

# MCCOOK CITY COUNCIL

## REGULAR MEETING

**Monday, July 10, 2023**  
**5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the May 8, 2023 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
  - A. Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.
  - B. Approve Resolution No. PC 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6.
  - C. Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.
    1. Adjourn the Public Hearing.
  - D. Approve Resolution No. PC 2023-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of development of the McCook Business Park Phase II Redevelopment Project.
  - E. Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.
    1. Adjourn the Public Hearing.
  - F. Approve Resolution No. PC 2023-05 recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the

purpose of the development of the North Pointe Redevelopment Project Phases,  
I, II, and III.  
Adjournment.

**CITY MANAGER'S REPORT  
JULY 10, 2023 PLANNING COMMISSION MEETING**

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**ITEM:**          1.  

**RECOMMENDATION:**

Approve the minutes of the May 8, 2023 regular meeting.

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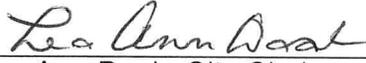
**BACKGROUND:**

Receive and approve the minutes.

**FISCAL**

**IMPACT:**    None.

**APPROVALS:**

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

July 6, 2023

McCook Planning Commission  
May 8, 2023  
5:15 P.M. 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 (arrived 5:19 P.M.), Davidson, Dueland, Friehe, Lyons, McDowell, Mockry.

Absent: Commissioner Stevens, City Manager Schneider, City Attorney Mustion.

City Officials present: Assistant City Manager Koetter, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 5, 2023, 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 April 10, 2023 regular Planning Commission meeting.

Motion to approve the minutes of the April 10, 2023 regular Planning Commission meeting. This motion, made by McDowell and seconded by Mockry, passed.

Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 8, NAY: 0, ABSENT: 2

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a request from Southwest Nebraska Public Health Department to rezone the following described property from Residential Medium Density (RM) District to Business Commercial (BC) District: Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, with the Chair to act as hearing officer in the

absence of the City Attorney. This motion, made by Vosburg and seconded by Hilker, passed.  
Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (1 page); Exhibit #4 - ownership list for mailing of Notice of Hearing (2 pages); Exhibit #5 - Copies of Certified Mail Receipts for non-residents of McCook receiving notification of hearing (1 page); Exhibit #6 - Change of Zoning Application (2 pages); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page) and took comment from staff before opening to public comment.

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by the Southwest Nebraska Public Health Department for property it owns located at 404 West 10th Street. Southwest Nebraska Public Health Department has requested that the lot be rezoned from Residential Medium Density District to Business Commercial. Southwest Nebraska Public Health Department is requesting the zoning change to assure that the use of the existing structure complies with the City of McCook's zoning ordinance. Specifically, the Southwest Nebraska Public Health Department is operating a professional office in a residential district. Southwest Nebraska Public Health Department's use is nonconforming pursuant to Article 22 of the McCook zoning ordinance.

Staff discussed this matter with Southwest Nebraska Public Health Department's administration. It was determined that the best option to achieve compliance is to rezone the property from Residential Medium Density to Business Commercial. A rezoning of the property makes sense due to the fact that the properties to the south are zoned Business Commercial. The businesses in this area include The Scoop Ice Cream, Midwest Liberty, Edward Jones, and Golden Plains Realty. An extension of the Business Commercial District to the north of West "C" Street will not cause a spot zoning issue.

Myra Stoney, Southwest Nebraska Public Health Department Director, was present to address the request and answer questions from the Commission.

Commissioner comments included the fact that two homes are located to the south in the Business Commercial District.

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 McDowell, passed.  
Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: YEA, Hilker: YEA, Lyons: YEA,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 9, NAY: 0, ABSENT: 1

2.B. Recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block

Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Residential Medium Density (RM) District to Business Commercial (BC) District; Replatted Lot Three, Block Six, Second High School Addition to the City of McCook, Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Hilker, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

2.C. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development corporation, to approve a minor subdivision on the following described property: a tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by Friehe, passed.

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

YEA: 9, NAY: 0, ABSENT: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (2 pages); Exhibit #5 - McCook Business Park - Phase II Final Plat (1 page); Exhibit #6 - Land Use Application and attachments (7 pages); Exhibit #7 - McCook Business Park - Phase II Proposed & Existing Utilities (1 page); and Exhibit #8 - McCook Business Park - Phase II proposed & Existing Utilities (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a minor subdivision has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The Final Plat included with the application contemplates a subdividing of the parcel into four lots. Proposed Lot 1 is located on the north side of the existing parcel and includes 14.35 acres, more or less. Proposed Lot 2 is located on the southwest side of the parcel and includes 5.20 acres, more or less. Proposed Lot 3 is located in the south/center of the parcel and includes 5.02 acres, more or less. Proposed Lot 4 is located in the southeast portion of the parcel and includes 6.92 acres,

more or less. Due to the fact that the subdivision only includes four lots, a minor subdivision is the appropriate method for dividing the lots. The plat also includes a drainage outlot of more than one acre on the northeast side of the subdivision.

The minor subdivision includes the extension of Industrial Park Drive west to east. Additionally, the minor subdivision includes a south to north street that would connect Ravenswood Road to Industrial Park Drive. These streets would be built to city specifications and would provide adequate ingress/egress to encourage appropriate traffic flow. Also, a topography study will be completed as the project progresses. It is not included at this time.

Rail access is available to these proposed lots as BNSF maintains an existing rail line north of the proposed subdivision. Rail access is critical for the proposed lots to achieve their intended purpose, which is to provide space for industrial expansion.

To the south of McCook Business Park - Phase II are residential properties. The residential properties are not included in McCook Business Park - Phase II. A landscape easement has been included to provide buffering between the residential properties and industrial lots. The City and MEDC are working on a subdivision agreement that can be taken to the Council next week.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Commissioner discussion and comments included: that only the subdivision is being annexed; the area has been on the Comprehensive Plan for Industrial Development; this is the last property in McCook that can be served by rail; that future development of rail would be required to cross the creek; the lack of landscaping on the south and east side of Lot 4; what is the timeline for extending the concrete street to the east; and possibility of making the street circle in the subdivision and not exit onto Ravenswood Road.

Public commenting in opposition of the project were: Nic Curl, Zach Curl, Ron Rogers, and Kathleen Eiler.

Comments included concerns with deterioration of Ravenswood Road; would an improvement district be created for Ravenswood Road improvements; location of the rail easement; need for more trees in the landscape areas; noise restrictions; keeping the subdivision road to the north and not dump into the residential area along Ravenswood Road; and lot 4 being sandwiched in between residential areas.

Commissioner Friehe was excused during discussion at 6:10 P.M.

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 McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

- 2.D. Recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a minor subdivision on the following property: A tract of land located in the SW 1/4 of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Dueland and seconded by Vosburg.

Discussion included the need to look at what is in the best interest of the City; the Comprehensive Plan indicates the area for Industrial Development; need for a buffer on the east and south side of Lot 4; a timeline is needed for when the street is required to be improved to concrete; initially the street will be grade and grave; and is there a need for a second outlot.

Motion to amend by recommending to the Council that a landscaping easement on the east side and south side of Lot 4 to provide buffering between the residential properties and the industrial lot be added and that a timeline for paving in the subdivision and Ravenswood Road be included in the subdivision agreement. This motion, made by Vosburg and seconded by Hilker, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: ABSTAIN, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Consideration of the original motion on the floor passed as amended.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 8, NAY: 0, ABSENT: 2

- 2.E. Public Hearing - Regarding a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., 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 a request from Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, to rezone the following described property from Agricultural (AG) District to Industrial Heavy (IH) District: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska, with the Chair to act as hearing officer in the absence of the City Attorney. This motion, made by Vosburg and seconded by McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the May 8, 2023 Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Hearing mailed and posted (2 pages); Exhibit #4 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #5 - Land Use Action Request Form and attachments (7 pages); Exhibit #6 - proposed McCook Business park - Phase II Final Plat (1 page); and Exhibit #7 - Map of the City of McCook's zoning districts (1 page).

Assistant City Manager Koetter reviewed the following information presented in Exhibit #1:

An application for a zone change has been filed by Perry and Vicky Case, by and through their project sponsor McCook Economic Development Corporation, for property they own located in the SW 1/4 of Section 28, Township 3 North, Range 29, West of the 6th P.M. in Red Willow County, Nebraska. The applicants request that the aforementioned lot be rezoned from Agricultural District to Industrial Heavy. The applicants are making this request in an effort to expand the existing McCook Business Park. The newly added expansion area is directly to the east of the existing business park. The existing McCook Business Park is zoned Industrial Heavy. The property at issue is adjacent to the McCook Business Park and the requested zoning change is in conformity with the impacted area. Per the City of McCook's Comprehensive Plan, Perry and Vicky Case's property is anticipated to be used for industrial purposes. This request conforms with the City of McCook's future land use plans.

Greg Wolford, W Design Associates, and Charlie McPherson, Director McCook Economic Development Corporation, representing the landowners Perry and Vicky Case, were present to address the request and answer questions from the Commission.

Public commenting in opposition of the rezone request were: Nic Curl, Zach Curl, and Kathleen Eiler.

Comment included could it be zoned to something less than Industrial Heavy.

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 McDowell, passed.

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

YEA: 8, NAY: 0, ABSENT: 2

2.F. Recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of a rezone from Agricultural (AG) District to Industrial Heavy (IH) District for the following property: a tract of land located in the

SW 1/4 Section of Section 28, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Chad Lyons and seconded by McDowell, passed.  
Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: YEA, Lyons: ABSTAIN,  
McDowell: YEA, Mockry: YEA, Stevens: ABSENT, Vosburg: YEA  
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:32 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
Recording Secretary

**CITY MANAGER'S REPORT  
JULY 10, 2023 PLANNING COMMISSION MEETING**

**2.A.**

ITEM NO. \_\_\_ Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #6, comprised of a tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. Red Willow County, Nebraska.

**2.B.**

ITEM NO. \_\_\_ Approve Planning Commission Resolution No. 2023-03 accepting the Blight and Substandard Study for Redevelopment Area #6 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #6.

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**BACKGROUND:**

At the direction of the McCook City Council, Miller & Associates Consulting Engineers, P.C., conducted a Blight and Substandard Study to determine whether a proposed area located in the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. Red Willow County, Nebraska, qualifies for substandard characterization per the Nebraska Community Development Act. A blighted study lets a city guide development and redevelopment inside the study area. Per the Act, blighted is a legal term meaning that the land included in the area displays dilapidated, unsafe, and/or unsightly conditions. It does not mean that the area is uncared-for. The presence of deteriorated structures, defective or inadequate street layout, faulty lot layout, unsafe conditions, improper subdivisions, and the existence of conditions which endanger life or property can lead to the determination that a property is blighted. Substandard is defined as an area that contains properties that have deteriorated; are aged or obsolescent; experience inadequate light, air, sanitation, or ventilation; and/or display conditions which endanger life or property by fire and other causes.

