use. There is a lack of access and accessibility that is detrimental to the safety of any development in this area. Fire and safety concerns are substantial if there is not additional access to West 7<sup>th</sup> Street. Without additional access, the area will remain in blighted and substandard condition.
- The Additional Land is adjacent to Redevelopment Area #3 and public right of way. It is not clear why these parcels were not originally included in Redevelopment Area #3 to provide the area with the necessary connection to the public streets.
- The Additional Land has the same characteristics as the adjacent land located within Redevelopment Area #3, and there is not obvious reason why the Redevelopment Area was cut off at the current boundary.
- The initial blight and substandard study for Redevelopment Area #3 conducted by Hanna:Keelan in 2013 indicates that the additional land may be considered for expansion of the Redevelopment Area "where projects must be brought to a logical boundary to accommodate new development and ensure accessibility".
- The addition of the Additional Land to Redevelopment Area #3 does not cause any unreasonable changes to the boundaries when considering the overall Redevelopment Area. In fact, adding the Additional Property to the

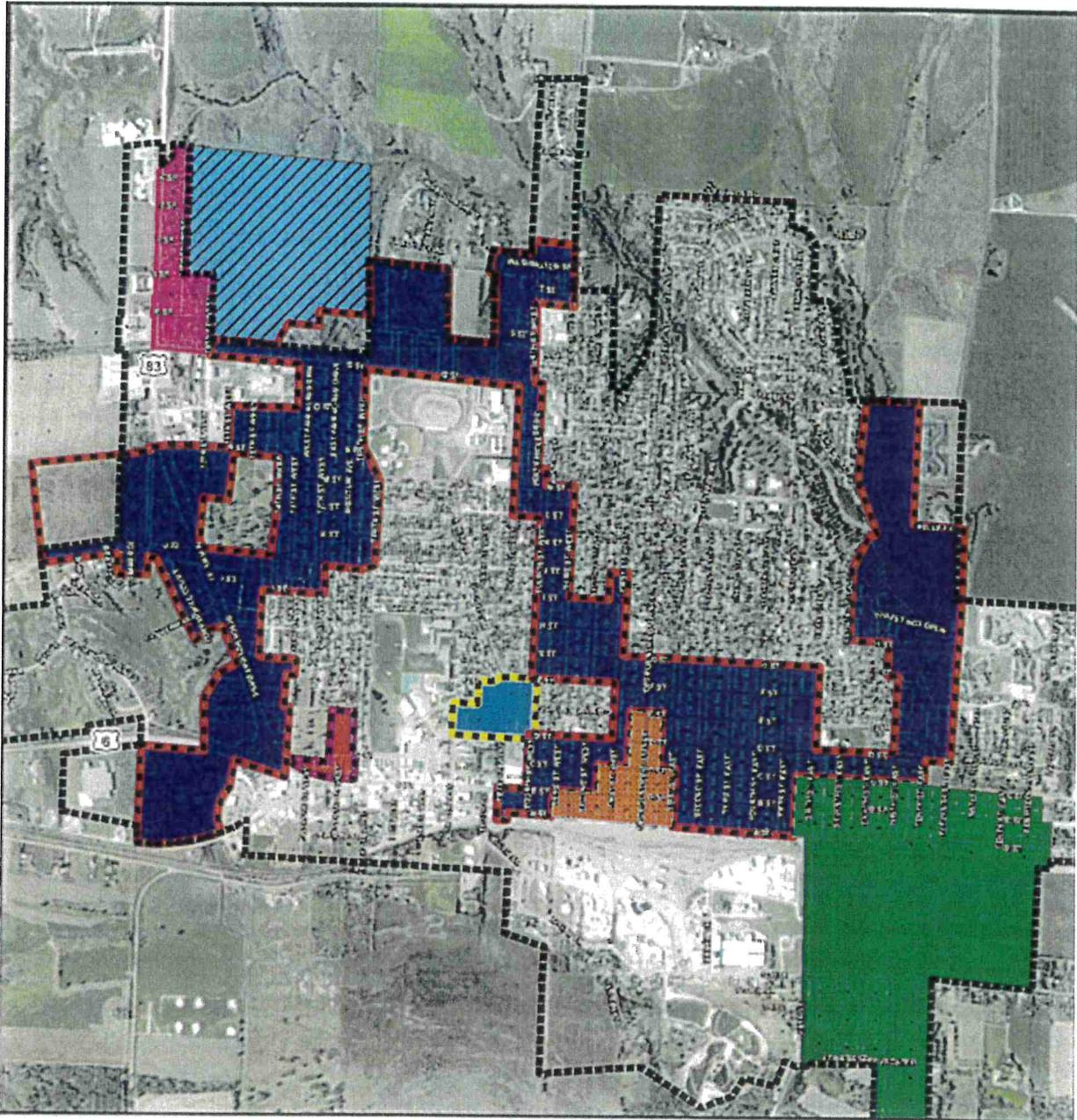
Redevelopment Area actually creates a more uniform and coherent border to the Redevelopment Area and better access to public streets to make the area more conducive to redevelopment.

- The General Redevelopment Plan for Redevelopment Area #3, which was initially prepared by Hanna:Keelan in 2013, identified several recommended public improvements, including the use of TIF for street and other infrastructure improvements.
- The General Redevelopment Plan for Redevelopment Area #3 identifies the proposed use of the portion of the Redevelopment Area adjacent to Additional Land 2 as residential, but the lack of multiple sufficient access streets is impeding this plan.
- The General Redevelopment Plan and the Comprehensive Plan do not indicate any reason why the Redevelopment Area was cut off at the current boundary or why this Additional Land could not be included in the Redevelopment Area.
- Adding the Additional Land to the Redevelopment Area does not exceed the City's statutory limitations on blighted area.
  - Prior to this Amendment, 29.2% of the City has been declared blighted and substandard (1,020.09 acres out of 3,494.41 acres).
  - The Additional Land is approximately 4.9 acres.
  - Adding the Additional Land would result in 29.3% of the City has been declared blighted and substandard.
- The CDA believes that it is more in line with the statutory intent of the Community Development Law to add the Additional Land, which consists of small undevelopable parcels adjacent to the existing Redevelopment Area, rather than to undertake a blight and substandard analysis of a single parcel. It is more appropriate to consider the blighted and substandard conditions across the entire area as a whole rather than focusing on a specific parcel(s).

Based upon the factors set forth above, the benefits to the existing Redevelopment Area #3, the terms of the existing redevelopment plan, and other general considerations of the plan for the overall development of the City, the CDA has distinguished the facts of the Additional Land from the additional property that was specifically considered in the Fitzke case and, unlike Fitzke, the CDA has determined that adding the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan and the redevelopment of property already located within the Redevelopment Area.

Because adding the Additional Land is reasonably necessary to accomplish the implementation of the overall goals of the CDA's redevelopment plan, this Amendment shall include the addition of the Additional Land to the Redevelopment Area. Therefore, the boundaries of the Redevelopment Area are hereby extended to include all of the Additional Land, and the official map and description of the Redevelopment Area shall be updated to include the Additional Land, as set forth on the attached and incorporated Exhibit "B".

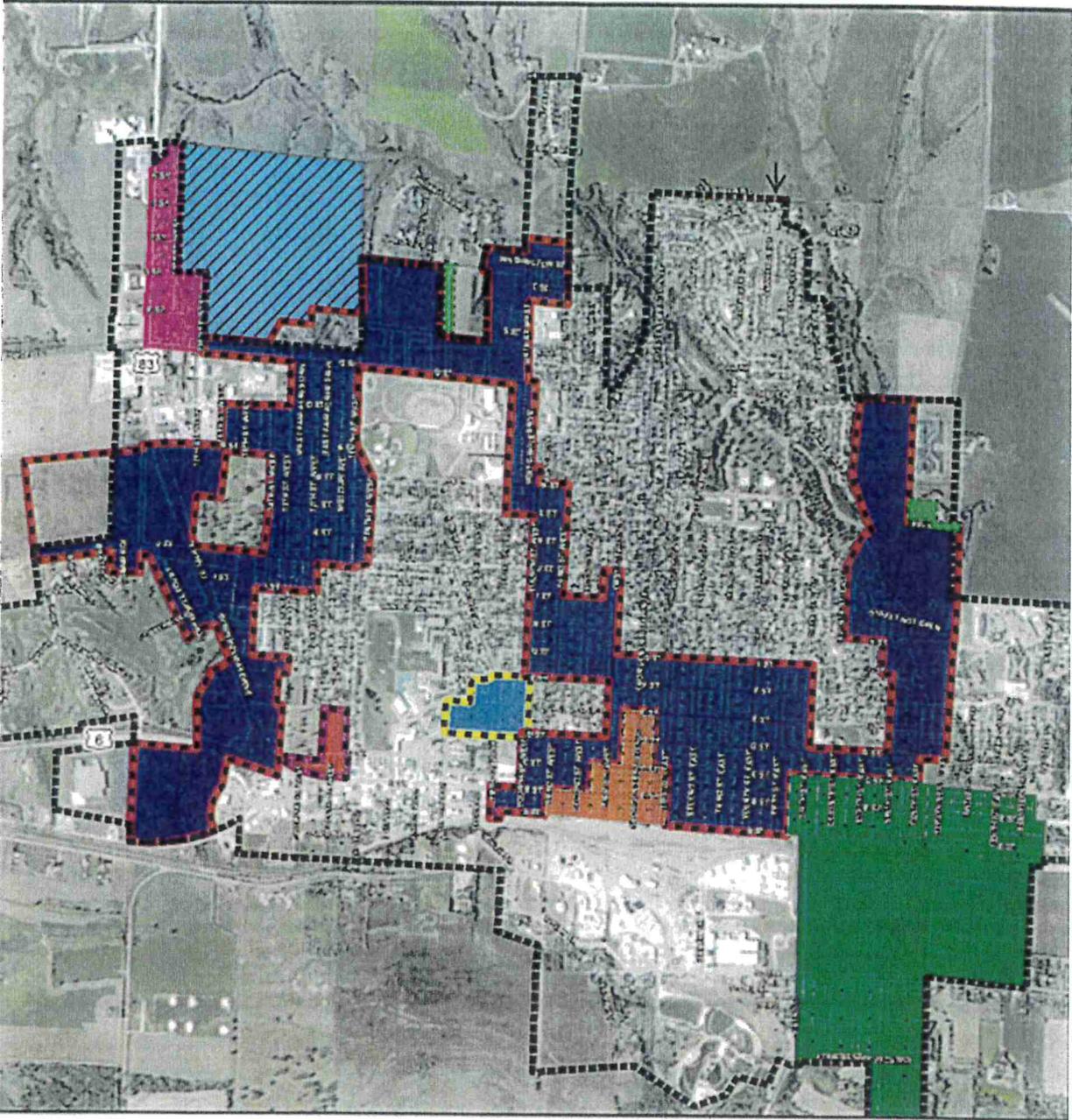
## Exhibit A Current Redevelopment Area Map



**Legend**

- |   |  |
|---|--|
|  McCook Corp. Boundary (3494.41 AC.) |  Amendment to Redevelopment Area #3 (17.43 AC.) |
|  1997 Area #1 (30.13 AC.)            |  Redevelopment Area #4 (8.62 AC.)               |
|  1997 Area #2 (263.69 AC.)           |  2019 Area 5 [Inside] (46.57 AC.)               |
|  2013 Area 3 (698.29 AC.)            |  2019 Area 5 [Outside] (124.06 AC.)             |
|  2013 Area #3 [Inside] (644.31 AC.)  |  |

## Exhibit B New Redevelopment Area Map



**Legend**

- |   |  |
|---|--|
|  McCook Corp. Boundary (3494.41 AC.) |  Amendment to Redevelopment Area #3 (17.43 AC.) |
|  1997 Area #1 (30.13 AC.)            |  Redevelopment Area #4 (8.62 AC.)               |
|  1997 Area #2 (263.69 AC.)           |  2019 Area 5 [Inside] (46.57 AC.)               |
|  2013 Area 3 (698.29 AC.)            |  2019 Area 5 [Outside] (124.06 AC.)             |
|  2013 Area #3 [Inside] (644.31 AC.)  |  Amendment to Redevelopment Area #3 (4.9 AC.)   |

**CITY MANAGER'S REPORT  
OCTOBER 11, 2021 PLANNING COMMISSION MEETING**

ITEM NO. \_\_ Public Hearing - Regarding the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook, said property legally described as Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska (ie. Red Willow County, Nebraska, Parcel ID's 001295200 and 001295300) and land located in Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska (ie. Red Willow County, Nebraska, Parcel ID's 000289901, 000289904, and 000289905).

ITEM NO. \_\_ Approve Resolution No. PC 2021-~~01~~, making a recommendation to McCook City Council, amending Redevelopment Area #3 by adding additional property to Redevelopment Area #3.