If an area is determined to be blighted and substandard, developers have the ability to access Tax Increment Financing in order to improve the properties within the redevelopment area, which in turn will improve the blighted and substandard conditions currently affecting the properties. The Community Development Law was developed to assist communities with economic growth and promote redevelopment activities in areas where development has stagnated due to unfavorable conditions. To use the Community Development Law, an area must first be declared blighted and substandard. To date, the City of McCook has declared 5 areas blighted and substandard, with amendments made to some of the designated areas. The present study would create a sixth redevelopment area.

Attached to this report is the Blight and Substandard Study conducted by Miller & Associates for the area in question. Based on Miller & Associates comprehensive study, it has been concluded that the study area is blighted and substandard for purposes of the Nebraska Community Development Law.

**EXHIBIT #1**

**PAGE(S) - 2**

Please review the Blight and Substandard Study. Miller & Associates and McCook staff members will be available to answer any questions regarding the determinations contained within the Study.

**APPROVALS:**

  
\_\_\_\_\_

July 6, 2023

Nathan A. Schneider, City Manager

  
\_\_\_\_\_

July 6, 2023

Lea Ann Doak, City Clerk

  
\_\_\_\_\_

July 6, 2023

Tera Koetter, Assistant City Manager

## NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that two public hearings will be held at 5:15 p.m. on Monday, July 10, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

A tract of land located in the SW 1/4 of Section 28, 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 SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point

**EXHIBIT #2**

**PAGE(S) - 2**

being the Point of Beginning. Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of ±255.45 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S62°47'09"E, a Chord Distance of 9.55 feet, an Arc Length of 9.55 feet and a Radius of 604 feet to a point, thence S62°19'58"E a distance of 78.29 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S74°42'44"E, a Chord Distance of 258.89 feet, an Arc Length of 260.92 feet and a Radius of 604 feet to a point, thence S87°05'30"E a distance of 90.17 feet to a point, thence S80°43'55"E a distance of 77.33 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S46°11'29"E, a Chord Distance of 684.70 feet, an Arc Length of 728.00 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 60.00 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak, City Clerk

Publish Twice: June 23 and June 30, 2023

COPY OF NOTICE 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  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

**EXHIBIT #3**

**PAGE(S) - 1**



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

Date: June 30, 2023

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

### NOTICE OF PUBLIC HEARING

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The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration of a redevelopment plan for the property legally described as:

**EXHIBIT #4**

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

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The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

A tract of land located in the SW 1/4 of Section 28, 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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Lea Ann Doak, City Clerk



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

Date: June 30, 2023

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

### **NOTICE OF PUBLIC HEARING**

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Lea Ann Doak, City Clerk



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



Date: June 30, 2023

To: Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

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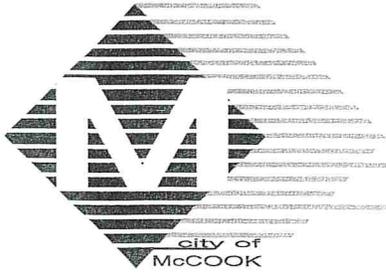
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Lea Ann Doak, City Clerk



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



CERTIFIED MAIL

Date: June 30, 2023

To: Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

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Lea Ann Doak, City Clerk



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

Date: June 30, 2023

To: Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

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Lea Ann Doak, City Clerk

Project No. 200-G1-026

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CITY OF  
**MCCOOK**  
**NEBRASKA**

---

**BLIGHT & SUBSTANDARD STUDY**

July 2023

Prepared by:

**MA** **Miller & Associates**  
**CONSULTING ENGINEERS, P.C.**

1111 CENTRAL AVENUE, KEARNEY, NEBRASKA 68847

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phone: 308-234-6456

[jcombs@miller-engineers.com](mailto:jcombs@miller-engineers.com)

fax: 308-234-1146

**EXHIBIT #5**

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# EXECUTIVE SUMMARY

## **Blighted and Substandard Area**

The City of McCook, Nebraska contracted Miller & Associates, Consulting Engineers, P.C. to complete a Blighted and Substandard Study. The legal description is described as follows:

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Containing 165.4 Acres, more or less.

## **Conclusion**

The study reasonably suggests Blighted and Substandard conditions exist as defined under the *Nebraska Community Development Law*. The use of *Community Development Law* provisions to assist with remedies and actions for the (re)development of the Study Area in McCook, Nebraska is warranted and essential. The conclusions presented in this Executive Summary are supported by the analysis and data included herein: “Substandard and Blight Determination for McCook, Nebraska.”

# SECTION 1: INTRODUCTION

## 1.1 Purpose of Study

The purpose of this study is to determine whether an area within the corporate limits of McCook, Nebraska qualifies as Blighted and Substandard within the definition set forth in the *Nebraska Community Development Law*.

McCook, Nebraska—named in honor of Alexander McDowell McCook who was a general in the Union Army during the Civil War—is located in southwest Nebraska in Red Willow County and registered 7,446 residents in the 2020 census, shown in **Table 1: McCook and Red Willow County, Nebraska** (Perkey 1982). Originally planted by the Lincoln Land Company, McCook was organized in 1883 and at the first census in 1890 tallied 2,346 residents (Perkey 1982). McCook went on to peak in population in 1980 at 8,404 but has since lost 958 or 11.4 percent of its total population, as shown in **Table 1: Population Totals 1880-2020**. Red Willow County has experienced a similar population trend, as shown in **Figure 1: McCook and Red Willow County, Nebraska**. The county peaked in population in 1930 at 13,859 citizens and has since declined to 10,702 in 2020 (-22.8 percent), as shown in **Table 1: Population Totals 1880-2020**.

**Table 1: Population Totals 1880-2020  
McCook and Red Willow County, Nebraska**

Year	McCook	Red Willow County
1880	-	3,044
1890	2,346	8,837
1900	2,445	9,604
1910	3,765	11,056
1920	4,303	11,434
1930	6,688	13,859
1940	6,212	11,951
1950	7,678	12,977
1960	8,301	12,940
1970	8,285	12,191
1980	8,404	12,615
1990	8,112	11,705
2000	7,996	11,450
2010	7,698	11,055
2020	7,446	10,702

*Source: Bureau of the Census, U.S. Federal Statistical System, [www.census.gov](http://www.census.gov).*

## 1.2 What is Blight?

Neighborhoods showing social and physical decay are called blighted (or blight) areas (Berkman 1969; Thomlinson 1969). Chapin (1947) long ago referred to blight as both an “acute and crucial” problem. One that included not only the physical, social, and economic concerns (congestion, slums, declining property values) but also fundamental concerns that constitute a healthy and vibrant neighborhood or community. Kaplan *et al.* (2004) add that blight is a term often associated with inner-city housing. Much of the housing, for example, in the urban core was physically deteriorating prior to World War II. Those issues were exacerbated after World War II with the rapid increase in suburbanization.

Yet early on Chapin (1947) recognized as others did that the problem was not geographically limited to one area of the country, nor was it resigned to only large metropolitan regions. Smaller communities and even rural communities wrestled with—and continue to struggle—problems associated with blight as well. Eisenberg (2018) writes that vacant, abandoned, and dilapidated buildings plague rural communities across the country. Many small towns across the country are faced with difficult choices and have limited financial and/or legal measures to address issues related to blight, including safety, health, economics, aesthetics, and a general quality of life.

For decades legislation at both the state- and federal-level has attempted to deal with blight. Illinois, for instance, in 1947 passed the Blighted Areas Redevelopment Act (Berkman 1969). In that particular case, slum clearance was part of housing programs and redevelopment primarily in the Chicago metropolitan area. Just a few years later, the Housing Act of 1949 sought to address the problem on the national scale and demolition was the tool frequently used (Kaplan *et al.* 2004). The 1949 legislation provided a “mechanism by which public and private capital could collaborate in the elimination of certain forms of urban blight and the redevelopment of older sections of cities with more adequate housing” (Berkman 1969, 585). A few years later, the Federal Housing Act of 1954 broadened the scope even further, with a strong emphasis on public participation and rehabilitation for areas not deteriorated beyond restoration.

For decades eminent domain was used to at least attempt to alleviate the problems associated with blight (Kaplan *et al.* 2004; Pritchett 2003). With that, as certain areas were cleared, expansion of downtown anchors (hospitals or universities, for instance) often spilled into nearby blighted neighborhoods. In the 1960s and 1970s the term “urban redevelopment” caught hold. A term that is still in use today, urban development includes a variety of “tools” to assist communities dealing with blight. Rehabilitation remains a viable option for some blighted locations, for others it is not.

### **1.3 Substandard Area Definition**

As defined in *Nebraska Revised Statute §18-2103 (31)* a substandard area is an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the presence of:

- Dilapidation or Deterioration
- Age or Obsolescence
- Inadequate Provision for Ventilation, Light, Air, Sanitation, or Open Spaces
- High Density of Population and Overcrowding
- Existence of Conditions which Endanger Life or Property by Fire and Other Causes
- Any Combination of Such Factors

is conducive to ill health, the transmission of disease, infant mortality, juvenile delinquency, and crime (which cannot be remedied through the construction of prisons), and is detrimental to public health, safety, morals, or welfare. The presence of these factors is detrimental to public health, safety, morals, and welfare in the community.

This evaluation includes an exterior survey of the structures or parcels/lots within the Study Area, a land use inventory, field investigations, an analysis of pertinent documents, and data which could validate the existence of substandard conditions. The six substandard factors were evaluated as follows:

#### **Dilapidation or Deterioration**

The determination and rating of the structural condition is critical in determining a substandard area in need of redevelopment. The classification system for existing conditions is a major part of any substandard area determination. It must be based on consistent and established criteria and result in accurate descriptions of existing structures. The existing structural conditions were evaluated, the sites classified, and other environmental conditions and deficiencies recorded.

#### **Age or Obsolescence**

Information on the age of structures was captured from the Red Willow County GIS database ([redwillow.gworks.com](http://redwillow.gworks.com)).

#### **Inadequate Provisions for Ventilation, Light, Air, Sanitation, or Open Spaces**

Results from the exterior structure and lot conditions survey provide the basis for the detection of unsanitary and unsafe conditions. A number of factors present ongoing negative conditions that contribute to the physical decline of any developed area. Improper ventilation and sanitation facilities and lack of sunlight, clean air, and open spaces contribute to the decline of any urban or rural area. The presence of any or all these factors, in minimal amounts, is considered under the *Nebraska Community Development Law* to contribute to the substandard character of any urban or rural area.

## **Existence of Conditions Which Endanger Life or Property by Fire and Other Causes**

The existence of conditions endangering life or property by fire and other causes is identified within the Study Area. Age and structural conditions as well as structural types and public infrastructure within the area are evaluated to determine the existence of these conditions.

## **Any Combination of Such Factors**

A reasonable existence of any factors listed above, or a combination thereof, indicates substandard conditions in the Study Area. These factors present potential for detrimental effects on public health and safety, morals, and welfare in the community. An evaluation of factors within each of the analysis areas and various combinations of substandard conditions will determine if substandard conditions exist.

## 1.4 Blighted Area Definition

For this particular study, the State of Nebraska offers a legal definition. As defined in *Nebraska Revised Statute §18-2103 (3)* a blighted area is an area which due to the presence of:

- A Substantial Number of Deteriorated or Deteriorating Structures
- Existence of Defective or Inadequate Street Layout
- Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness
- Unsanitary or Unsafe Conditions
- Deterioration of Site or Other Improvements
- Diversity of Ownership
- Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land
- Defective or Unusual Conditions of Title
- Improper Subdivision or Obsolete Platting
- Existence of Conditions which Endanger Life or Property, by Fire and Other Causes
- Any Combination of Such Factors

If the presence of these factors substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, or constitutes an economic or social liability, and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exist:

- The average age of the residential or commercial units in the area is at least forty years.
- 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.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the city in which the area is designated, or
- The area had a stable or declining population based on the last 2 decennial censuses.

This evaluation includes an exterior survey of the structures and parcels/lots within the Study Area, a land use inventory, a field investigation, and analysis of pertinent documents and data, which could validate the existence of blight conditions. The eleven blight factors were evaluated as follows:

### **Substantial Number of Deteriorated or Deteriorating Structures**

As previously mentioned, a substantial number of deteriorated or deteriorating structures is determined by a structural analysis rating. This is vital in determining a blighted area in need of redevelopment. The system used for classifying these conditions is a major part of any blighted area determination and must be based on consistent and established criteria which results in accurate descriptions of existing structures. The condition of the structures was evaluated, the site classified, and other environmental conditions and deficiencies recorded.

### **Existence of Defective or Inadequate Street Layout**

The existence of defective or inadequate street layout consists of an analysis of platted streets. Defective street layout is caused by improper platting, irregular land uses requiring platting

changes, and topographical challenges including natural landscape features like ravines or rivers. Defective or inadequate street layouts could also be caused by dead-end roads. These have the potential to cause safety concerns for vehicular and pedestrian traffic with the main reason for concern being safety hazards caused by irregular intersections.

### **Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness**

Faulty lot layout in relation to size, adequacy, accessibility, or usefulness consists of the function of the land and how it is platted for development. Too small, inaccessible, or irregular lots can impede redevelopment efforts.

### **Unsanitary or Unsafe Conditions**

Unsanitary or unsafe conditions are in existence if conditions endangering life or property by fire and other causes are identified within the Study Area. Age and structural conditions as well as other land use styles within the area are evaluated to determine the existence of these conditions, which are considered blight criteria conditions. These conditions endanger life and can include overcrowding, refuse, debris, presence of vermin or other wild animals, lack of sun and air movement, and any conditions which could lead to injury for residents.

### **Deterioration of Site or Other Improvements**

Determining the deterioration of the site or other improvements consists of completing site reconnaissance, assessing drainage concerns, evaluating the conditions of roads, and calculating vehicular problems such as parking and speeding. Blight conditions may include deterioration or lack of improvements such as poor drainage, dirt, or gravel roads, concrete or asphalt streets with cracks and potholes, lack of consistent sidewalk infrastructure, lack of ADA accessibility, undersized and/or deteriorated water and sanitary sewer mains, and many more site and development needs.

### **Diversity of Ownership**

Diversity of ownership can make it challenging to work through comprehensive redevelopment efforts. Having little or no diversity of ownership in the Study Area can also be a blight factor if a handful of owners or a single owner is not taking responsibility for the care and upkeep of the property. Diversity of ownership is determined by researching Red Willow County assessor data as reported on the County's GIS Workshop Site.

### **Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land**

The list of delinquent taxes for real property in Nebraska is posted on the Nebraska Department of Revenue's website as reported by each County's Treasurer.

### **Defective or Unusual Conditions of Title**

This factor is said to be present when there are problems with the marketability of property titles, including unusual restrictions or unclear ownership. Defective or unusual conditions of the title can include improper filings. This can be corrected when the land is being sold, mortgaged, or both. Defective conditions of title can render the land unmarketable constituting a blight factor.

### **Improper Subdivision or Obsolete Platting**

Improper subdivision of obsolete platting is considered a blight condition when there is a wide range of shapes and sizes of platted land that exists within the Study Area. Some irregular lots may not conform to the current municipal standards. Irregular-shaped lots or outdated platting create challenges for redevelopment efforts and are considered a blight factor.

### **Existence of Conditions which Endanger Life or Property, by Fire and Other Causes**

The existence of conditions endangering life or property by fire and other causes are identified within the Study Area. Age and structural conditions as well as structural types and public infrastructure present within the area are all evaluated to determine the existence of these conditions.

### **Any Combination of Such Factors**

When any combination of such factors exists and substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, or constitutes an economic or social liability it is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exists:

- The average age of the residential or commercial units in the area is at least 40 years.
- More than half of the platted and subdivided property in an area is unimproved land that has been within the Village/City for 40 years and has remained unimproved during that time.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the Village/City in which the area is designated or
- The area had either a stable or declining population based on the last two decennial censuses.

## 1.5 Community Development Law Classification

McCook, Nebraska is a First Class City (more than 5,000 residents and fewer than 100,000) as defined by the state (*Nebraska Revised Statute 16-101*). Under the *Community Development Law*, a First Class City may designate up to 35 percent of the city as blighted. In this case, a portion of the Study Area is inside McCook's corporate boundaries, and a portion is outside the corporate limit. Even though a portion of the Study Area is outside the corporate boundaries it sits adjacent to McCook's legal boundaries and inside the extraterritorial jurisdiction (ETJ), as shown in **Figure 2: Blight and Substandard Study Area**.

## 1.6 Analysis Approach

Field survey data was collected for buildings and parcels in the Study Area. Miller & Associates analyzed the data collected and examined the condition, age, site, and other factors related to public health, safety, morals, or welfare. Street layout, accessibility, condition, and subdivision layout and design were also investigated within the Study Area.

The rating of structural conditions is a critical step in determining the eligibility of an area for redevelopment. The classification system must be based on established evaluation standards and criteria and result in an accurate and consistent description of the existing conditions. The following section—Structural Components—summarizes the method used for assessing structural conditions, the standards and criteria used for evaluation, and the findings of dilapidated or deteriorating structures.

A field survey method was used to assess and record structural conditions. This analysis was based on an exterior inspection to note deficiencies of the structures and identify related environmental deficiencies. An inspection and analysis of the blighted and substandard factors listed in the State Statutes was made to determine whether any factors were present in the Study Area.

Photos of parcels and structures were also taken within the Study Area and a selection of images is located in **Appendix A: Supporting Images**.

### Structural Components

During the field survey, structural components within the Study Area were examined from the exterior to determine existing conditions. The examined structural components fit the two categories listed below:

#### **Primary (Major) Components:**

These are the basic structural elements including roof, wall, and foundation composition.

#### **Secondary (Minor) Components:**

These components are the necessary secondary structural elements such as roof types, chimneys, gutters and downspouts, wall surfaces and condition, paint, doors, windows, porches, steps, and fire escapes, driveways, and siding condition.

### Structural Components Classification

Both the Primary and Secondary Components were evaluated from the exterior to determine the overall structural condition. This evaluation considered the relation and importance of each component separately and the effects on each structure. The four classifications for structural components are as follows:

#### **Sound (Normal Maintenance):**

A sound structure is one which has been and can be kept in good condition with normal maintenance. Structural components contain no defects and require no treatment other than normal maintenance.

#### **Minor Deficient (Minor Repair):**

A structure ranked as minor deficient has components containing defects which can be corrected through the course of normal maintenance or minor repair. Minor defects have

no real effects on either structural or architectural components. Correcting such defects may be accomplished by the owner or tenant and is not considered in rating a structure as structurally substandard.

**Major Deficient/Deteriorating (Major Repair):**

A structure ranked as major deficient has components with major defects over an extensive area. Correction of such major defects would require reconstruction of components by practiced and experienced people in the related trade.

**Substandard/Deteriorated (Beyond Feasible Repair):**

A substandard structure contains major defects which are so serious and extensive that the structure cannot be economically repaired. A dilapidated structure contains such serious defects that there is no question if it is uninhabitable and should be demolished. All major components of a dilapidated structure have major or critical component defects or a combination of less serious major component defects together with several minor component defects which are ranked as critical in nature.

**Blighted and Substandard Factor Distribution**

This analysis was performed on the basis that the blighted and substandard factors defined in the Nebraska Community Development Law must be reasonably distributed within an area determined to be Blighted and Substandard.

**Blighted and Substandard Rating Criteria**

Each of the blighted and substandard factors is classified into one of four ratings on the site reconnaissance and data analysis. The four ratings are *not at all*, *mild*, *moderate*, and *strong*. These ratings represent the presence of each of the blighted and substandard factors in the Study Area.

## **1.7 Additional Public Intervention**

The presence of one or more of these blighted and substandard conditions may make it fitting to declare an area substandard or blighted under State Statute. As part of the *Nebraska Community Development Law, Nebraska Revised Statute §§18-2101 to 18-2155* a determination shall be made that the conditions existing in any such blighted and substandard area are beyond remedy and control solely by the regulatory process in the exercise of police power and cannot be dealt with effectively by ordinary operations of private enterprises without aid provided under the *Community Development Law*. This analysis was conducted because additional public intervention, over and above the exercise of police power, is needed to overcome the existing conditions in the Blighted and Substandard Study Area.

## **1.8 Conclusion**

Assessments of the factors listed in the *Nebraska Community Development Law* indicate an area can be determined as Blighted and Substandard. Although the presence of one or more of the stated factors may be sufficient to determine if Blighted and Substandard conditions exist under State Statute, this evaluation was made on the basis that would lead rational persons to conclude public intervention is appropriate and/or necessary to assist with redevelopment activities.