**2.C.**

ITEM NO. \_\_ Public Hearing - Regarding the implementation of a Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

**2.D.**

ITEM NO. \_\_ Approve Resolution No. PC 2021-~~02~~, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the North Pointe Redevelopment Plan.

ITEM NO. \_\_ Public Hearing - Regarding the implementation of an Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.

ITEM NO. \_\_ Approve Resolution No. PC 2021-~~03~~, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the Amendment to the Quillan Court Redevelopment Plan.

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**BACKGROUND:**

There are three items before the McCook Planning Commission for consideration: 1) Amendment to Redevelopment Area #3 of the City of McCook, Nebraska; 2) Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska; and 3) Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.

**1) Amendment to Redevelopment Area #3 of the City of McCook, Nebraska.**

The McCook Economic Development Corporation owns two parcels of property that are adjacent to Redevelopment Area #3. MEDC would like to extend Redevelopment Area #3 to include the two parcels of land. The first parcel of property is located adjacent to East 11<sup>th</sup> Street, just south of Kelley Creek Apartments. The second parcel of property is located adjacent to West 7<sup>th</sup> Street and is located on the east side of the Clary Subdivision. A map illustrating the exact location of the two areas is included with these materials. Under the Nebraska Community Development Law (the "Act"), land cannot be added to an existing community redevelopment area unless (1) the additional land is declared blighted or substandard within the meaning of the Act or (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan. This second prong was added as an allowable modification as a result of a Nebraska Supreme Court decision, Fitzke v.

**EXHIBIT #1**

**PAGE(S) - 3**

City of Hastings, 255 Neb. 46, 61 (1998). The proposed amendment incorporates both prongs of the test.

With respect to the land located adjacent to East 11<sup>th</sup>, the larger parcel is landlocked (Parcel ID 001295200) and can only be developed through the use of current city right of way (Parcel ID 001295300). A breakdown of the blight related deficiencies for the land located adjacent to East 11<sup>th</sup> are included in the Amendment to Redevelopment Area #3 starting on page 6. Additionally, applying the Fitzke test to the property adjacent to East 11<sup>th</sup> Street, the property at issue cannot be properly developed but for including the area in Redevelopment Area #3. The land would be suitable for residential development, however, such development is stymied by the fact that it was not originally included in Redevelopment Area #3. The property should have been included in Redevelopment Area #3 in order to accomplish the goals of the existing redevelopment area.

With respect to the land located adjacent to West 7<sup>th</sup> Street, all three lots proposed to be blighted touch West 7<sup>th</sup> Street. Under the first prong of the redevelopment test, without a blight designation, there will continue to be a defective or inadequate street layout. Over the past few years, action has been taken to develop Clary Subdivision. In order to properly develop the land located within Clary Subdivision, there must be street access to West 7<sup>th</sup> Street. This must occur to assure there is proper ingress and egress for safety vehicles and solid refuse vehicles. The lack of West 7<sup>th</sup> Street ingress and egress could endanger life or property due to fire or other safety hazards. Additionally, under the Fitzke test, adding the three lots adjacent to West 7<sup>th</sup> Street is reasonably necessary to accomplish the implementation of the existing redevelopment plan. The Clary Subdivision area has seen an up-tick in residential development over the course of the last five years. In order to continue with necessary residential development projects, the three parcels at issue need to be added to Redevelopment Area #3 in order to provide proper infrastructure to continue needed community development.

## **2) Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.**

In 2013, a Redevelopment Plan was passed by the City of McCook which paved the way for the use of Tax Increment Financing (TIF) for the first phase of the North Pointe Project. As a result of the Plan, six residential properties were built in the Clary Subdivision. The properties are all located north of West R Street. There are similar plans for residential construction north of the first phase. In order to use TIF on any future redevelopment projects in this area, a second Redevelopment Plan is necessary. The purpose of the newly proposed Redevelopment Plan is to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions. The Project Site is currently vacant and requires substantial public infrastructure improvements to be developable. Due to the lack of public infrastructure, the Developer (ie. MEDC) has been unable to attract a builder or developer to undertake any residential development on the Project Site. At a minimum, public water, sanitary sewer, and streets must be extended to the Project Site. In accordance with the Nebraska Community Development Act, the City of McCook has reviewed MEDC's request in conjunction with the statutory criteria required to proceed with a redevelopment project (see Exhibit "B" - Statutory Elements). Based on the City's review, the approval of this Redevelopment Plan will not have negative consequences for the area at issue. As part of the Redevelopment Plan, a cost-benefit analysis has been conducted. The projection contained within the analysis is a rough estimate and an amendment to the Redevelopment Plan may be necessary as project discussions continue. MEDC has visioned a residential construction project that would yield 25 new residences within the Clary Subdivision. Assuming

a valuation of \$200,000 for each of the 25 homes, the projected final valuation for the Project would be approximately \$5,069,543. The current valuation of the land at issue is \$69,543. The projected tax increment base is \$5,000,000. At the estimated tax levy of 1.922795, the projected annual tax shift is \$96,140. These funds would be available to pay down the qualifying expenses included in a Tax Increment Financing Bond. Some of the qualifying expenses include streets, water, and sewer projects.

**3) Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.**

In 2015, a Redevelopment Plan was passed by the City of McCook which paved the way for the use of TIF for the Quillan Court Project. As a result of the Plan, 16 new housing units were built in the Clary Subdivision. An area in the southwest portion of the Quillan Courts project was not utilized for the building project at the time. Since 2015, the MEDC has split the lot into two lots. MEDC would like to construct two residential properties, one on each lot. In order to assist with the project, TIF can be used. The proposed Amendment to the Quillan Court Redevelopment Plan contemplates separating the previously constructed project from the newly proposed project. As was mentioned with respect to the North Pointe Redevelopment Plan, the City of McCook has reviewed the Plan in conjunction with the statutory elements found within the Nebraska Community Development Act. Staff believes the project can occur without negatively impacting the surrounding neighborhood. Additionally, a cost-benefit analysis has been completed in order to determine whether the Redevelopment Plan would generate funds to satisfy a TIF Bond. The current valuation of the property at issue is \$11,421. It is estimated that the projected completed project assessed valuation will be \$236,172, for a projected tax increment base of \$224,751. At the current tax levy, the annual projected tax shift would be \$4,322 annually that could be used to pay toward the bond. There is \$47,600 of TIF eligible expenditures that could be offset by the annual tax payments.

**APPROVALS:**



Nathan A. Schneider, City Manager

October 6, 2021



Lea Ann Doak, City Clerk

October 6, 2021

## NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska.

- (b) the West 7th Street right of way between "Q" Street and Spruce Street and the two parcels located between West 7th Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

And

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

**EXHIBIT #2**

**PAGE(S) - 3**

Thence N00°27'00"W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9°20'00" a distance of 238.71 feet to a point;

Thence N08°52'00"E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska,

#### EXCEPT

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows:

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2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a



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Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak  
City Clerk

[Publish by September 24, 2021 and October 1, 2021]

COPIES OF NOTICES MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chairman of the Board  
Middle Republican NRD  
222 Center Ave  
PO Box 47  
Curtis, NE 690025-0047

Earl McNutt, Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Tom Bredvick, President  
McCook School District  
600 West 7th  
McCook, NE 69001

**EXHIBIT #3**

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P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

September 28, 2021

CERTIFIED MAIL  
McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

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Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCook, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461



September 28, 2021

CERTIFIED MAIL  
Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Re: **NOTICE OF PUBLIC HEARING**

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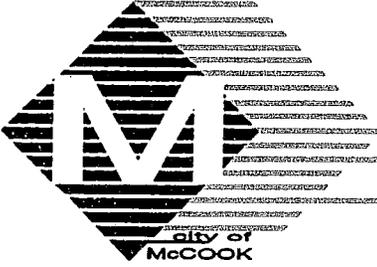
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Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



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September 28, 2021

CERTIFIED MAIL  
Chairman of the Board  
Middle Republican NRD  
222 Center Ave  
PO Box 47  
Curtis, NE 690025-0047

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Earl McNutt, Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

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Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly

along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning

2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a specific redevelopment project. The property that is the subject of this notice and of the public hearings is a portion of Parcel ID 001002000 generally located near West 7th Street and West "R" Street, in the City of McCook, Nebraska and legally described as follows:

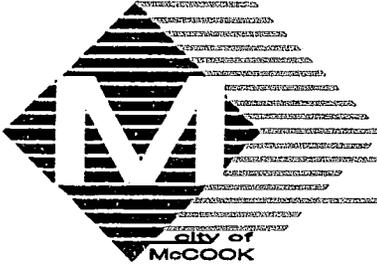
Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

September 28, 2021

CERTIFIED MAIL

Tom Bredvick, President  
McCook School District  
600 West 7th  
McCook, NE 69001

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska.

- (b) the West 7th Street right of way between Q Street and Spruce Street and the two parcels located between West 7th Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

And

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

Thence N00°27'00"W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9°20'00" a distance of 238.71 feet to a point;

Thence N08°52'00"E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska,

#### EXCEPT

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly

along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning

2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a specific redevelopment project. The property that is the subject of this notice and of the public hearings is a portion of Parcel ID 001002000 generally located near West 7th Street and West "R" Street, in the City of McCook, Nebraska and legally described as follows:

Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

Respectfully,



Lea Ann Doak  
City Clerk-Treasurer

**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2021-02**

(Redevelopment Plan– North Pointe Redevelopment Project)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE COMMUNITY DEVELOPMENT AUTHORITY AND THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CITY OF MCCOOK, NEBRASKA, INCLUDING A SPECIFIC REDEVELOPMENT PROJECT.**

RECITALS

A. The Community Development Authority of the City of McCook (“CDA”) has submitted the question of whether the Redevelopment Plan for the North Pointe Redevelopment Project, a copy of which is on file and available for public inspection with the City Clerk, (the “Redevelopment Plan”) should be approved for the redevelopment of certain real property within the Redevelopment Area identified and legally defined in said plan (the “Project Site”), of which proposed plan is on file and available for public inspection with the McCook City Clerk.

B. Notice of public hearing regarding the question of whether the Redevelopment Plan should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

C. On October 11, 2021, the Planning Commission held a public hearing relating to the question of whether the Redevelopment Plan should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

D. The Planning Commission has reviewed the Redevelopment Plan and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2154 (the “Act”), as follows:

1. The Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Redevelopment Plan will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

**EXHIBIT #4**

3. The Redevelopment Plan is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend: (i) recommendation of the Redevelopment Plan by the CDA to the City Council; and (ii) approval of the Redevelopment Plan by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 11th day of October, 2021.

PLANNING COMMISSION OF THE  
CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Kurt Vosburg, Chairman

ATTEST:

By: \_\_\_\_\_  
Lea Ann Doak  
City Clerk/Secretary

**REDEVELOPMENT PLAN FOR THE  
NORTH POINTE REDEVELOPMENT PROJECT  
IN THE CITY OF MCCOOK, NEBRASKA**

**Introduction**

The City of McCook, Nebraska ("City") has undertaken a plan of redevelopment within a certain redevelopment area in the City identified as Redevelopment Area #3 (the "Redevelopment Area"). A Blight and Substandard Analysis and General Redevelopment Plan for the Redevelopment Area was prepared in 2013 by Hanna:Keelan, and the Redevelopment Area was declared blighted and substandard in 2013, as subsequently amended from time to time. This Redevelopment Plan is a project-specific redevelopment plan and shall serve as the guide for the implementation of redevelopment activities on the Project Site, as defined herein, which is located in the Redevelopment Area.

Pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), the City created the Community Development Authority of the City of McCook ("CDA"), which has administered the overall plan of redevelopment for the City. The purpose of this Redevelopment Plan is to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions identified as the site legally described on the attached and incorporated Exhibit "A" (the "Project Site").

**The Project Site**

The Project Site located within the Redevelopment Area and has been declared blighted and substandard. The Project Site is in need of redevelopment. The CDA has considered whether redevelopment of the Project Site will conform to the general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that such a redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The blighted condition of the Project Site and the Redevelopment Area has contributed to its inability to attract development. In order to support private development, the Project Site and the Redevelopment Area are in need of renovation and redevelopment.

A depiction of the general area if the Project Site is set forth below.

**EXHIBIT #5**



The Project Site is currently vacant and requires substantial public infrastructure improvements to be developable. McCook Economic Development Corporation (“MEDC”) is the owner of the Project Site and desires to promote residential development on the Project Site. However, due to the lack of public infrastructure, MEDC has been unable to attract a builder or developer to undertake any residential development on the Project Site. At a minimum, public water, sanitary sewer, and streets must be extended to the Project Site. Contemporaneously with this Plan but pursuant to a separate amendment, the CDA intends to add the strip of property connecting the primary Project Site with 7<sup>th</sup> Street, which is necessary to provide sufficient access to the property to the development for public safety and reasonable traffic flow. MEDC also owns this strip of property. Without access to West 7<sup>th</sup> Street over some portion of this strip of property, the proposed residential redevelopment project (or any reasonable development) cannot feasibly occur in this location.