## SECTION 2: BLIGHTED AND SUBSTANDARD ANALYSIS

### 2.1 Existing Land Use

**Figure 2: Blight and Substandard Study Area**, shows the boundaries of the Blighted and Substandard Study Area—a portion of the Study Area is inside McCook’s corporate boundaries, and a portion is outside the corporate limit. Even though a portion of the Study Area is outside the corporate boundaries it sits adjacent to McCook’s legal boundaries and inside the extraterritorial jurisdiction (ETJ) as shown in **Figure 2: Blight and Substandard Study Area**. Much of the area is zoned agricultural, but it does sit adjacent to parcels zoned industrial. Additionally, the Study Area also contains several non-conforming residential parcels.

## **2.2 Research Approach**

The research approach implemented for the Blighted and Substandard Determination Study included an assessment of the Blighted Substandard determination factors listed in the *Nebraska Community Development Law*. Exterior structural conditions, individual structures and properties, streets, alleys, sidewalks, driveways, railways, and open spaces were investigated in the Study Area to determine the presence of blighted and substandard factors. For further explanation of how data was collected and evaluated, see the Analysis Approach section previously presented in this document.

## 2.3 Substandard Definition

As defined in *Nebraska Revised Statute §18-2103 (31)* a substandard area shall mean an area with a predominance of structures or improvements, whether nonresidential or residential in character, by the presence of the following is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and is detrimental to the public health, safety, morals, or welfare:

- Dilapidation/Deterioration
- Age or Obsolescence
- Inadequate Provision for Ventilation, Light, Air, Sanitation, or Open Spaces
- Existence of Conditions Which Endanger Life or Property by Fire and Other Causes
- Any Combination of Such Factors

is conducive to ill health, the transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to public health, safety, morals, or welfare.

### Dilapidation/Deterioration

Survey data revealed multiple deteriorated or dilapidated structures in the Study Area. Age and deterioration of structures are clear as seen in Appendix A—Supporting Images. There is also scattered debris and an abundance of overgrown vegetation surrounding several parcels and structures.

### Conclusion

The results of the exterior building condition field survey indicate dilapidated/deteriorated structures are present to a *mild* degree in the Study Area which constitutes a substandard factor.

### Age or Obsolescence

Data for this factor is from the Red Willow County GIS database. The following is a list of property addresses along with the year built for the residential structures in the Study Area as shown in **Table 2: Residential Structures in the Study Area.**

**Table 2: Residential Structures in the Study Area**  
**Study Area in McCook, Nebraska 2023**

Address	Year
38625 Ravenswood Drive	1974
38629 Ravenswood Drive	1976
38633 Ravenswood Drive	1964
38635 Ravenswood Drive	1955
38637 Ravenswood Drive	1940
38641 Ravenswood Drive	1925
38655 Ravenswood Drive	1950
38657 Ravenswood Drive	1952
38659 Ravenswood Drive	1950
38663 Ravenswood Drive	1950
38665 Ravenswood Drive	1950
38667 Ravenswood Drive	1962

## **Conclusion**

All residential structures in the Study Area are more than forty years in age. Age is not the sole determinant in evaluating condition, but older properties do require continual maintenance to avoid substandard conditions from appearing. This presents a *mild* substandard factor for the Study Area.

## **Inadequate Provisions for Ventilation, Light, Air, Sanitation, or Open Spaces**

The Study Area in southeast McCook, Nebraska is comprised of agricultural parcels and residential lots adjacent to industrial tracts. The majority of the area listed as agricultural presents concerns related to proper ventilation, light, air quality, and sanitation. Air quality, for instance, could be compromised by the presence of livestock operations or dust from traditional row crop operations. Moreover, air quality concerns related to McCook's nearby wastewater treatment facility is an issue for the Study Area as well. In addition to air quality concerns, livestock, and industrial uses (nearby rail lines) create potential runoff concerns. Finally, soil erosion/blowing sediment has been and remains a concern for Red Willow County, so minimizing wind erosion is important.

## **Conclusion**

Inadequate provisions for ventilation, light, air, sanitation, or open spaces are present to a *moderate* degree in the Study Area which constitutes a substandard factor.

## **Existence of Conditions which Endanger Life or Property by Fire and Other Causes**

The field survey indicates there are a number of conditions which endanger life or property to varying degrees within the Study Area. There are instances of scattered debris, uncontrolled vegetation, and deteriorated or dilapidated accessory structures. The presence of debris, uncontrolled vegetation, and dilapidated accessory structures could constitute a substantial fire hazard, which would endanger both life and property, especially as this area becomes more developed in the future.

The Study Area sits just north of the Republican River which has presented flooding concerns in the past. Additionally, the area has a small floodplain on its northeast edge which has the potential for flooding concerns should intensive commercial or residential development occur in the future. Poor stormwater drainage could be an issue in the future, especially as there is no stormwater drainage infrastructure presently on the site to convey stormwater properly.

## **Conclusion**

Conditions which endanger life or property by fire and other causes are present to a *moderate* degree in the Study Area which constitutes a substandard factor.

## **Any Combination of Such Factors**

The presence and combination of the previously listed factors indicates substandard conditions exist. When two or more of these factors exist in the same area, they present potential for detrimental effects on public health and safety. An evaluation of substandard factors within the Study Area and various combinations of substandard conditions produced the following findings:

- The Study Area has multiple instances of dilapidated or deteriorated structures, creating conditions which endanger life or property by fire and other causes.

- Scattered refuse and debris and overgrown vegetation coupled with close proximity of structures, presents potential for fire hazards and unsanitary conditions.
- The potential for flooding and stormwater buildup along with associated flood damage could also be a major issue in the future. The lack of proper stormwater drainage infrastructure, especially if development becomes more intensive in the future, may have detrimental effects on public safety.
- Unsanitary conditions could be created by flood events, particularly with runoff from farms with livestock.

**Conclusion**

The combination of these factors throughout the Study Area indicates a *moderate* presence of substandard conditions which constitutes a substandard factor.

**Determination of Substandard Factors**

Many conditions within the Study Area meet the requirements of ‘substandard’ as outlined in the *Nebraska Community Development Law*. Structures and properties were evaluated, and the substandard factors were determined to be present to one of the following strengths: *not at all*, *mild*, *moderate*, and *strong*. The distribution of the defined factors indicates the Study Area is substandard. **Table 3: Presence of Substandard Factors in the Study Area**, summarizes the presence of substandard factors.

**Table 3: Presence of Substandard Factors in the Study Area  
Study Area in McCook, Nebraska 2023**

Substandard Factor	Presence
Dilapidated/Deterioration	Mild
Age of Obsolescence	Mild
Inadequate Provision for Ventilation, Light, Air, Sanitation, or Open Spaces	Moderate
Existence of Conditions which Endanger Life or Property by Fire or Other Causes	Moderate
Any Combination of Such Factors	Moderate

**Conclusion**

The Study Area has two *mild* factors and three *moderate* indicators of blight.

## 2.4 Blight Factors

As described in Nebraska Revised Statutes §18-2103 (3) a blighted area shall mean an area, which due to the presence of:

- Substantial Number of Deteriorated or Deteriorating Structures
- Existence of Defective or Inadequate Street Layout
- Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness
- Unsanitary or Unsafe Conditions
- Deterioration of Site or Other Improvements
- Diversity of Ownership
- Tax or Special Assessment Delinquency Exceeding the Fair Value of the Property
- Defective or Unusual Conditions of Title
- Improper Subdivision or Obsolete Platting
- Existence of Conditions which Endanger Life or Property by Fire or Other Causes
- Any Combination of Such Factors

The presence of these factors substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exist:

- The average age of the residential or commercial units in the area is at least forty years.
- 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.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the city in which the area is designated or
- The area had either a stable or declining population based on the last 2 decennial censuses.

### **A Substantial Number of Deteriorated or Deteriorating Structures**

While the primary structures in the Study Area were for the most part in sound condition, the accessory structures varied from “Minor Deficient” to “Substandard/Deteriorated.” The rating system is outlined previously in the Structural Components Classification section of this Determination Study.

The exterior conditions survey revealed several deteriorating conditions including rusted, weathered, and outdated conditions with deteriorated siding, roofs, windows, and yards. In addition, cracked, uneven, and largely unpaved parking lots, driveways, and roads are in major need of rehabilitation and/or replacement. Additionally, there is scattered debris and overgrown vegetation in the area as well, as shown in **Table 4: Structural Rating in the Study Area**.

Table 4: Structural Rating in the Study Area		
Study Area in McCook, Nebraska 2023		
Rating	Land Use	
	Residential	Agricultural/Greenspace
Sound	8	
Minor Deficient	1	3
Major Deficient Deteriorating	3	
Substandard Deteriorated		

### Conclusion

The survey results indicate a *mild* ranking for the Study Area that contains one *minor deficient* property, three *major deficient* properties, and all three agricultural parcels are *minor deficient*.

### Existence of Defective or Inadequate Street Layout

Limited access along and/or to Ravenswood Road points to egress concerns for the Study Area. Moreover, Highway 83 is a short distance to the west but provides limited access points to the Study Area, and Highways 6/34 to the north are not accessible from the Study Area due to the Burlington Northern-Santa Fe rail line.

### Conclusion

These concerns represent a *moderate* concern for the Study Area.

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

Field survey data indicate that faulty lot layout is a concern in relation to size, adequacy, accessibility, and/or usefulness. The residential lots in the Study Area, for instance, are all non-conforming that today do not follow city and/or county codes that require three acres lots for residential tracts.

### Conclusion

These concerns represent a *moderate* concern for the Study Area.

### Unsanitary or Unsafe Conditions

The results of the field survey recognized unsanitary and unsafe conditions throughout the Study Area. Factors contributing to unsanitary and unsafe conditions are listed and explained below:

- Deteriorating or dilapidated conditions cited in this Study Area are prevalent in existing structures. Hazards, such as inadequate roof drainage, poor or lack of sidewalks, and unsafe secondary buildings were exhibited in many of these structures.
- There were some lots which were found to contain major debris and combustible items. The presence of combustible materials, debris, and refuse constitutes a substantial fire hazard and unsafe conditions.

- Areas of salvage and storage are not adequately screened or fenced for the safety of residents.
- The lack of completed sidewalks creates an unsafe environment for residents.
- Street site limitations exist at various intersections due to overgrown trees, shrubs, and bushes. Safety issues are compromised for both vehicular and pedestrian traffic.
- There is no public storm safety shelter in the area.

### **Conclusion**

Unsanitary and unsafe conditions are present to a Mild degree throughout the Study Area which constitutes a blighting factor.