**Description of the Project**

MEDC owns the Project Site. MEDC desires to recruit a redeveloper to build approximately 25 market rate, workforce residential dwelling units and the necessary public infrastructure improvements on the Project Site (the “Project”). There is a strong need in the City for additional housing and MEDC is working to help satisfy this need, but the site does not have adequate infrastructure and the cost to develop is currently

prohibiting any development. Without the availability of tax increment financing to assist with the cost of the public infrastructure improvements, MEDC does not believe that the Project Site will be developed.

MEDC has submitted a proposal for the Project and the redevelopment of the Project Site. The redevelopment of the Project Site pursuant to this Redevelopment Plan will help provide needed additional housing in the City, eliminate the current blight and substandard conditions of the Project Site, and further the purposes of the Act.

As part of the Project, the CDA shall capture available tax increment from the Project Site to assist in payment for the public improvements listed as eligible expenditures under the Act in the Redevelopment Area. Such public improvements may include, but are not limited to land acquisition, site preparation, public infrastructure improvements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare which qualify as eligible expenditures for public improvements under the Act. MEDC and/or its successor redeveloper shall be responsible for all other costs and expenses associated with the Project.

The plans for the Project are preliminary in nature and subject to change, but MEDC has stated that without a specific redevelopment plan in place for the Project Site, it is unlikely that any development will occur. The proposed timeline for construction and the effective date for the division of taxes is unknown at this time but will be set forth in the redevelopment agreement that is approved for this Project or in a supplement to this Redevelopment Plan. The Project may be constructed in up to five (5) phases, with a separate effective date for each phase.

### **Tax Increment Financing**

The CDA contemplates the use of TIF for the Redevelopment Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of TIF Indebtedness pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body ("Base Tax Amount"); and
- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount for Project Site will be set forth in the redevelopment agreement. It is anticipated that the Project may be implemented in phases and one or more TIF Notes may be issued. Notwithstanding any provision herein to the contrary, all incremental tax revenues resulting from the Project shall only be divided and allocated for no more than the applicable 15-year increment period for each phase as provided by the Act.

MEDC intends for the Project to be market rate workforce housing. No income or rent restrictions shall be required on the homes, but the intent of the Project is to build homes that are affordable for workforce housing. Assuming a valuation of \$220,000 for each of the 25 homes, the final valuation for the Project would be approximately \$5,500,000. For the purpose of the tax increment projections for this Project, MEDC and the CDA are utilizing an assumed final increment of \$5,000,000. The CDA is approving the TIF amount based upon the \$5,000,000 total increase in valuation to provide the necessary assistance to the developer but to retain the expectations of affordable workforce housing.

Based upon the anticipated incremental valuation of \$5,000,000, the total TIF for the project would be \$1,440,000. Based on a 5.0% interest rate for the TIF Note, the Project will yield TIF Indebtedness in the amount of approximately \$1,006,000. Because of the uncertain needs and financing structure of the redeveloper at this point, this Plan anticipates TIF in the amount not to exceed \$1,400,000. The final authorized TIF Indebtedness amount will be set forth in the Redevelopment Agreement. The principal amount of the TIF Indebtedness may be adjusted downward from \$1,400,000 to consider any interest on a TIF loan. The TIF amount may not be increased above \$1,400,000 without amending this Plan.

MEDC currently estimates that the total Project costs shall be approximately \$6,950,000. MEDC and/or the successor Redeveloper shall also be responsible for the CDA's administrative fee and the City's cost of issuance related to the Project and the TIF Indebtedness, which costs are TIF-eligible expenses. MEDC has identified approximately \$1,400,000 in TIF-eligible expenditures. The estimated TIF uses are set forth below:

CDA Administrative Fee	\$6,000
Cost of Issuance	\$6,000
Land Acquisition	\$230,000
Site Preparation	\$93,415
Public Water Infrastructure Improvements	\$192,450
Sanitary Sewer Infrastructure Improvements	\$46,100
Public Street Improvements	\$590,000
Additional public Improvements	\$207,303
<u>Engineering Fees</u>	<u>\$108,732</u>
Total estimated TIF uses:	\$1,480,000

All TIF uses identified above are estimated amounts. The actual TIF Uses shall be determined by MEDC and/or the successor Redeveloper based upon actual costs and

documented invoices for all eligible public uses. The list of TIF uses identified above is not exhaustive and additional documented eligible public uses may be considered by the CDA. The proposed TIF Uses may be revised in the Redevelopment Agreement for the Project. The redeveloper will be required to certify all eligible TIF Uses in the amount of the TIF Indebtedness.

Market rate housing is particularly challenging in the City and across the state right now. The cost of construction has increased significantly and it is difficult to build entry level and workforce housing. All residential construction in the City in the past couple of years has been high end homes or LITHC projects. This Project will help to address the problem of the “missing middle” and create workforce homes. That cannot be done without TIF. The TIF will decrease the lot price on each of the 25 homes by more than \$50,000. Without this reduction in lot value, an affordable market rate home is not possible—an otherwise \$220,000 home now costs \$270,000 without any other changes, just to recoup the cost of the public infrastructure costs.

MEDC may act as the redeveloper, but MEDC intends to locate a redeveloper and sell the Project Site to the redeveloper to undertake the Project. It is anticipated that the Redeveloper will enter into a redevelopment agreement with the CDA to implement this Project. This Plan will serve as the general guide to the approved Project. The construction schedule, TIF Uses, and details of the Project will be refined and identified in the redevelopment agreement, but the redevelopment agreement must conform to the general parameters of this Plan to create a residential subdivision on the Project Site of approximately 25 market rate workforce housing units constructed in up to five phases over a five year period, with TIF in an amount not to exceed \$1,400,000 for the public improvements associated with the Project. The CDA does not anticipate amending this Redevelopment Plan unless there is a substantial modification of the Plan, as defined in the Act.

### **Statutory Elements**

As described above, the Project envisions the capture of the incremental taxes created by the Project on the Project Site to pay for those eligible expenditures as set forth in the Act. Attached hereto as Exhibit “B” and incorporated herein by this reference is a consideration of the statutory elements under the Act.

### **Cost-Benefit Analysis**

Pursuant to Section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit “C” and incorporated by this reference.

### **Comprehensive Plan**

Several goals of the McCook, Nebraska Comprehensive Plan 2013–2023 (the “McCook Comprehensive Plan”) will be furthered by this Project. Housing is a key component of the McCook Comprehensive Plan, including but not limited to the following sections:

## ***HOUSING & RESIDENTIAL DEVELOPMENT***

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**Goal 1: Community Housing Initiative.** The City of McCook should implement a housing development initiative as a primary economic development activity. Such initiative should include the development of up to 279 new housing units by 2023, including an estimated 147 owner housing units and 132 new rental units. The development of up to 279 new housing units would add an estimated \$51 Million to the McCook property tax base. This Housing Initiative would provide current and future residents of the Community with access to a variety of safe, decent and affordable housing types for families and individuals of all age, household size and income sectors.

- ♦ **Action Step 1: Support the efforts of the McCook Economic Development Corporation-Housing Office (MEDC-HO) to encourage and monitor housing development in the City of McCook.** The MEDC-HO should continue to work directly with both public and private sectors to encourage the development of specific housing programs to meet the needs of the Community's current and future residents, with emphasis on housing for young families, the local workforce, retirees and special populations. By 2023, the City of McCook will need to develop an estimated 81 owner units and 72 rental housing units for families and persons of younger age and 66 owner and 60 rental units for elderly individuals and households.  
  
The MEDC-HO has been active in housing rehabilitation with their purchase/rehab/resell down payment assistance programs, as well as homebuyer education courses. These programs will be vital towards future housing activities in McCook.
- ♦ **The MEDC-HO should be responsible for designing and implementing a Workforce Housing Assistance Program for local employees and a Continuum of Residential Retirement Program for older adults in the City.**
- ♦ **Action Step 2: Plan and implement an Employer's Housing Assistance Program to encourage major employers in the McCook area to become directly involved with assisting their employees in becoming homeowners in the Community of McCook.** Assistance could include, but not be limited to, locating and negotiating the purchase of a house, providing funding assistance, etc. Funding assistance could be, for example, in the form of a \$5,000 to \$10,000 grant and/or low-interest loan to persons and families for closing costs, down payment, etc. These homebuyers could also be a participant in a first-time homebuyers program, funded by either/both the Nebraska Investment Finance Authority and the Nebraska Department of Economic Development.
- ♦ **Two or more major employers should consider forming a limited partnership to develop affordable housing projects in McCook, utilizing available public and private funding sources.**
- ♦ **Action Step 3: Initiate a Continuum of (Housing) Residential Care Program in the Community of McCook directed at persons and families 55+ years of age.** This Program would address several facets of elderly housing needs and development opportunities in McCook, including the increasing need for in-home services and home maintenance, repair and modification of homes occupied by elderly households in the Community and additional affordable housing, both owner and rental, with and without supportive services.

**Goal 2: New Housing Developments.** New housing developments in the City of McCook should address the needs of both owner- and renter households, of all age and income sectors, of varied price products.

- ♦ **Action Step 1:** The City of McCook should identify up to 70 acres of land for new residential development to meet the estimated need for 279 additional housing units by 2023. The City should develop housing in both new and developed areas of the Community.
- ♦ **Action Step 2:** Build an estimated 20 units of owner housing for households of low- to moderate income, 85 units for moderate income households and an estimated 42 owner units for families and individuals of moderate- to upper income. Special attention should be given the construction of single family housing units for younger households and single family and patio and townhome units for older adults. New owner housing price products should range between \$135K to \$230K, depending on the type of housing units and the household income sector being targeted.
- ♦ **Action Step 3:** Build an estimated 72 rental housing units for persons and families of very-low- to moderate-income and an estimated 60 rental units for households of moderate- to upper-income. The elderly household population should be targeted for both the upper-income and very-low income rental units. Low- to moderate-income rental housing should be constructed for families.
- ♦ **Rental housing price products in McCook** should range in monthly rents from \$395 to \$795, depending on the size, number of bedrooms and the household income sector being served. Rental units of all types should be constructed in McCook, with emphasis on duplex rental units for both the elderly and younger households and single family units for younger, larger families. A rent to purchase option should be made available with new single family rental units.
- ♦ **Action Step 4:** One or two additional multifamily rental projects are recommended for the City of McCook, by 2023, to meet the housing needs of young, single workers in the Community. These projects should be designed and developed in a size and scale suitable for the neighborhood location. The development of a SRO (Single Room Occupancy) facility of eight to 16 units should be given consideration to house single persons in the local workforce.
- ♦ **Action Step 5:** The Community of McCook should strive to combine "new" services and shopping opportunities with "new" housing developments.
- ♦ **Action Step 6:** Future housing development programs in McCook should be concentrated in the western portion of City, west of Highway 83, north of the Municipal Golf Course, in areas to the north of "Q" Street east of Highway 83. Consider new, modern housing development types, such as housing in the Downtown and smaller subdivisions utilizing New Urbanism development concepts.
- ♦ **Action Step 7:** Several Downtown commercial buildings should be promoted for upper level housing to diversify the local housing market and emphasize the Downtown as a vibrant commercial and residential center. One example is the Keystone Business Center, where the top two floors should be considered for moderate- to upper-income housing units. A total of 52 units, 12 owner and 40 renter units, should be developed in Downtown McCook, by 2023.
- ♦ **Action Step 8:** New housing developments in the City of McCook should include the construction of housing that is complete in accessibility and use by persons and families with special needs.

**Goal 3: Existing Owner and Rental Housing Stock.** Housing rehabilitation programs and activities in the City of McCook should strive to protect and preserve the existing housing stock of the Community.

- ♦ **Action Step 1:** The Community of McCook should establish a housing rehabilitation program for both owner and rental housing units, with emphasis on meeting the housing rehabilitation needs of the elderly, low income families and housing occupied by persons with special needs.
- ♦ **Action Step 2:** As needed, the City should establish a policy of condemning and demolishing housing of a dilapidated condition, not cost effective to rehabilitate. The vacated lots could be set aside as part of a City-Wide Land Trust/Land Bank program to be used for future owner and rental housing development needs.

The former St. Catherine's Apartments facility should be demolished and the site planned for residential redevelopment.



- ♦ **Action Step 3:** The Community of McCook should continue to preserve housing of historical significance. Housing that is architecturally significant or for its association with persons or families who played key roles in the development and growth of the City adds to the character and uniqueness of McCook neighborhoods.