### **Deterioration of Site or Other Improvements**

Field observations to evaluate the condition of site improvements such as streets, parking lot surface, driveways, pedestrian safety, accessory structure condition, drainage capacity, neglect and debris, lack of landscaping, infrastructure condition, fencing condition, and lack of infrastructure provided the foundation for the recognition of deterioration of site improvements throughout the Blighted and Substandard Area. Factors contributing to the deterioration of site improvements are listed and explained below:

- Streets and parking lot surfaces in the Study Area are either in poor condition or there is a lack of pavement in general.
- Accessory structures in the Study Area vary in condition, with several in need of repair.
- Stormwater drainage and flooding could create many issues for the Study Area which is adjacent to a small floodplain and just north of the Republican River. Drainage capacity is paramount to protecting any future developments in the Study Area.
- There are areas where deteriorated fencing in the Study Area needs replacement.
- Weathering and damage to the fencing are prevalent and can pose a safety concern and add to the deteriorated appearance of the Study Area.
- There is limited municipal infrastructure available in the Study Area. An existing water main exists near Ravenswood Road and serves much of the area. Sanitary sewer is limited easterly of the wastewater treatment facility outfall main. The existing asphalt road surfacing does not conform with McCook’s current design standards. Paving improvements, stormwater drainage, water main looping, and sanitary sewer options will need to be addressed for any future development.

### **Conclusion**

Deterioration of site improvements is present to a *moderate* degree in the Study Area and constitutes a blighting factor.

### **Diversity of Ownership**

Despite the low number of property owners, diversity of ownership is a *moderate* concern. With competing interests related to ownership—agricultural, industrial, and residential—diversity of ownership is an important issue to consider and has the potential to limit development in the future.

### **Conclusion**

Diversity of ownership is a *moderate* concern for the Study Area.

### **Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land**

The status of real estate taxes for properties within the Study Area was evaluated. The list of delinquent taxes for real property in Nebraska is posted on the Nebraska Department of Revenue's website as reported by each county treasurer the first week of February.

#### **Conclusion**

Tax or special assessment of delinquency exceeding the fair value of the land is *not at all* present within the Study Area and *does not* constitute a blight factor.

### **Defective or Unusual Conditions of Title**

A title insurance policy is usually issued whenever land is sold, mortgaged, or both. Any title defects are corrected at the time of issuance. All other titles in the same subdivision or addition need to be checked when new title insurance has been written. Everything preceding the issuance of the title should be the same and any defects previously corrected. The possibility for title problems should be limited to improper filings since platting on properties which have not been mortgaged or sold is minimal.

#### **Conclusion**

Defective or unusual conditions of the title are *not at all* present within the Study Area and do not constitute a blight factor.

### **Improper Subdivision or Obsolete Platting**

Developed land uses in the Study Area consist of agricultural, industrial, and residential parcels. Several non-conforming residential lots found adjacent to Ravenswood Road create a *moderate* concern for the Study Area and do not conform to current development standards.

#### **Conclusion**

Improper subdivision or obsolete platting is a *moderate* concern in the Study Area.

### **Existence of Conditions which Endanger Life or Property, by Fire and Other Causes**

Field survey data was considered in determining the existence of conditions that endanger life or property by fire, flood, and other causes. Several conditions exist in the Redevelopment Area that could potentially endanger life or property to varying degrees and are summarized as follows:

- Unattended lots, especially during dry, hot conditions pose fire hazards.
- There were instances where varying amounts (major and minor) of debris, combustible items, and refuse were identified.
- With limited drainage infrastructure in addition to the close proximity of the Republican River, the area does have drainage/flooding concerns.

#### **Conclusion**

Conditions which endanger life or property, by fire, flood, or other causes, have a *moderate* presence in the Study Area which constitutes a blighting factor.

### **Any Combination of Such Factors**

Any combination of such factors, substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations, constitutes an economic or social liability, and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and in which at least one or more of the following conditions exists:

- The average age of the residential or commercial units in the area is at least 40 years.
- More than half of the plotted and subdivided property in an area is unimproved land that has been within the City for 40 years and has remained unimproved during that time.
- The per capita income of the study or designated blighted area is lower than the average per capita income of the Village/City in which the area is designated; or
- The area had either a stable or declining population based on the last 2 decennial censuses.

Significant blighted characteristics are present within the Study Area. Examination of the field data and information gathered as part of this analysis indicate the existence of several negative conditions, which impede the sound growth and potential for redevelopment of the Study Area:

### **Conclusion**

The combination of the blight factors outlined in this document and the presence of socioeconomic constraints which limit sound redevelopment, impede provisions to provide adequate housing and commercial development and produce an ongoing economic liability. A *moderate* presence of these blight conditions exists within the Study Area.

### **Determination of Blight Factors**

The Study Area meets the requirements for a blighted area as outlined in the *Nebraska Community Development Law*. Structures and properties were evaluated, and blight factors were determined to be present to one of the following strengths: *not at all*, *mild*, *moderate*, and *strong*. The distribution of defined factors indicates the analysis area is blighted. The predominance of all ten factors and combinations of these factors are present as determined through this evaluation. **Table 5: Presence of Blight Factors in the Study Area** summarizes the presence of blight factors in the Study Area.

**Table 5: Presence of Blight Factors in the Study Area  
Study Area in McCook, Nebraska 2023**

<b>Blight Factor</b>	<b>Presence</b>
Substantial Number of Deteriorated or Deteriorating Structures	Mild
Existence of Defective or Inadequate Street Layout	Moderate
Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness	Moderate
Unsanitary or Unsafe Conditions	Mild
Deterioration of Site or Other Improvements	Moderate
Diversity of Ownership	Moderate
Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land	Not at All
Defective or Unusual Conditions of Title	Not at All
Improper Subdivision or Obsolete Platting	Moderate
Existence of Conditions which Endanger Life or Property by Fire or Other Causes	Moderate
Any Combination of Such Factors	Moderate

## **2.5 Determination of Need for Public Intervention**

In determining whether or not any area is blighted and substandard, *Nebraska Community Development Law §18-2102* requires the condition of the area must be such that the remedy of the blighted and substandard conditions within the area be beyond the control of the City's use of regulatory control and exercise of police power and cannot be effectively dealt with by the ordinary operations of private enterprise without the aids provided under the law. McCook, Nebraska could deem public intervention as essential or appropriate. For this reason, each factor being evaluated in the context of the extent of its presence and the combined impact of all factors found in the Study Area, this study finds that public intervention is needed for redevelopment efforts.

This blighted and substandard conditions evaluation indicates that McCook, Nebraska can and should encourage long-term improvements within the Study Area. Improvements and conditions can be accomplished through applications of zoning regulations, nuisance abatement, infrastructure improvements, pedestrian accessibility improvements, dilapidated building demolition, rehabilitation, and debris removal. Increasing taxes or assessments, however, to achieve these goals would be problematic for area residents.

Existing conditions are deterrents and discourage private redevelopment and investment. As a result, the community cannot achieve improvements without aid made available through the *Community Development Law*. In summary, if Blighted and Substandard conditions were remedied within a reasonable time, redevelopment of the area would improve the economic climate and prevent further decline of the Study Area. Working to remedy and repair blighted and substandard conditions has been determined to be essential, warranted, and vital to the redevelopment of the Study Area.

## **2.6 Conclusion**

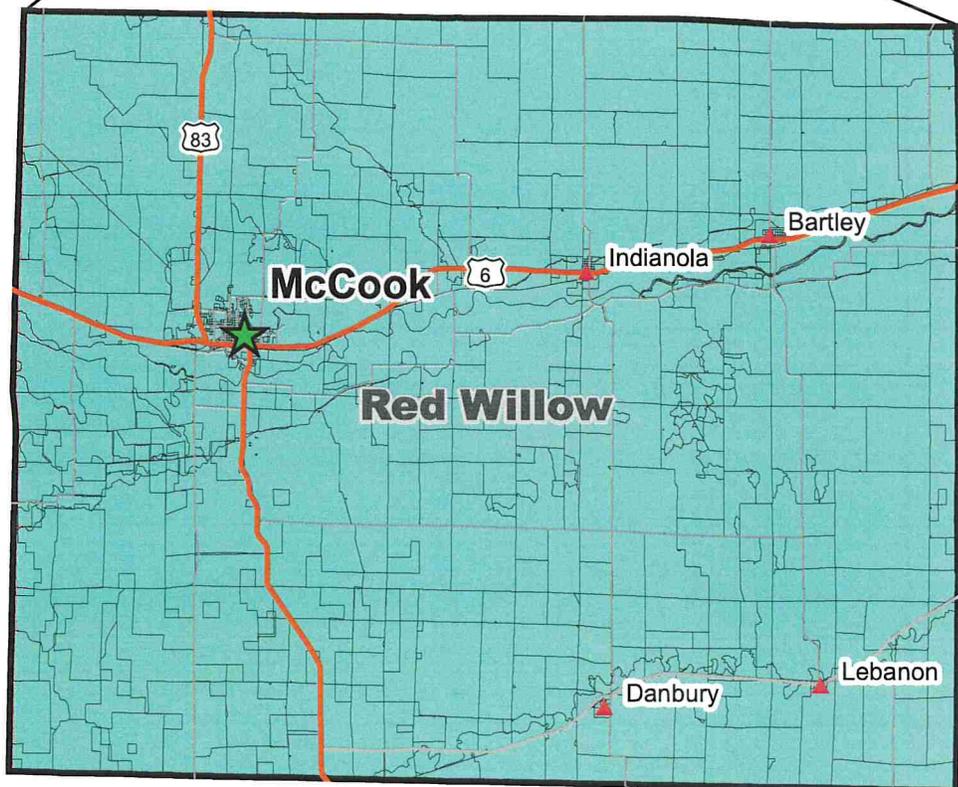
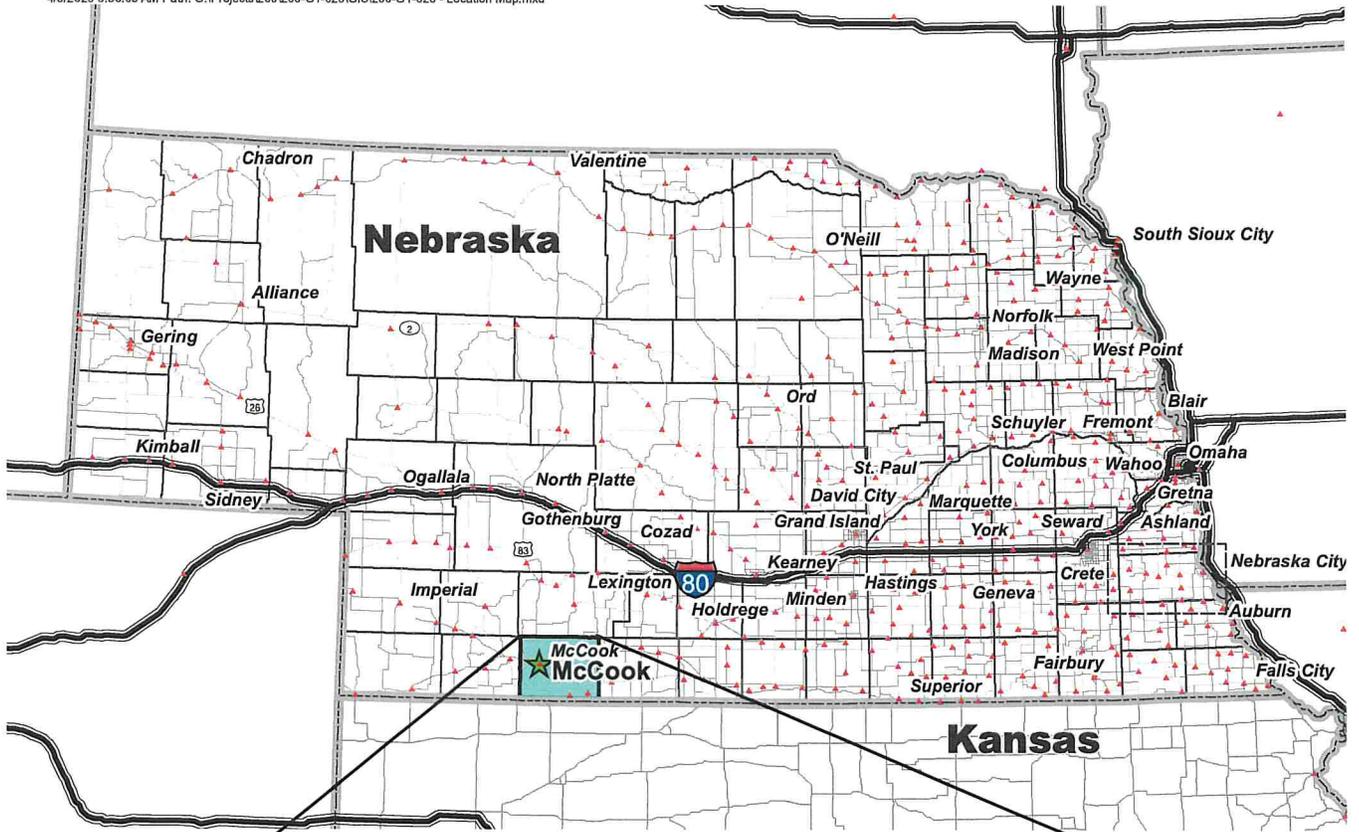
The previously listed blighted and substandard factors have been identified through analysis of census data, survey data results, and field evaluation and are sufficiently present and distributed for the Study Area to be designated as blighted and substandard.