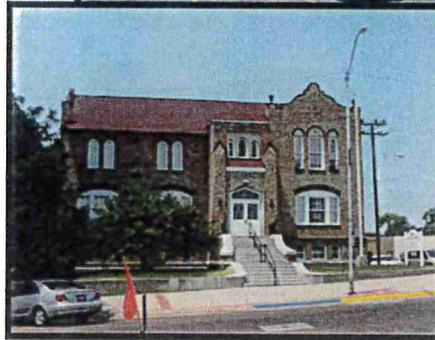
**Goal 4: Financing Housing Development.** The City of McCook and housing developers should consider both public and private funding sources to both construct new housing and maintain the existing housing stock.

- ♦ **Action Step 1:** The City should pursue State and Federal Grants to assist in financing housing rehabilitation, housing purchase, rehabilitate and resale and first-time homebuyers programs. The City and private builders should pursue such funding from the Nebraska Investment Finance Authority and Nebraska Department of Economic Development.
- ♦ **Action Step 2:** The City should utilize Tax Increment Financing to assist in the financing of new housing developments, specifically public facility and utility requirements.
- ♦ **Action Step 3:** Housing developers in McCook should be encouraged to pursue securing any and all available tools of financing assistance in the development of new housing projects in the Community. This assistance is available with the Nebraska Investment Finance Authority, Nebraska Department of Economic Development, USDA-Rural Development, Federal Home Loan Bank and the Department of Housing and Urban Development, in the form of grants, tax credits and mortgage insurance programs.



**Goal 5: Impediments to Fair Housing Choice.** As a Community, McCook will need to identify, discuss and establish a plan to eliminate all barriers and impediments to fair housing choice in the City. All sectors of the Community, both public and private, should play a role in this process. This would include the involvement of City Government, schools, churches and the local business sector.

- ◆ **Action Step 1:** Address the following, primary impediments to fair housing choice in McCook. *For Owner Households – Housing Prices, Excessive Down Payment and Closing Costs and Cost of Insurance. For Renter Households – Lack of Available Decent Rental Units in the Price Range, Excessive Application Fees and/or Rental Deposit and Attitudes of Landlords and Neighbors.*
- ◆ **Action Step 2:** The City of McCook should update and continue to enforce its Fair Housing Policy, to insure all current and future residents of the Community do not experience any discrimination in housing choice.



Additionally, the use of TIF for this Project is supported by the McCook Comprehensive Development Plan:

## **EDUCATION AND COMMUNITY/ECONOMIC DEVELOPMENT**

### **Goal 3: Community Development.**

**Action Step 1:** Encourage local reinvestment in McCook by both the public and private sectors. Provide infrastructure and needed amenities to support future growth of commercial, industrial and residential areas...

**Action Step 3:** Utilize all available public programs of financing in funding development and redevelopment programs...

The existing land use map and future land use map from the McCook Comprehensive Plan are included for reference in this Redevelopment Plan. The future land use of the site is designated for commercial use, so the Project conforms to the future land use designation of the Project Site.

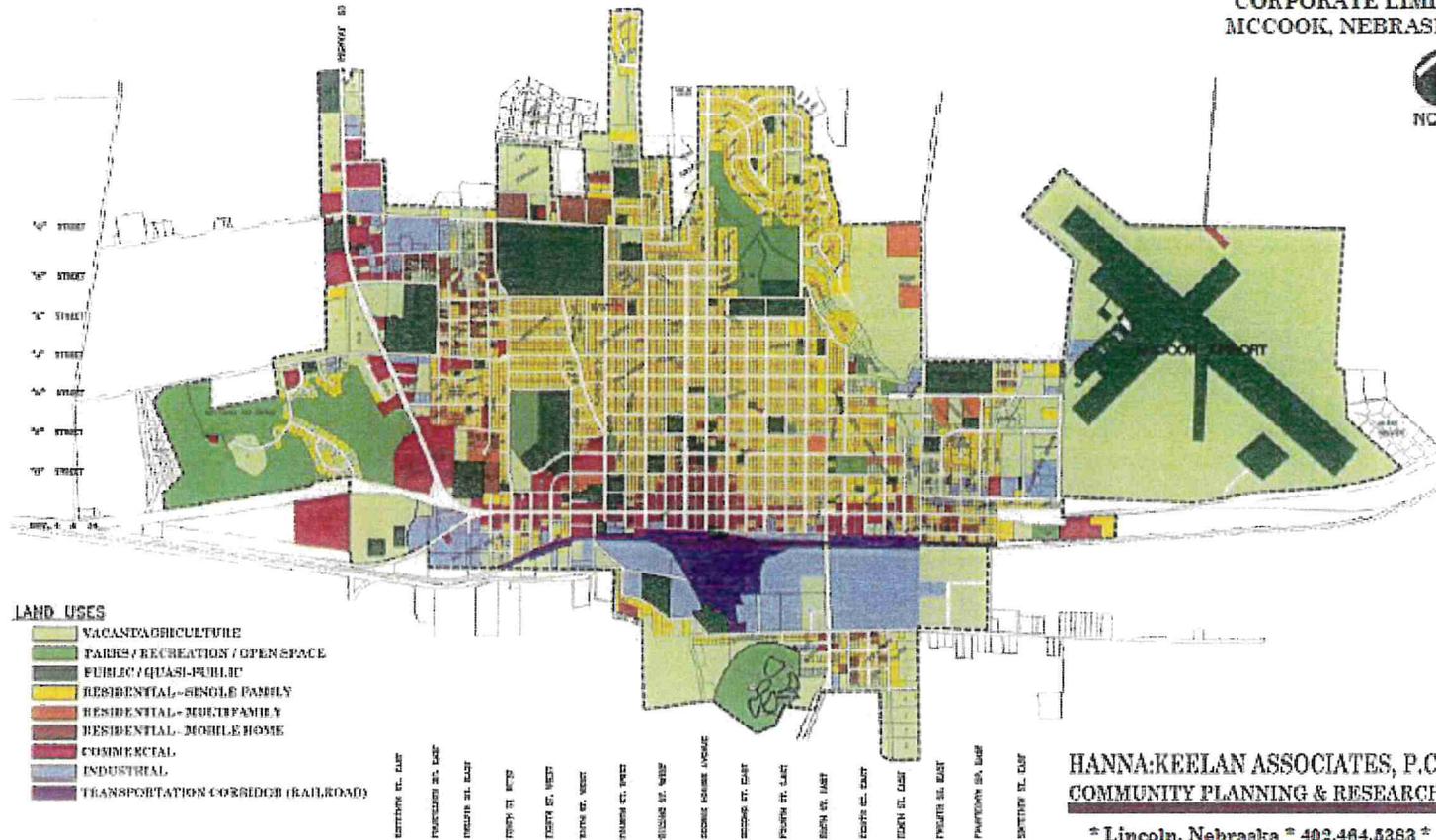
*Note: This section is not a comprehensive analysis of the Project's conformance with the McCook Comprehensive Plan, but is meant to highlight and summarize the key points on this topic.*

### **Additional Project Information from MEDC**

MEDC has represented that without the use of TIF, this Project would not be feasible and MEDC could not develop this Project on the Project Site. MEDC has been unable to locate a developer to undertake the Project without the use of tax increment financing to assist with the costs of the public improvements. MEDC has further represented that it does not intend to file an application with the Department of Revenue to receive tax incentives under the Imagine Act in connection with this Project.

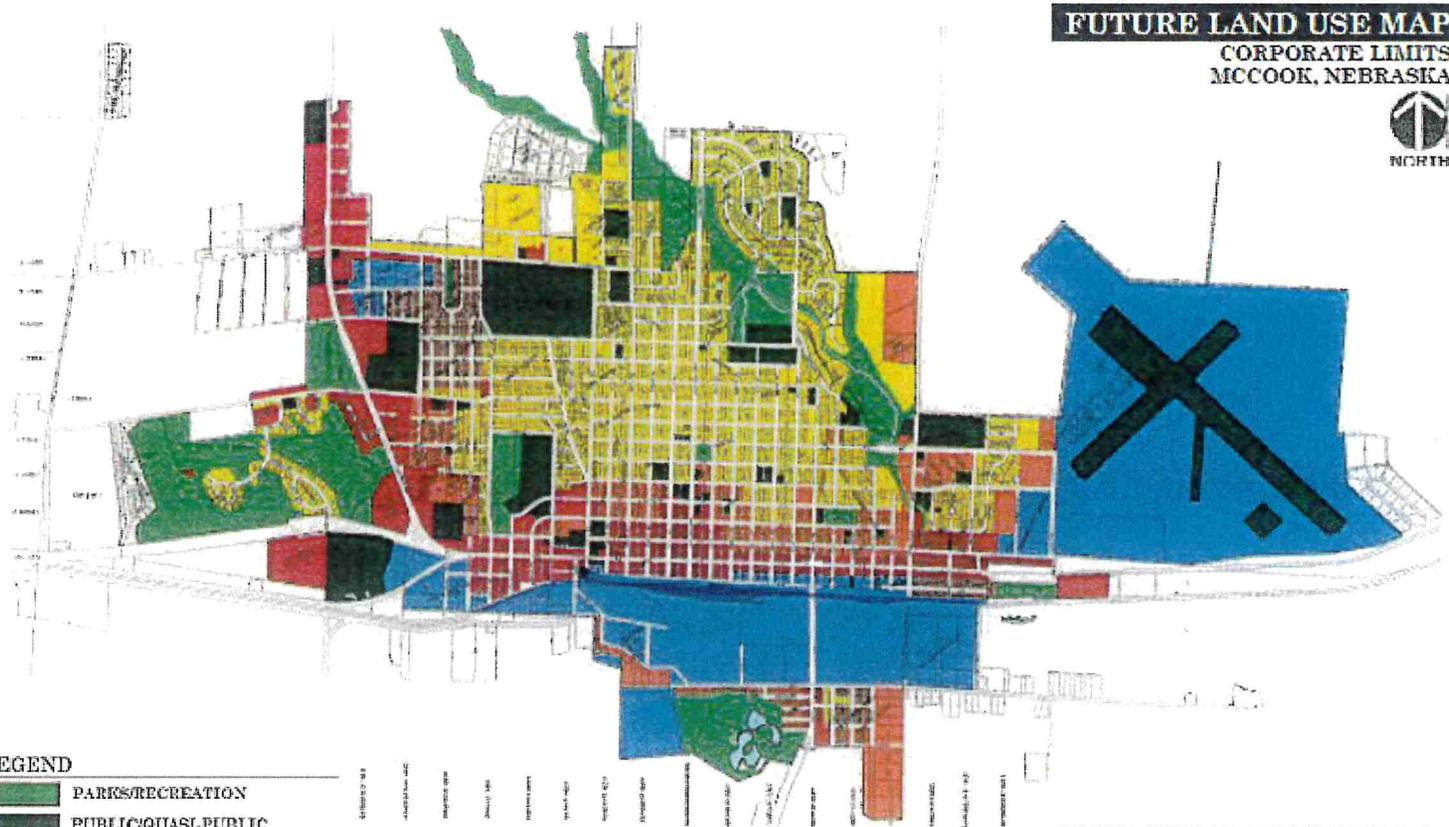
The CDA will need to approve a redevelopment agreement for the implementation of this Project. The exact details of the Project will be finalized in the redevelopment agreement but the Project will conform to this Plan. No amendment to this Plan is anticipated unless there is a substantial modification to the Plan, as defined in the Act.