## SECTION 3: REFERENCES

- Andreas, A.T. 1882. *History of the State of Nebraska*. Chicago, Illinois: The Western Historical Company.
- Berkman, Herman. 1969. Decentralization and Blighted Vacant Land. Pages 592-604. In *Readings in Urban Geography* by Harold Mayer and Clyde Kohn. Chicago, Illinois: The University of Chicago Press.
- Chapin, F. Stuart. 1947. City Blight National Problem. *National Municipal Review* 36(10):565-573.
- Community Development Law, Nebraska Revised Statute §18-2101 to §18-2155*, Nebraska Legislature.
- Eisenberg, Ann. 2018. Rural Blight. *Harvard Law & Policy Review* 13(1):187-240.
- Kaplan, David, Wheeler, James, and Holloway, Steven. 2004. *Urban Geography*. York, Pennsylvania: John Wiley & Sons.
- Nebraska Revised Statute §18-2103*, Nebraska Legislature.
- Perkey, Elton. 1982. *Perkey's Nebraska Place Names*. Lincoln, Nebraska: Nebraska State Historical Society.
- Pritchett, Wendell. 2003. The Public Menace of Blight: Urban Renewal and the Private Uses of Eminent Domain. *Yale Law and Policy Review* 21(1):1-52.
- Ten State Standards*. Recommended Standards for Water Works.
- Thomlinson, Ralph. 1969. *Urban Structure*. New York: Random House.

**FIGURES**

**Figure 1: McCook and Red Willow County, Nebraska**



4/5/2023  
Prepared By:

**MA**  
**Miller & Associates**  
CONSULTING ENGINEERS, P.C.  
Kearney, NE - (308) 234-6456



**Location Map**  
Project 200-G1-026  
McCook, Nebraska

**Figure 2: Blight and Substandard Study Area**

R 29 W



4/17/2023 3:11:13 PM Path: G:\Projects\200-200-G1-026\GIS\200-G1-026 - Study Area.mxd

**LEGEND**

 Proposed Addition to City

 Study Area

 ParcelLine

**Note:**

1. Aerial Photography acquired from:  
ESRI, i-cubed, USDA FSA, USGS, AEX,  
GeoEye, Getmapping, AeroGrid, IGP

Prepared By:

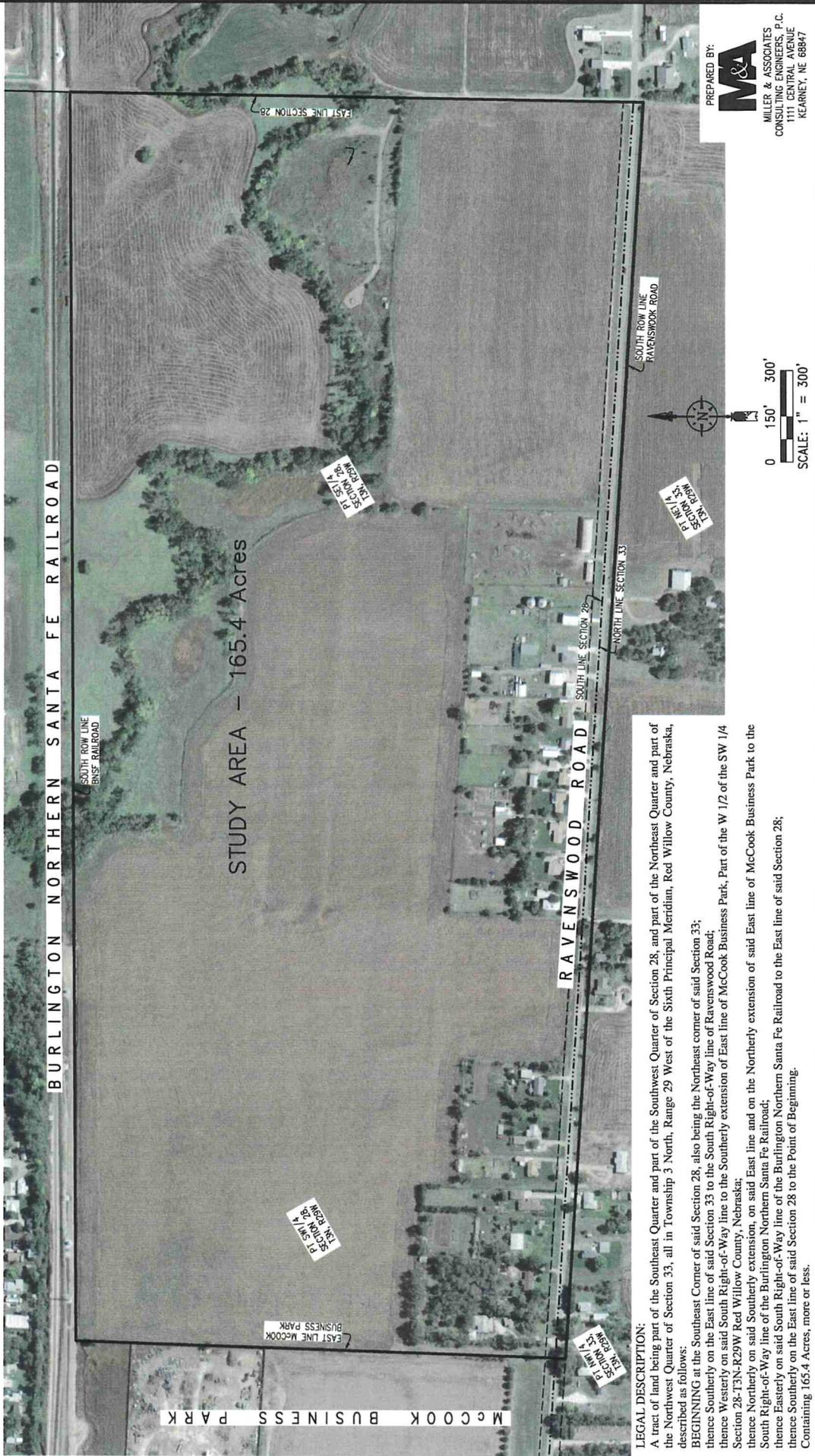
**MA**  
**Miller & Associates**  
CONSULTING ENGINEERS, P.C.  
Kearney, NE - (308) 234-6456



**Study Area**  
Project 200-G1-026  
McCook, Nebraska

**Figure 3: Study Area with Legal Description**

# McCOOK BLIGHT AND SUBSTANDARD STUDY AREA EXHIBIT



PREPARED BY:  
**M&A**  
 MILLER & ASSOCIATES  
 CONSULTING ENGINEERS, P.C.  
 1111 CENTRAL AVENUE  
 KEARNEY, NE 68847

**LEGAL DESCRIPTION:**  
 A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:  
 BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33;  
 thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road;  
 thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska;  
 thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad;  
 thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28;  
 thence Southerly on the East line of said Section 28 to the Point of Beginning.  
 Containing 165.4 Acres, more or less.