**EXISTING LAND USE MAP**  
**CORPORATE LIMITS**  
**MCCOOK, NEBRASKA**



**HANNA-KEELAN ASSOCIATES, P.C.**  
**COMMUNITY PLANNING & RESEARCH**  
 \* Lincoln, Nebraska \* 402.464.5353 \*

**ILLUSTRATION 4.2**



**LEGEND**

	PARKS/RECREATION
	PUBLIC/QUASI-PUBLIC
	SINGLE FAMILY RESIDENTIAL
	MULTIFAMILY RESIDENTIAL
	MOBILE HOME RESIDENTIAL
	COMMERCIAL
	INDUSTRIAL
	RAILROAD CORRIDOR
	CORPORATE LIMIT LINE

HANNA:KEELAN ASSOCIATES, P.C.  
COMMUNITY PLANNING & RESEARCH  
\* Lincoln, Nebraska \* 402.464.5383 \*

ILLUSTRATION 4.4

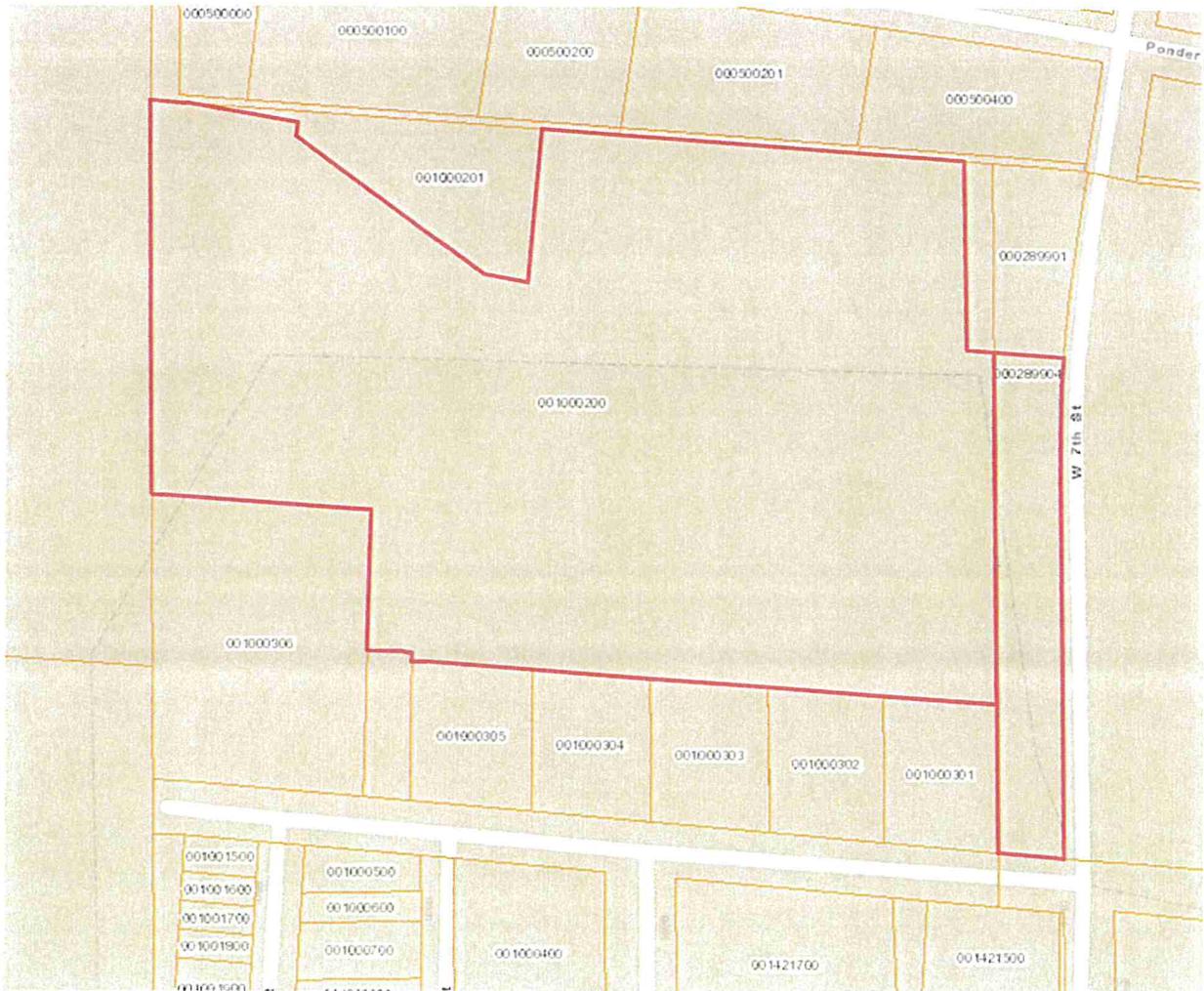
**EXHIBIT "A"**  
**Legal Description of the Project Site**

The Project Site is a portion of Parcel ID 001002000 generally located near W. 7<sup>th</sup> Street and W. R Street, in the City of McCook, Nebraska and legally described as follows:

Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

The Project Site shall also include such portions of the adjacent parcel ID 000289904 as necessary to obtain public access to West 7<sup>th</sup> Street.

The exact legal description shall be confirmed in the redevelopment agreement for the project upon the subdivision and replatting of the existing property and the determination of the property needed for public right of way, but the Project Site shall be located in the area depicted below:



**Exhibit "B"**  
**Statutory Elements**

A. Property Acquisition, Demolition and Disposal

No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the Project. MEDC owns the Project Site and intends to convey the Project Site to a developer in connection with the Project. Upon development, the lots and the homes built will be sold to third party homeowners.

B. Population Density

The proposed development on the Project Site is the construction of a residential subdivision and the infrastructure necessary to support residential development. The Project will increase the population density in the project area. However, this additional housing is desired by the City and conforms to the Comprehensive Plan. There is a desire for population growth in the City and a need for housing to support said population growth.

C. Land Coverage

The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City. The Project Site shall be subdivided and platted for residential development. Redeveloper will be required to obtain a building permit for each lot in compliance with local zoning regulations prior to the construction of any private improvements. While the final plat has not been approved and the specific size and location of the private improvements have not been finalized, this Plan does not create any entitlements with respect to platting and building permits, and the redeveloper must obtain all necessary permits required by the City for the Project.

D. Traffic Flow, Street Layouts, and Street Grades

The Project will not negatively impact traffic flow, street layouts, and street grades. The public improvements for the Project will include the necessary street improvement for the Project Site. These public improvements shall benefit the Project and support additional traffic created by this Project.

E. Parking

The Project will be required to meet or exceed the parking requirements for each lot as set forth in the applicable zoning district.

F. Zoning, Building Code, and Ordinances

The Project Site is currently zoned for residential development and the Project is a permitted use in the applicable zoning district. The project site will need to be subdivided for the Project, and such subdivision approval shall be Redeveloper's responsibility to obtain. No other zoning change is anticipated. Redeveloper shall be responsible for all subdivision, zoning, building permit, and other approvals necessary

for the project, and approval of the Project shall not be deemed to be approval of any other said required approvals.

**Exhibit "C"**  
**Cost-Benefit Analysis**  
**(Pursuant to Neb. Rev. Stat. § 18-2113)**

The cost-benefit analysis for the North Pointe Redevelopment Project, as described in the Redevelopment Plan to which this cost-benefit analysis is attached, is presented below. The above-referenced project will utilize Tax Increment Financing ("TIF") funds authorized by Neb. Rev. Stat. §18-2147.

**1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:**

The taxes generated by the current value of the property shall continue to be allocated between taxing jurisdictions pursuant to standard statutory requirements. Only the incremental taxes created by the Project will be captured to pay eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Project, the true tax shift of this Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the 15 year tax shift is as follows:

a.	Redevelopment Project Valuation:	\$69,543
b.	Projected Completed Project Assessed Valuation:	\$5,069,543
c.	Projected Tax Increment Base:	\$5,000,000
d.	Estimated Tax Levy:	1.922795
e.	Annual Projected Tax Shift:	\$96,140

The Annual Projected Tax Shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2020 levy rate. There has been no accounting for incremental growth or change in the tax levy over the 15 year TIF period.

The Annual Projected Tax Shift analysis set forth above assumes a full buildout in year one of the project. This is unlikely to occur, and the project will more likely be completed in phases. The project will be approved for up to five phases over five years. The phasing does not change the overall tax shift or the approved TIF amount, but only affects the timing of the tax shift.

**2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:**

a. Public infrastructure improvements and impacts:

No substantial negative effects are anticipated on the public infrastructure and community public service needs. There is currently insufficient public infrastructure serving the Project Site. The Project will require extensive infrastructure improvements. The Project will authorize up to \$1,400,000 in TIF to assist with the cost of constructing the necessary public infrastructure improvements to serve this area. Redeveloper will pay the rest of the costs of the

public improvements. Therefore, the City infrastructure will be expanded at no cost to the City. The Project will be required to include the construction of all public infrastructure improvements necessary for this Project, so the Project will not have a material adverse effect on any community public services.

MEDC anticipates expenditures of approximately \$6,775,000 for the Project. It is anticipated that up to \$1,400,000 of the public improvements will be financed with the proceeds of the TIF generated by the private improvements on the Project Site. The projected uses of the TIF Indebtedness, which will be refined in the Redevelopment Agreement for this Project, are set forth in the Redevelopment Plan for the Project. All expenditures financed by the TIF Indebtedness shall be eligible under the Community Redevelopment Law.

b. Local Tax impacts (in addition to impacts of tax shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, the Project should generate immediate tax growth through sales tax paid by the new residents of the housing units on the Project Site. Additionally, the residents will pay for City services. It is not anticipated that the Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

**3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:**

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project will create additional housing units in the City. This is viewed as a positive impact for employers, as additional housing is needed in the City for employees. There is a housing shortage in the City and therefore a labor shortage as well. Without an adequate housing stock, businesses are unlikely to expand or relocate to the area.

**4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:**

As stated in Section 3, above, the Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. There is a housing shortage in McCook and housing is needed for working or businesses cannot hire additional employees. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. In addition to the general benefits of the needed additional housing already mentioned, the Project should also generally increase the need for services and products from existing businesses as the new residents will require typical goods and services from local businesses.

**5. Impacts on the student populations of school districts within the City:**

It is not anticipated that the Project will have a material adverse impact on the student populations of the school district within the City. The school has capacity for additional students that would result from 25 additional homes, and there is a general desire in the City to create population growth. The population of the City has been steady or decreasing for some time, and the additional housing needed to help with this problem has not been able to be addressed without the assistance of TIF, so any tax shift must be considered acceptable to achieve the desired population growth in the school and in the City.

**6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:**

The Project will create additional infrastructure that will not only benefit the Project Site, but the adjacent areas of the Redevelopment Area. The Project may be a catalyst to further development in the area around the Project Site. As stated in the Plan, all residential construction in the City in the past couple of years has been high end homes or LITHC projects. This Project is intended to help address the problem of the "missing middle" and create workforce homes which cannot be done without TIF. The TIF will decrease the lot price on each of the 25 homes by more than \$50,000, which is necessary to create affordable market rate housing.

This Project would not occur without TIF, and the Project Site cannot be developed for any purpose without the infrastructure that will be created as part of this project. MEDC has stated that the approval of this Plan is necessary to create the incentive to help find a developer to undertake the Project. MEDC has been unsuccessful in developing the Project up to this point, and this Plan will be an important factor to help create additional housing in the Redevelopment Area.

**7. Summary of Findings:**

The Project will facilitate the redevelopment of a blighted and substandard area of the City without the incurrence of significant public cost. Additionally, the Project will increase property tax revenue in the long-term. The Project will help bring additional workforce housing to the City. The benefits outweigh the costs of the proposed Project.

**CITY MANAGER'S REPORT  
OCTOBER 11, 2021 PLANNING COMMISSION MEETING**

ITEM NO. \_\_\_ Public Hearing - Regarding the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook, said property legally described as Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska (ie. Red Willow County, Nebraska, Parcel ID's 001295200 and 001295300) and land located in Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., Red Willow County, Nebraska (ie. Red Willow County, Nebraska, Parcel ID's 000289901, 000289904, and 000289905).

ITEM NO. \_\_\_ Approve Resolution No. PC 2021-~~01~~, making a recommendation to McCook City Council, amending Redevelopment Area #3 by adding additional property to Redevelopment Area #3.

ITEM NO. \_\_\_ Public Hearing - Regarding the implementation of a Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

ITEM NO. \_\_\_ Approve Resolution No. PC 2021-~~02~~, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the North Pointe Redevelopment Plan.

**2.E.**  
ITEM NO. \_\_\_ Public Hearing - Regarding the implementation of an Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.

**2.F.**  
ITEM NO. \_\_\_ Approve Resolution No. PC 2021-~~03~~, making a recommendation to the Community Development Authority and the City Council of the City of McCook, with respect to the Amendment to the Quillan Court Redevelopment Plan.

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**BACKGROUND:**

There are three items before the McCook Planning Commission for consideration: 1) Amendment to Redevelopment Area #3 of the City of McCook, Nebraska; 2) Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska; and 3) Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.

**1) Amendment to Redevelopment Area #3 of the City of McCook, Nebraska.**

The McCook Economic Development Corporation owns two parcels of property that are adjacent to Redevelopment Area #3. MEDC would like to extend Redevelopment Area #3 to include the two parcels of land. The first parcel of property is located adjacent to East 11<sup>th</sup> Street, just south of Kelley Creek Apartments. The second parcel of property is located adjacent to West 7<sup>th</sup> Street and is located on the east side of the Clary Subdivision. A map illustrating the exact location of the two areas is included with these materials. Under the Nebraska Community Development Law (the "Act"), land cannot be added to an existing community redevelopment area unless (1) the additional land is declared blighted or substandard within the meaning of the Act or (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan. This second prong was added as an allowable modification as a result of a Nebraska Supreme Court decision, Fitzke v.

**EXHIBIT #1**

**PAGE(S) - 3**

City of Hastings, 255 Neb. 46, 61 (1998). The proposed amendment incorporates both prongs of the test.

With respect to the land located adjacent to East 11<sup>th</sup>, the larger parcel is landlocked (Parcel ID 001295200) and can only be developed through the use of current city right of way (Parcel ID 001295300). A breakdown of the blight related deficiencies for the land located adjacent to East 11<sup>th</sup> are included in the Amendment to Redevelopment Area #3 starting on page 6. Additionally, applying the Fitzke test to the property adjacent to East 11<sup>th</sup> Street, the property at issue cannot be properly developed but for including the area in Redevelopment Area #3. The land would be suitable for residential development, however, such development is stymied by the fact that it was not originally included in Redevelopment Area #3. The property should have been included in Redevelopment Area #3 in order to accomplish the goals of the existing redevelopment area.

With respect to the land located adjacent to West 7<sup>th</sup> Street, all three lots proposed to be blighted touch West 7<sup>th</sup> Street. Under the first prong of the redevelopment test, without a blight designation, there will continue to be a defective or inadequate street layout. Over the past few years, action has been taken to develop Clary Subdivision. In order to properly develop the land located within Clary Subdivision, there must be street access to West 7<sup>th</sup> Street. This must occur to assure there is proper ingress and egress for safety vehicles and solid refuse vehicles. The lack of West 7<sup>th</sup> Street ingress and egress could endanger life or property due to fire or other safety hazards. Additionally, under the Fitzke test, adding the three lots adjacent to West 7<sup>th</sup> Street is reasonably necessary to accomplish the implementation of the existing redevelopment plan. The Clary Subdivision area has seen an up-tick in residential development over the course of the last five years. In order to continue with necessary residential development projects, the three parcels at issue need to be added to Redevelopment Area #3 in order to provide proper infrastructure to continue needed community development.

## **2) Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.**

In 2013, a Redevelopment Plan was passed by the City of McCook which paved the way for the use of Tax Increment Financing (TIF) for the first phase of the North Pointe Project. As a result of the Plan, six residential properties were built in the Clary Subdivision. The properties are all located north of West R Street. There are similar plans for residential construction north of the first phase. In order to use TIF on any future redevelopment projects in this area, a second Redevelopment Plan is necessary. The purpose of the newly proposed Redevelopment Plan is to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions. The Project Site is currently vacant and requires substantial public infrastructure improvements to be developable. Due to the lack of public infrastructure, the Developer (ie. MEDC) has been unable to attract a builder or developer to undertake any residential development on the Project Site. At a minimum, public water, sanitary sewer, and streets must be extended to the Project Site. In accordance with the Nebraska Community Development Act, the City of McCook has reviewed MEDC's request in conjunction with the statutory criteria required to proceed with a redevelopment project (see Exhibit "B" - Statutory Elements). Based on the City's review, the approval of this Redevelopment Plan will not have negative consequences for the area at issue. As part of the Redevelopment Plan, a cost-benefit analysis has been conducted. The projection contained within the analysis is a rough estimate and an amendment to the Redevelopment Plan may be necessary as project discussions continue. MEDC has visioned a residential construction project that would yield 25 new residences within the Clary Subdivision. Assuming

a valuation of \$200,000 for each of the 25 homes, the projected final valuation for the Project would be approximately \$5,069,543. The current valuation of the land at issue is \$69,543. The projected tax increment base is \$5,000,000. At the estimated tax levy of 1.922795, the projected annual tax shift is \$96,140. These funds would be available to pay down the qualifying expenses included in a Tax Increment Financing Bond. Some of the qualifying expenses include streets, water, and sewer projects.

**3) Amendment to the Quillan Court Redevelopment Plan of the City of McCook, Nebraska.**

In 2015, a Redevelopment Plan was passed by the City of McCook which paved the way for the use of TIF for the Quillan Court Project. As a result of the Plan, 16 new housing units were built in the Clary Subdivision. An area in the southwest portion of the Quillan Courts project was not utilized for the building project at the time. Since 2015, the MEDC has split the lot into two lots. MEDC would like to construct two residential properties, one on each lot. In order to assist with the project, TIF can be used. The proposed Amendment to the Quillan Court Redevelopment Plan contemplates separating the previously constructed project from the newly proposed project. As was mentioned with respect to the North Pointe Redevelopment Plan, the City of McCook has reviewed the Plan in conjunction with the statutory elements found within the Nebraska Community Development Act. Staff believes the project can occur without negatively impacting the surrounding neighborhood. Additionally, a cost-benefit analysis has been completed in order to determine whether the Redevelopment Plan would generate funds to satisfy a TIF Bond. The current valuation of the property at issue is \$11,421. It is estimated that the projected completed project assessed valuation will be \$236,172, for a projected tax increment base of \$224,751. At the current tax levy, the annual projected tax shift would be \$4,322 annually that could be used to pay toward the bond. There is \$47,600 of TIF eligible expenditures that could be offset by the annual tax payments.

**APPROVALS:**



Nathan A. Schneider, City Manager

October 6, 2021

---

Lea Ann Doak, City Clerk

October 6, 2021

## NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska.

- (b) the West 7th Street right of way between "Q" Street and Spruce Street and the two parcels located between West 7th Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence  $N00^{\circ}06'58''W$  (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence  $S85^{\circ}38'36''E$  along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence  $N00^{\circ}34'20''W$  a distance of 633.34 feet, thence  $S85^{\circ}38'35''E$  a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence  $S00^{\circ}34'20''E$  a distance of 479.68 feet, thence  $N85^{\circ}38'36''W$  a distance of 81.20 feet to the Point of Beginning.

And

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

**EXHIBIT #2**

**PAGE(S) - 3**

Thence N00°27'00"W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9°20'00" a distance of 238.71 feet to a point;

Thence N08°52'00"E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska,

#### EXCEPT

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning

2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a

specific redevelopment project. The property that is the subject of this notice and of the public hearings is a portion of Parcel ID 001002000 generally located near West 7th Street and West "R" Street, in the City of McCook, Nebraska and legally described as follows:

Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak  
City Clerk

[Publish by September 24, 2021 and October 1, 2021]

COPIES OF NOTICES MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chairman of the Board  
Middle Republican NRD  
222 Center Ave  
PO Box 47  
Curtis, NE 690025-0047

Earl McNutt, Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Tom Bredvick, President  
McCook School District  
600 West 7th  
McCook, NE 69001

**EXHIBIT #3**

**PAGE(S) - 16**



P.O. BOX 1059 · 505 West C Street · McCook, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

September 28, 2021

CERTIFIED MAIL  
McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska.

- (b) the West 7th Street right of way between "Q" Street and Spruce Street and the two parcels located between West 7th Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

And

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

Thence N00°27'00"W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9°20'00" a distance of 238.71 feet to a point;

Thence N08°52'00"E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N85°33'00"W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S00°27'00"E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S85°33'00"E a distance of 81.2 feet to the Point of Beginning in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska,

EXCEPT

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, which is the Point of Beginning, thence N00°34'20"W a distance of 633.34 feet, thence S85°38'35"E a distance of 86.79 feet, thence southerly

along a curve having a radius of 2108 feet, a distance of 153.32 feet, thence S00°34'20"E a distance of 479.68 feet, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning

2. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, which would remove one parcel from the Quillan Courts Redevelopment Area and create a new specific redevelopment project on said parcel. The property that is the subject of this notice and of the public hearings is generally located at the corner of West 7th Street and West "R" Street and is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described as follows:

Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

3. The purpose of one hearing is to obtain public comment prior to the review and consideration of a proposed redevelopment plan for the City of McCook, including a specific redevelopment project. The property that is the subject of this notice and of the public hearings is a portion of Parcel ID 001002000 generally located near West 7th Street and West "R" Street, in the City of McCook, Nebraska and legally described as follows:

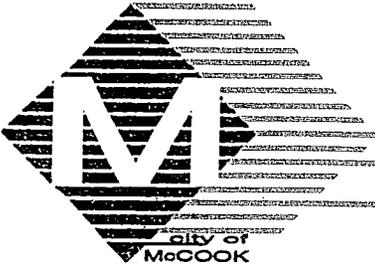
Part of Blocks 2 and 3, Original Clary Subdivision, City of McCook, Red Willow County, Nebraska

All interested parties shall be afforded at the public hearings a reasonable opportunity to express their views regarding the subjects of the hearings. A map of the redevelopment area and a copy of the cost-benefit analysis for each proposed project shall be maintained at the office of the City Clerk.

Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

September 28, 2021

CERTIFIED MAIL  
Chairman of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

1. The purpose of one hearing is to obtain public comment prior to the review and consideration of the addition of certain property to Redevelopment Area #3 for the City of McCook. The property that is the subject of this notice and of the public hearings generally consists of:

- (a) the East 11th Street right of way adjacent to the existing Redevelopment Area #3 and the property owned by the City of McCook and the McCook Economic Development Corporation near said section of East 11th Street, in the City of McCook, Nebraska (Parcel IDs 001295200 and 001295300) and legally described as follows:

Lot 3, Kelley Creek Subdivision, together with the parcel platted for street purposes in Kelley Creek Subdivision, City of McCook, Red Willow County, Nebraska.

- (b) the West 7th Street right of way between Q Street and Spruce Street and the two parcels located between West 7th Street and the existing Redevelopment Area #3, in the City of McCook, Nebraska (Parcel IDs 000289901 and 000289904) and legally described as follows:

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Lot 7, Block 2, Clary Subdivision Replat #2, City of McCook, Red Willow County, Nebraska

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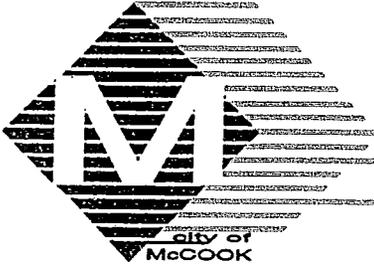
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Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461



September 28, 2021

CERTIFIED MAIL  
Chairman of the Board  
Middle Republican NRD  
222 Center Ave  
PO Box 47  
Curtis, NE 690025-0047

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

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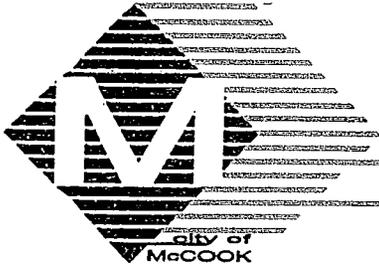
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Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCook, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461



September 28, 2021

CERTIFIED MAIL  
Earl McNutt, Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Re: **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of three public hearings that will be held at 5:15 P.M. on Monday, October 11, 2021, in the City Council Chambers at the McCook Municipal Center, 505 W "C" Street, McCook, Nebraska. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk, 505 West "C" Street, McCook, NE 69001.

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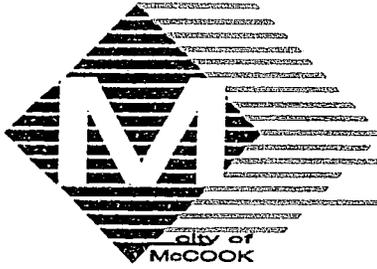
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Respectfully,



Lea Ann Doak  
City Clerk-Treasurer



P.O. BOX 1059 · 505 West C Street · McCook, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461



September 28, 2021

CERTIFIED MAIL  
Tom Bredvick, President  
McCook School District  
600 West 7th  
McCook, NE 69001

Re: **NOTICE OF PUBLIC HEARING**

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Lea Ann Doak  
City Clerk-Treasurer

**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. <sup>PC</sup>2021-03**

(Quillan Court Redevelopment Plan Amendment – MEDC Infill Housing Project)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE COMMUNITY DEVELOPMENT AUTHORITY AND THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, WITH RESPECT TO THE AMENDMENT OF THE QUILLAN COURT REDEVELOPMENT PLAN FOR THE CITY OF MCCOOK, NEBRASKA, INCLUDING A SPECIFIC REDEVELOPMENT PROJECT.**

RECITALS

A. The Community Development Authority of the City of McCook (“CDA”) has submitted the question of whether the Redevelopment Plan for the Quillan Court Redevelopment Project, a copy of which is on file and available for public inspection with the City Clerk, (the “Redevelopment Plan”) should be amended as set forth in that Redevelopment Plan Amendment for the MEDC Infill Housing Project, which proposed amendment is on file and available for public inspection with the McCook City Clerk (“Plan Amendment”).

B. Notice of public hearing regarding the question of whether the Plan Amendment should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

C. On October 11, 2021, the Planning Commission held a public hearing relating to the question of whether the Plan Amendment should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

D. The Planning Commission has reviewed the Plan Amendment and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2154 (the “Act”), as follows:

1. The Project Site, as defined in the Plan Amendment, is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
2. The Plan Amendment will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in

**EXHIBIT #4**

conformance with the legislative declarations and determinations set forth in the Act.