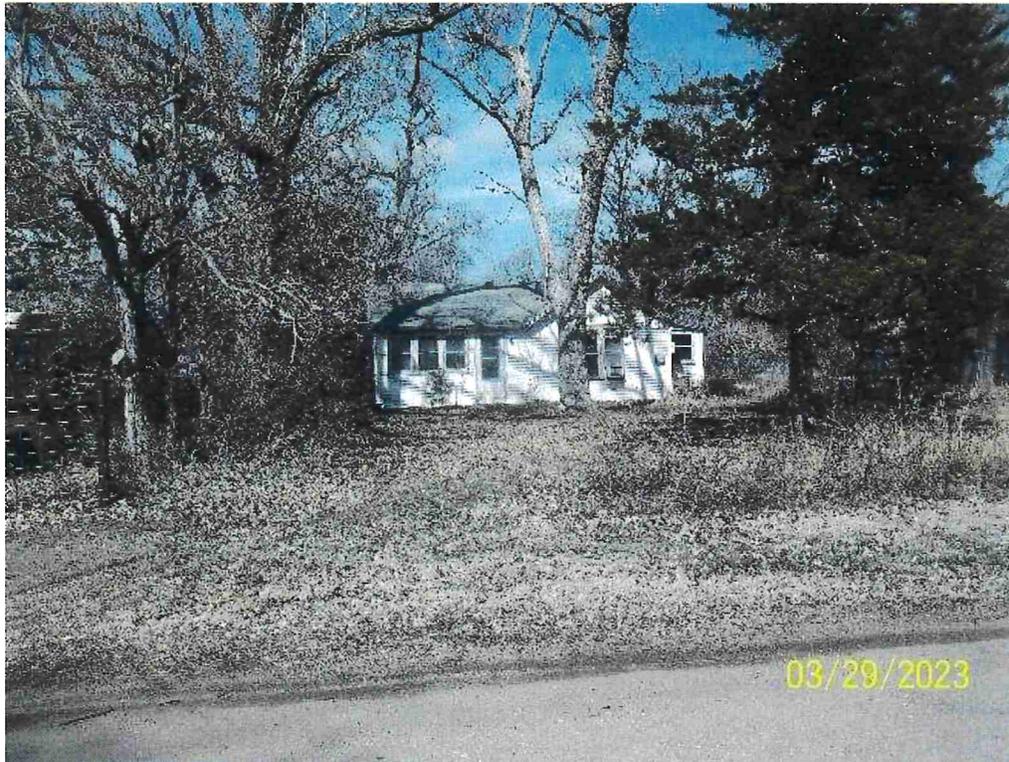
## **APPENDIX A: SUPPORTING IMAGES**

















PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA

RESOLUTION NO. PC 2023-03  
(Redevelopment Area #6)

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 CREATE REDEVELOPMENT AREA #6 OF THE CITY OF MCCOOK.

RECITALS

A. The City Council of the City of McCook, Nebraska has submitted the question of whether Redevelopment Area #6 should be created and declared as blighted and substandard and in need of redevelopment pursuant to the Nebraska Redevelopment Law.

B. Notice of public hearing regarding the question of whether the creation of Redevelopment Area #6 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 July 10, 2023, the Planning Commission held a public hearing relating to the question of whether the creation of Redevelopment Area #6 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 Redevelopment Area #6 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 Blight and Substandard Study, it is reasonably necessary to create Redevelopment Area #6 to accomplish the implementation of the CDA's existing plan for redevelopment.

2. Redevelopment Area #6 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.

3. Redevelopment Area #6 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.

**EXHIBIT #6**

**PAGE(S) - 2**

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 Redevelopment Area #6 by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 10<sup>th</sup> day of July, 2023.

PLANNING COMMISSION OF  
THE CITY OF MCCOOK, NEBRASKA

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

ATTEST:

By: \_\_\_\_\_  
Chad Lyons, Secretary

**CITY MANAGER'S REPORT  
JULY 10, 2023 PLANNING COMMISSION MEETING**

**2.C.**

ITEM NO. \_\_\_ Public Hearing - Regarding the Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

**2.D.**

ITEM NO. \_\_\_ Approve Resolution No. PC2023 - ~~04~~ recommending approval of a Redevelopment Plan of the City of McCook, Nebraska, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of the development of the McCook Business Park Phase II Redevelopment Project.

---

**BACKGROUND:**

Per the previous agenda item, a Blight and Substandard Study for Redevelopment Area #6 has been recommended for the McCook City Council approval, said Study including property located east of the McCook Business Park, north of Ravenswood Road, and south of the existing BNSF railroad. The McCook Economic Development Corporation (MEDC) is requesting that the City of McCook adopt a Redevelopment Plan to assist with the development of McCook Business Park Phase II. The MEDC is the Redeveloper of the project.

The redevelopment site is currently used for agricultural purposes. The Redeveloper would like to redevelop the area to provide a location for industrial development. At the moment, there is a lack of land in and around McCook that can be developed for industrial purposes.

Per the Plan, the Redeveloper intends to create multiple lots which will accommodate new industrial development in McCook. The redevelopment of the area will help cure the current blight and substandard conditions highlighted in the Blight and Substandard Study for Redevelopment Area #6. In order to accomplish the Redeveloper's goal, the CDA will capture the available tax increment from the Project Site improvements to assist in payment for the public improvements listed as eligible expenses within the Redevelopment Plan and acceptable under the Community Development Law. The eligible expenses are listed on pages 8 and 9 of the Plan.

The Redevelopment Plan contains a recitation of the statutory elements required to be addressed per the Nebraska Community Development Law. The Plan also contains a Cost-Benefit Analysis that illustrates the breakdown of the tax shift resulting from the proposed Plan. Currently, the property's base value is \$108,450. It is anticipated that the property will be valued at \$9,600,00 following completion of the improvements. The projected tax increment base is \$9,491,550. Based upon the estimated tax levy of 1.854491, it is estimated that the annual projected tax shift will be \$176,018. These funds are the eligible amounts available to pay back the TIF note over a period of 15 years.

With respect to the City's Comprehensive Plan, the Redeveloper's Redevelopment Plan addresses several important goals in the Comprehensive Plan. The Redevelopment Plan promotes job creation, encourages business diversification, aids in community development, and assists easing the blight and substandard concerns addressed in the Study. The Plan considers the development of the initial lot, but provides flexibility for the redevelopment of the additional lots contained within the McCook Business Park Phase II.

City staff and MEDC representation will be available to answer questions at the McCook Planning Commission meeting.

**EXHIBIT #1**

**APPROVALS:**



July 6, 2023

Nathan A. Schneider, City Manager

---

July 6, 2023

Lea Ann Doak, City Clerk



July 6, 2023

Tera Koetter, Assistant City Manager

## NOTICE OF PUBLIC HEARING

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that two public hearings will be held at 5:15 p.m. on Monday, July 10, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

A tract of land being part of the Southeast Quarter and part of the Southwest Quarter of Section 28, and part of the Northeast Quarter and part of the Northwest Quarter of Section 33, all in Township 3 North, Range 29 West of the Sixth Principal Meridian, Red Willow County, Nebraska, described as follows:

BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

A tract of land located in the SW 1/4 of Section 28, 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 SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point

**EXHIBIT #2**

**PAGE(S) - 2**

being the Point of Beginning. Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of ±255.45 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S62°47'09"E, a Chord Distance of 9.55 feet, an Arc Length of 9.55 feet and a Radius of 604 feet to a point, thence S62°19'58"E a distance of 78.29 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S74°42'44"E, a Chord Distance of 258.89 feet, an Arc Length of 260.92 feet and a Radius of 604 feet to a point, thence S87°05'30"E a distance of 90.17 feet to a point, thence S80°43'55"E a distance of 77.33 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S46°11'29"E, a Chord Distance of 684.70 feet, an Arc Length of 728.00 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 60.00 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak, City Clerk

Publish Twice: June 23 and June 30, 2023

COPY OF NOTICE 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  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
600 West 7th  
McCook, NE 69001



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

CERTIFIED MAIL

Date: June 30, 2023

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

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All of McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

**EXHIBIT #4**

**PAGE(S) - 10**

The metes and bounds description of the McCook Business Park-Phase II addition is as follows:

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---

Lea Ann Doak, City Clerk



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

Date: June 30, 2023

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

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Referring to the SW corner of the said SW 1/4 of said Section 28, thence S86°25'18"E (assumed and all bearing relative to) along the South section line a distance of 1304.16 feet to a point on the South line of Section 28, Thence N01°53'45"E along the East line of lots 9 and 10 of the McCook Business Park Subdivision a distance of 475.14 feet to a Point, said Point being the Point of Beginning. Thence N01°53'45"E a distance of ±1074.39 feet to a point, said Point being on the South Right of Way line of BNSF Railroad, thence S87°05'30"E along said South ROW line a distance of ±255.45 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S62°47'09"E, a Chord Distance of 9.55 feet, an Arc Length of 9.55 feet and a Radius of 604 feet to a point, thence S62°19'58"E a distance of 78.29 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S74°42'44"E, a Chord Distance of 258.89 feet, an Arc Length of 260.92 feet and a Radius of 604 feet to a point, thence S87°05'30"E a distance of 90.17 feet to a point, thence S80°43'55"E a distance of 77.33 feet to a point, thence Southeasterly along a curve to the right, with a Chord Bearing of S46°11'29"E, a Chord Distance of 684.70 feet, an Arc Length of 728.00 feet and a Radius of 604 feet to a point, thence S11°39'03"E a distance of 60.00 feet to a point, thence Southeasterly along a curve to the left, with a Chord Bearing of S26°52'01"E, a Chord Distance of 316.94 feet, an Arc Length of 320.70 feet and a Radius of 604 feet to a point, thence S02°54'30"W a distance of 650.60 feet to a point, thence N86°25'18"W a distance of 462.60 feet to a point, thence N02°54'30"E a distance of 353.99 feet to a point, thence N87°05'30"W a distance of 409.74 feet to a point, thence N02°54'30"E a distance of 99.24 feet to a point, thence N87°05'30"W a distance of 553.85 feet to the Point of Beginning.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding (1) the proposed blight and substandard designations and (2) the proposed redevelopment plan. A copy of the blight and substandard study, a map of the redevelopment area, and a copy of the cost-benefit analysis for the proposed project shall be maintained at the office of the City Clerk.

---

Lea Ann Doak, City Clerk



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

Date: June 30, 2023

To: Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

### **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that two public hearings will be held at 5:15 p.m. on Monday, July 10, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

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BEGINNING at the Southeast Corner of said Section 28, also being the Northeast corner of said Section 33; thence Southerly on the East line of said Section 33 to the South Right-of-Way line of Ravenswood Road; thence Westerly on said South Right-of-Way line to the Southerly extension of East line of McCook Business Park, Part of the W 1/2 of the SW 1/4 Section 28-T3N-R29W Red Willow County, Nebraska; thence Northerly on said Southerly extension, on said East line and on the Northerly extension of said East line of McCook Business Park to the South Right-of-Way line of the Burlington Northern Santa Fe Railroad; thence Easterly on said South Right-of-Way line of the Burlington Northern Santa Fe Railroad to the East line of said Section 28; thence Southerly on the East line of said Section 28 to the Point of Beginning. Containing 165.4 Acres, more or less.