3. The Plan Amendment is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

BE IT FURTHER RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend: (i) recommendation of the Plan Amendment by the CDA to the City Council; and (ii) approval of the Plan Amendment by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 11th day of October, 2021.

PLANNING COMMISSION OF THE  
CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Kurt Vosburg, Chairman

ATTEST:

By: \_\_\_\_\_  
Lea Ann Doak  
City Clerk/Secretary

**AMENDMENT TO THE QUILLAN COURT REDEVELOPMENT PLAN  
OF THE CITY OF MCCOOK, NEBRASKA**

**(MEDC INFILL HOUSING PROJECT)**

**Introduction**

The City of McCook, Nebraska ("City") has undertaken a plan of redevelopment within the community pursuant to the adoption of the Quillan Courts Redevelopment Plan for the City of McCook, as amended (the "Redevelopment Plan"). The Redevelopment Plan was approved by the City Council in 2016. The Redevelopment Plan serves as a guide for the implementation of redevelopment activities within certain areas of the City, as set forth in the Redevelopment Plan.

Pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), Ogallala created the Community Redevelopment Authority of the City of Ogallala ("CRA"), which has administered the Redevelopment Plan for the City.

The purpose of this Plan Amendment is to: (i) identify specific property within the redevelopment area identified in the Redevelopment Plan that needs to be removed from the Quillan Courts Redevelopment Area and (ii) identify a new redevelopment project to be undertaken on said property to cause the removal of blight and substandard conditions on the property.

**The Project Site**

The property to be removed from the Quillan Courts Redevelopment Project area is identified as Parcel ID 001002100 in the City of McCook, Nebraska and legally described on the attached and incorporated Exhibit "A" (the "Project Site"). The Project Site located within the Redevelopment Area and has been declared blighted and substandard. The Project Site is in need of redevelopment. The Quillan Courts Redevelopment Project has been implemented and undertaken in 2016, but the Project Site was never developed in connection with said Project. As such, the Project Site remains in blighted and substandard condition and remains in need of redevelopment.

The CDA has considered whether redevelopment of the Project Site will conform to the general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that such a redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of

**EXHIBIT #5**

**PAGE(S) - 14**

sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The blighted condition of the Project Site has contributed to its inability to attract development. The conditions of the Project Site and other data set forth in the Redevelopment Plan with respect to the Project Site are incorporated herein.

McCook Economic Development Corporation (“MEDC”) is the owner of the Project Site and desires to promote residential development on the Project Site. However, the Project Site needs additional public infrastructure improvements to undertake any development on the Project Site. At a minimum, public water, sanitary sewer, and electrical infrastructure must be extended to the Project Site.

In order to support private development, the Project Site requires the utilization of tax increment financing to assist with the cost of the public improvements needed to develop the Project Site. Therefore, the first step that must be taken by the CDA is to remove the Project Site from the Quillan Courts Redevelopment Area to allow the redevelopment project described herein to be implemented. No private development has occurred on the Project Site. As shown on the 5 year tax history of the Project Site, set forth below, only a nominal increase in the tax amount and the tax increment generated on the Project Site has been de minimus:

5 Year Tax History					
Year - Statement #	Payment Date	Receipt #	Tax Amt.	Interest	Total Payment
2020-8273	4/28/2021	5243	\$199.86	\$0.00	\$199.86
2020-8301	4/28/2021	5242	\$8.08	\$0.00	\$8.08
2019-4592	4/21/2020	16764	\$8.04	\$0.00	\$8.04
2019-4593	4/21/2020	16765	\$198.40	\$0.00	\$198.40
2018-65311	8/26/2019	9107	\$3.96	\$0.00	\$3.96
2018-5311	8/26/2019	9107	\$97.91	\$0.00	\$97.91
2018-5311	4/19/2019	3246	\$97.91	\$0.00	\$97.91
2018-65311	4/19/2019	3246	\$3.96	\$0.00	\$3.96
2017-5289	8/20/2018	8939	\$94.91	\$0.00	\$94.91
2017-5289	4/30/2018	5007	\$94.91	\$0.00	\$94.91
2016-5253	1/13/2017	455	\$189.26	\$0.00	\$189.26

Pursuant to this Plan Amendment, the CDA shall take all actions necessary to remove the Project Site from the existing Quillan Courts Redevelopment Area so that a new redevelopment project may be undertaken on the Project Site and a new notice to divide taxes may be filed on the Project Site.

### Description of the Project

The project under consideration will consist of the construction of an approximately 1,370 square foot single family residential dwelling unit and related public improvements located in the Redevelopment Area (the "Project"). There is a strong need in the City for additional housing and MEDC is working to help satisfy this need, but the site does not have adequate infrastructure and the cost to develop is currently prohibiting any development. MEDC has obtained a state trust fund grant to construct the home, but the maximum sales price for the home subject to said grant is \$255,000. The estimated cost of construction of the home on the Project is \$266,000. Without the availability of tax increment financing to assist with the cost of the public infrastructure improvements, MEDC does not believe that the Project Site will be developed.

MEDC has submitted a proposal for the Project and the redevelopment of the Project Site. The redevelopment of the Project Site pursuant to this Plan Amendment will help provide needed additional housing in the City, eliminate the current blight and substandard conditions of the Project Site, and further the purposes of the Act.

As part of the Project, the CDA shall capture available tax increment from the Project Site to assist in payment for the public improvements listed as eligible expenditures under the Act in the Redevelopment Area. Such public improvements may include, but are not limited to site preparation, public infrastructure improvements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare which qualify as eligible expenditures for public improvements under the Act. MEDC shall be responsible for all other costs and expenses associated with the Project.

Construction of the Project is intended to commence in October 2021 and be completed in December 2021. The Base year for the Project is intended to be 2021 and the effective date for the Project is intended to be January 1, 2022.

### **Tax Increment Financing**

The CDA contemplates the use of TIF for the Redevelopment Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of TIF Indebtedness pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in

the same proportion as are all other taxes collected by or for the body ("Base Tax Amount"); and

- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond resolution, in the redevelopment project in excess of the Base Tax Amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount for Project Site will be set forth in the redevelopment agreement. It is anticipated that the CDA will issue one TIF note for the entire Project. Notwithstanding any provision herein to the contrary, all incremental tax revenues resulting from the Project shall only be divided and allocated for no more than the applicable 15-year increment period provided by the Act.

The 2021 value of the Project Site is \$11,421. Based upon a maximum sales price of \$255,000, the complete valuation will not likely be higher than \$255,000, and for the purposes of the TIF projections, MEDC is utilizing a projected completed valuation of the Project of approximately \$236,172.

Based upon the anticipated completed valuation of \$236,172 and a 5.0% interest rate for the TIF Note, the Project will yield TIF Indebtedness in the amount of approximately \$45,225.

Redeveloper estimates that the total Project costs shall be approximately \$266,000. Redeveloper shall be responsible for all project costs. Redeveloper shall also be responsible for the CDA's administrative fee and the City's cost of issuance related to the Project and the TIF Indebtedness, which costs are TIF-eligible expenses. Redeveloper has currently identified approximately \$43,000 TIF-eligible expenditures. The estimated TIF uses are set forth below:

CDA Administrative Fee	\$1,357
Cost of Issuance	\$6,000
Site Preparation	\$15,500
Water Infrastructure	\$3,500
Sanitary Sewer	\$2,000
Electrical Infrastructure	\$3,500
Façade Enhancements	\$11,100
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Total estimated TIF uses:	\$42,957

All TIF uses identified above are estimated amounts and the actual TIF Uses shall be determined based upon actual costs and documented invoices for all eligible public uses. The list of TIF uses identified above is not exhaustive and additional documented eligible public uses may be considered by the CDA.

### **Statutory Elements**

As described above, the Project envisions the capture of the incremental taxes created by the Project on the Project Site to pay for those eligible expenditures as set forth in the Act. The consideration of the statutory elements under the Act for this Project is set forth in this Section.

#### **A. Property Acquisition, Demolition and Disposal**

No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the Project. MEDC owns the Project Site. Upon development, the lots and the homes built will be sold to third party homeowners.

#### **B. Population Density**

The proposed development on the Project Site is the construction of a residential dwelling unit and the infrastructure necessary to support residential development. The Project will minimally increase the population density in the project area. However, this additional housing is desired by the City and conforms to the Comprehensive Plan. There is a desire for population growth in the City and a need for housing to support said population growth.

#### **C. Land Coverage**

The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City. Redeveloper will be required to obtain a building permit in compliance with local zoning regulations prior to the construction of any private improvements.

#### **D. Traffic Flow, Street Layouts, and Street Grades**

The Project will not negatively impact traffic flow, street layouts, and street grades. The Project Site is adjacent to West 9<sup>th</sup> Street and Q Street and has sufficient public street infrastructure to support the Project.

#### **E. Parking**

The Project will be required to meet or exceed the parking requirements for each lot as set forth in the applicable zoning district.

F. Zoning, Building Code, and Ordinances

The Project Site is currently zoned for residential development and the Project is a permitted use in the applicable zoning district. No subdivision or zoning change is anticipated. Redeveloper shall be responsible for all subdivision, zoning, building permit, and other approvals necessary for the project, and approval of the Project shall not be deemed to be approval of any other said required approvals.

**Cost-Benefit Analysis**

Pursuant to Section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit "B" and incorporated by this reference.

**Comprehensive Plan**

Several goals of the McCook, Nebraska Comprehensive Plan 2013–2023 (the "McCook Comprehensive Plan") will be furthered by this Project. Housing is a key component of the McCook Comprehensive Plan, including but not limited to the following sections:

## **HOUSING & RESIDENTIAL DEVELOPMENT**

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**Goal 1: Community Housing Initiative.** The City of McCook should implement a housing development initiative as a primary economic development activity. Such initiative should include the development of up to 279 new housing units by 2023, including an estimated 147 owner housing units and 132 new rental units. The development of up to 279 new housing units would add an estimated \$51 Million to the McCook property tax base. This Housing Initiative would provide current and future residents of the Community with access to a variety of safe, decent and affordable housing types for families and individuals of all age, household size and income sectors.

- ◆ **Action Step 1: Support the efforts of the McCook Economic Development Corporation-Housing Office (MEDC-HO) to encourage and monitor housing development in the City of McCook.** The MEDC-HO should continue to work directly with both public and private sectors to encourage the development of specific housing programs to meet the needs of the Community's current and future residents, with emphasis on housing for young families, the local workforce, retirees and special populations. By 2023, the City of McCook will need to develop an estimated 81 owner units and 72 rental housing units for families and persons of younger age and 66 owner and 60 rental units for elderly individuals and households.  
  
The MEDC-HO has been active in housing rehabilitation with their purchase/rehab/resell down payment assistance programs, as well as homebuyer education courses. These programs will be vital towards future housing activities in McCook.
- ◆ **The MEDC-HO should be responsible for designing and implementing a Workforce Housing Assistance Program for local employees and a Continuum of Residential Retirement Program for older adults in the City.**
- ◆ **Action Step 2: Plan and implement an Employer's Housing Assistance Program to encourage major employers in the McCook area to become directly involved with assisting their employees in becoming homeowners in the Community of McCook.** Assistance could include, but not be limited to, locating and negotiating the purchase of a house, providing funding assistance, etc. Funding assistance could be, for example, in the form of a \$5,000 to \$10,000 grant and/or low-interest loan to persons and families for closing costs, down payment, etc. These homebuyers could also be a participant in a first-time homebuyers program, funded by either/both the Nebraska Investment Finance Authority and the Nebraska Department of Economic Development.
- ◆ **Two or more major employers should consider forming a limited partnership to develop affordable housing projects in McCook, utilizing available public and private funding sources.**
- ◆ **Action Step 3: Initiate a Continuum of (Housing) Residential Care Program in the Community of McCook directed at persons and families 55+ years of age.** This Program would address several facets of elderly housing needs and development opportunities in McCook, including the increasing need for in-home services and home maintenance, repair and modification of homes occupied by elderly households in the Community and additional affordable housing, both owner and rental, with and without supportive services.

**Goal 2: New Housing Developments.** New housing developments in the City of McCook should address the needs of both owner- and renter households, of all age and income sectors, of varied price products.

- ♦ Action Step 1: The City of McCook should identify up to 70 acres of land for new residential development to meet the estimated need for 279 additional housing units by 2023. The City should develop housing in both new and developed areas of the Community.
- ♦ Action Step 2: Build an estimated 20 units of owner housing for households of low- to moderate income, 85 units for moderate income households and an estimated 42 owner units for families and individuals of moderate- to upper income. Special attention should be given the construction of single family housing units for younger households and single family and patio and townhome units for older adults. New owner housing price products should range between \$135K to \$230K, depending on the type of housing units and the household income sector being targeted.
- ♦ Action Step 3: Build an estimated 72 rental housing units for persons and families of very-low- to moderate-income and an estimated 60 rental units for households of moderate- to upper-income. The elderly household population should be targeted for both the upper-income and very-low income rental units. Low- to moderate-income rental housing should be constructed for families.
- ♦ Rental housing price products in McCook should range in monthly rents from \$395 to \$795, depending on the size, number of bedrooms and the household income sector being served. Rental units of all types should be constructed in McCook, with emphasis on duplex rental units for both the elderly and younger households and single family units for younger, larger families. A rent to purchase option should be made available with new single family rental units.
- ♦ Action Step 4: One or two additional multifamily rental projects are recommended for the City of McCook, by 2023, to meet the housing needs of young, single workers in the Community. These projects should be designed and developed in a size and scale suitable for the neighborhood location. The development of a SRO (Single Room Occupancy) facility of eight to 16 units should be given consideration to house single persons in the local workforce.
- ♦ Action Step 5: The Community of McCook should strive to combine "new" services and shopping opportunities with "new" housing developments.
- ♦ Action Step 6: Future housing development programs in McCook should be concentrated in the western portion of City, west of Highway 83, north of the Municipal Golf Course, in areas to the north of "Q" Street east of Highway 83. Consider new, modern housing development types, such as housing in the Downtown and smaller subdivisions utilizing New Urbanism development concepts.
- ♦ Action Step 7: Several Downtown commercial buildings should be promoted for upper level housing to diversify the local housing market and emphasize the Downtown as a vibrant commercial and residential center. One example is the Keystone Business Center, where the top two floors should be considered for moderate- to upper-income housing units. A total of 52 units, 12 owner and 40 renter units, should be developed in Downtown McCook, by 2023.
- ♦ Action Step 8: New housing developments in the City of McCook should include the construction of housing that is complete in accessibility and use by persons and families with special needs.

**Goal 3: Existing Owner and Rental Housing Stock.** Housing rehabilitation programs and activities in the City of McCook should strive to protect and preserve the existing housing stock of the Community.

- ♦ Action Step 1: The Community of McCook should establish a housing rehabilitation program for both owner and rental housing units, with emphasis on meeting the housing rehabilitation needs of the elderly, low income families and housing occupied by persons with special needs.
- ♦ Action Step 2: As needed, the City should establish a policy of condemning and demolishing housing of a dilapidated condition, not cost effective to rehabilitate. The vacated lots could be set aside as part of a City-Wide Land Trust/Land Bank program to be used for future owner and rental housing development needs.

The former St. Catherine's Apartments facility should be demolished and the site planned for residential redevelopment.



- ♦ Action Step 3: The Community of McCook should continue to preserve housing of historical significance. Housing that is architecturally significant or for its association with persons or families who played key roles in the development and growth of the City adds to the character and uniqueness of McCook neighborhoods.



**Goal 4: Financing Housing Development.** The City of McCook and housing developers should consider both public and private funding sources to both construct new housing and maintain the existing housing stock.

- ♦ Action Step 1: The City should pursue State and Federal Grants to assist in financing housing rehabilitation, housing purchase, rehabilitate and resale and first-time homebuyers programs. The City and private builders should pursue such funding from the Nebraska Investment Finance Authority and Nebraska Department of Economic Development.
- ♦ Action Step 2: The City should utilize Tax Increment Financing to assist in the financing of new housing developments, specifically public facility and utility requirements.
- ♦ Action Step 3: Housing developers in McCook should be encouraged to pursue securing any and all available tools of financing assistance in the development of new housing projects in the Community. This assistance is available with the Nebraska Investment Finance Authority, Nebraska Department of Economic Development, USDA-Rural Development, Federal Home Loan Bank and the Department of Housing and Urban Development, in the form of grants, tax credits and mortgage insurance programs.



**Goal 5: Impediments to Fair Housing Choice.** As a Community, McCook will need to identify, discuss and establish a plan to eliminate all barriers and impediments to fair housing choice in the City. All sectors of the Community, both public and private, should play a role in this process. This would include the involvement of City Government, schools, churches and the local business sector.

- ◆ **Action Step 1:** Address the following, primary impediments to fair housing choice in McCook. *For Owner Households - Housing Prices, Excessive Down Payment and Closing Costs and Cost of Insurance. For Renter Households - Lack of Available Decent Rental Units in the Price Range, Excessive Application Fees and/or Rental Deposit and Attitudes of Landlords and Neighbors.*
- ◆ **Action Step 2:** The City of McCook should update and continue to enforce its Fair Housing Policy, to insure all current and future residents of the Community do not experience any discrimination in housing choice.



Additionally, the use of TIF for this Project is supported by the McCook Comprehensive Development Plan:

## **EDUCATION AND COMMUNITY/ECONOMIC DEVELOPMENT**

### **Goal 3: Community Development.**

**Action Step 1:** Encourage local reinvestment in McCook by both the public and private sectors. Provide infrastructure and needed amenities to support future growth of commercial, industrial and residential areas...

**Action Step 3:** Utilize all available public programs of financing in funding development and redevelopment programs...

The existing land use map and future land use map from the McCook Comprehensive Plan are incorporated by this reference.

*Note: This section is not a comprehensive analysis of the Project's conformance with the McCook Comprehensive Plan, but is meant to highlight and summarize the key points on this topic.*

### **Additional Project Information from the Redeveloper**

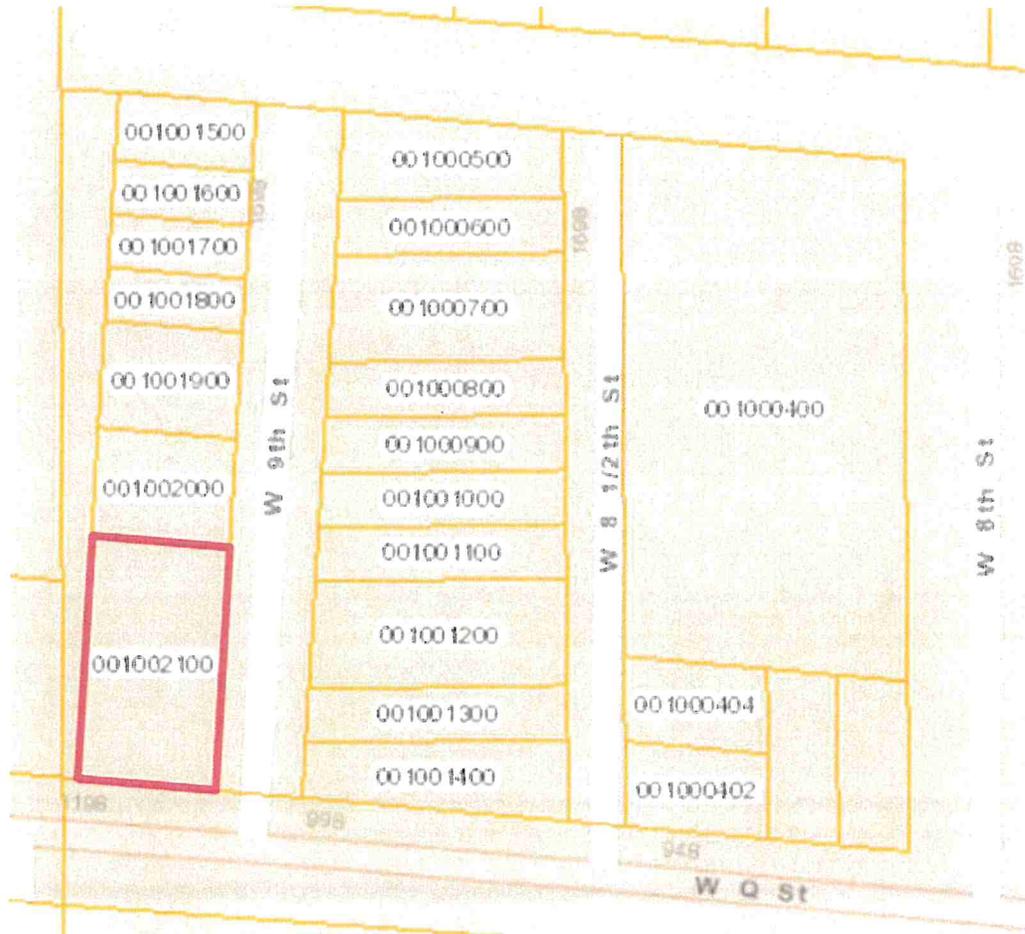
MEDC has represented that without the use of TIF, this Project would not be feasible and MEDC could not develop this Project on the Project Site. MEDC has further represented that it does not intend to file an application with the Department of Revenue to receive tax incentives under the Imagine Act in connection with this Project.

# EXHIBIT "A"

## Legal Description of the Project Site

Lot 7, Block 2, Clary Subdivision Replat #3, City of McCook, Red Willow County, Nebraska.

The location of the Project Site is set forth below:



**EXHIBIT "B"**  
**Cost-Benefit Analysis**  
**(Pursuant to Neb. Rev. Stat. § 18-2113)**

The cost-benefit analysis for the MEDC Infill Housing Redevelopment Project, as described in the Redevelopment Plan to which this cost-benefit analysis is attached, is presented below. The above-referenced project will utilize Tax Increment Financing ("TIF") funds authorized by Neb. Rev. Stat. §18-2147.

**1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:**

The taxes generated by the current value of the property shall continue to be allocated between taxing jurisdictions pursuant to standard statutory requirements. Only the incremental taxes created by the Project will be captured to pay eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Project, the true tax shift of this Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the 15 year tax shift is as follows:

a.	Redevelopment Project Valuation:	\$11,421
b.	Projected Completed Project Assessed Valuation:	\$236,172
c.	Projected Tax Increment Base:	\$224,751
d.	Estimated Tax Levy:	1.922795
e.	Annual Projected Tax Shift:	\$4,322

The Annual Projected Tax Shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2020 levy rate. There has been no accounting for incremental growth or change in the tax levy over the 15 year TIF period.

**2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:**

a. Public infrastructure improvements and impacts:

No substantial negative effects are anticipated on the public infrastructure and community public service needs. There is currently insufficient public infrastructure serving the Project Site. The Project will require infrastructure improvements. The Project will authorize up to \$45,225 in TIF to assist with the cost of eligible public improvements including the construction of the necessary public infrastructure improvements to serve this area. Therefore, the City infrastructure will be expanded at no cost to the City.

MEDC anticipates expenditures of approximately \$266,300 for the Project. It is anticipated that up to \$45,225 of the public improvements will be financed with the proceeds of the TIF generated by the private improvements on the Project Site. The projected uses of the TIF Indebtedness, which may be refined in the Redevelopment

Agreement for this Project, are set forth in the Redevelopment Plan for the Project. All expenditures financed by the TIF Indebtedness shall be eligible under the Community Redevelopment Law.

b. Local Tax impacts (in addition to impacts of tax shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, the Project should generate immediate tax growth through sales tax paid by the new residents of the housing unit on the Project Site. Additionally, the residents will pay for City services. It is not anticipated that the Project will have any material adverse impact on such City services, but will generate revenue providing support for those services. Since the Project consists of a single residential dwelling unit, all impacts will be minimal.

**3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:**

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project. The Project will create one additional housing unit in the City. This is viewed as a positive impact for employers, as additional housing is needed in the City for employees. There is a housing shortage in the City and therefore a labor shortage as well. Without an adequate housing stock, businesses are unlikely to expand or relocate to the area.

**4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:**

As stated in Section 3, above, the Project should have a positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. There is a housing shortage in McCook and housing is needed for working or businesses cannot hire additional employees. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. In addition to the general benefits of the needed additional housing already mentioned, the Project should also generally increase the need for services and products from existing businesses as the new residents will require typical goods and services from local businesses. Since the Project consists of a single residential dwelling unit, all impacts are deemed to be minimal.

**5. Impacts on the student populations of school districts within the City:**

It is not anticipated that the Project will have a material adverse impact on the student populations of the school district within the City. The Project consists of a single residential dwelling unit and the school has capacity for additional students. There is a general desire in the City to create population growth. The population of the

City has been steady or decreasing for some time, and the additional housing needed to help with this problem has not been able to be addressed without the assistance of TIF, so any tax shift must be considered acceptable to achieve the desired population growth in the school and in the City.

**6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:**

The Project will create needed additional housing. The Project Site was previously part of the project area for the Quillan Courts redevelopment project, but the Project Site was not developed and remains vacant and underserved by public utilities. This Project will further the goals and benefits set forth in the Quillan Courts redevelopment project cost benefit analysis, and should be deemed to be a positive continuation of the CDA's plan for development of the redevelopment area.

**7. Summary of Findings:**

The Project will facilitate the redevelopment of a blighted and substandard area of the City without the incurrence of significant public cost. Additionally, the Project will increase property tax revenue in the long-term. The Project will help bring additional workforce housing to the City. The benefits outweigh the costs of the proposed Project.