The purpose of the second public hearing is to obtain public comment prior to consideration of a redevelopment plan for the property legally described as:

All of McCook Business Park-Phase II, an addition to the City of McCook,  
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The metes and bounds description of the McCook Business Park-Phase II  
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analysis for the proposed project shall be maintained at the office of the City Clerk.

---

Lea Ann Doak, City Clerk



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

CERTIFIED MAIL

Date: June 30, 2023

To: Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

### **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that two public hearings will be held at 5:15 p.m. on Monday, July 10, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the first public hearing is to obtain public comment prior to consideration of the declaration of an area of the City (the "Subject Area") as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law.

The Subject Area is legally described as follows:

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Red Willow County, Nebraska

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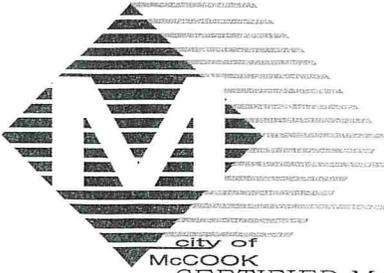
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Lea Ann Doak, City Clerk



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

city of  
McCook  
CERTIFIED MAIL

Date: June 30, 2023

To: Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

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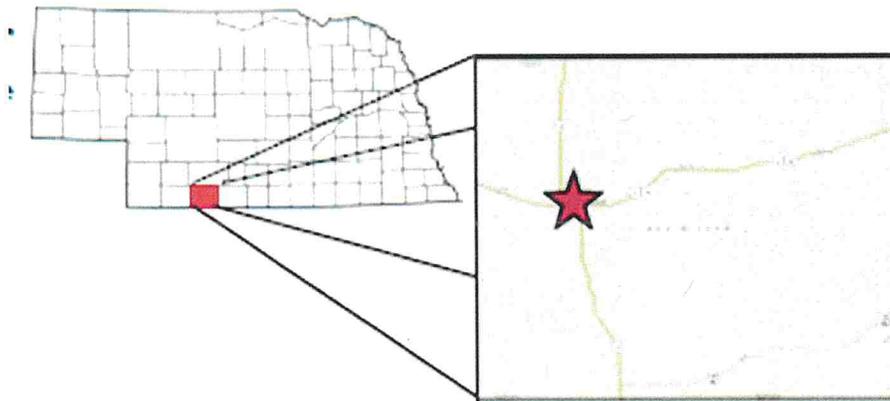
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Lea Ann Doak, City Clerk

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# REDEVELOPMENT PLAN

## FOR THE CITY OF MCCOOK, NEBRASKA



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## MCCOOK BUSINESS PARK PHASE II REDEVELOPMENT PROJECT

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### I. Introduction

This Redevelopment Plan for the McCook Business Park Phase II Redevelopment Project in the City of McCook, Nebraska (“Redevelopment Plan”) is a guide for redevelopment activities undertaken to remove or eliminate blighted and substandard conditions within a certain portion of a redevelopment area established in the City of McCook, Nebraska (the “City”) in 2023.

The Redevelopment Plan has been established in conformity with the Nebraska Community Development Law, NEB. REV. STAT. §§ 18-2101 through 18-

2155, as amended (the “Act”) and the Comprehensive Plan of the City to define the redevelopment activities in the Redevelopment Area identified herein. The Redevelopment Plan shall indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, as required by the Act.

## **II. Statutory Requirements**

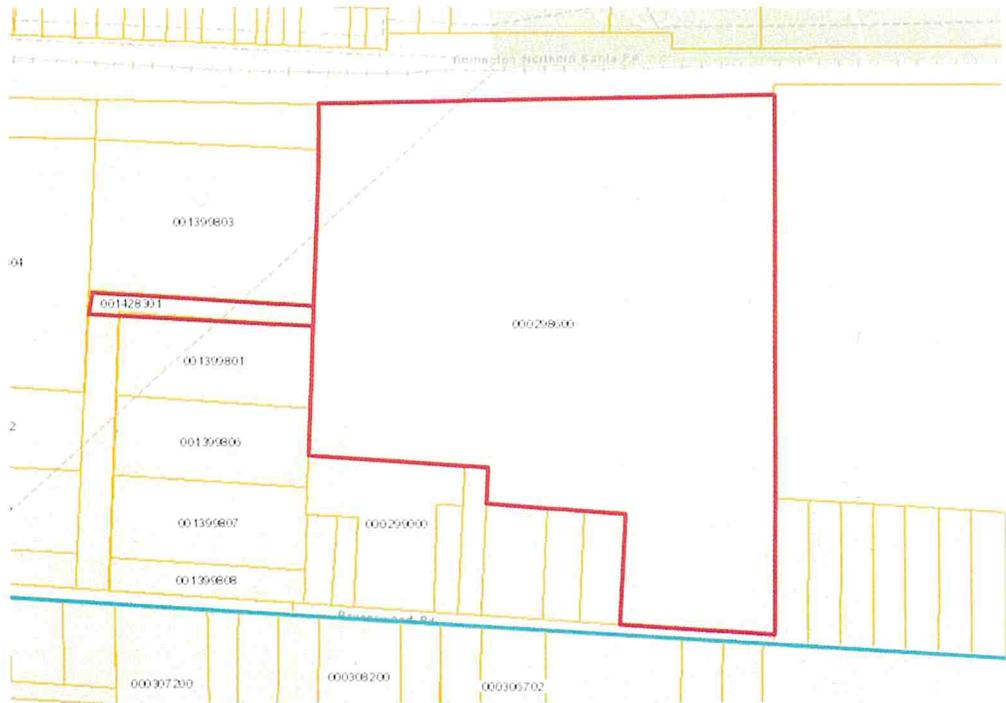
The Act defines a “redevelopment plan” as “a plan, as it exists from time to time for one or more community redevelopment areas, or for a redevelopment project, which (a) conforms to the general plan for the municipality as a whole and (b) is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.” NEB. REV. STAT. §18-2103(27).

The Act further sets forth the required contents of a redevelopment plan: “A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to: (a) The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein; (b) a land-use plan showing proposed uses of the area; (c) information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment; (d) a statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances; (e) a site plan of the area; and (f) a statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment. Any redevelopment plan may include a proposal for the designation of an enhanced employment area.” NEB. REV. STAT. §18-2111.

The Act also states that a redevelopment plan may contain a provision authorizing Tax Increment Financing. NEB. REV. STAT. §18-2147.

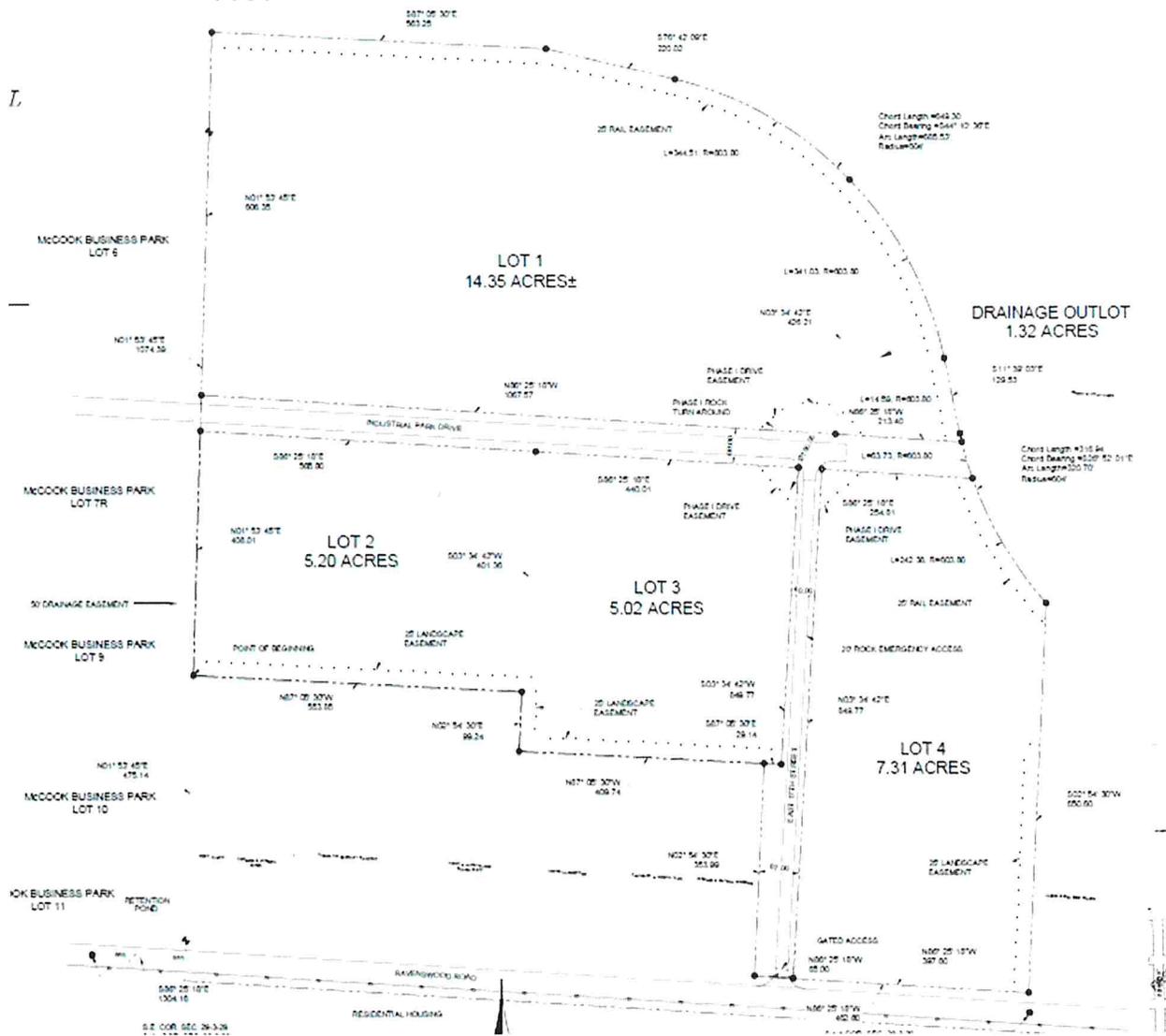
## **III. Project Site/Redevelopment Area**

The real property included in the redevelopment area and the boundaries of the redevelopment area subject to this Redevelopment Plan is legally described on the attached and incorporated Exhibit “A” (the “Project Site”). The Project Site is depicted below:



# McCOOK BUSINESS PARK - PHASE II

AN ADDITION TO THE CITY OF McCOOK, RED WILLOW COUNTY, NEBRASKA



As depicted above, the Project Site is currently vacant and has recently been replatted into four lots to support the extension of the McCook Business Park for additional commercial/industrial development.

The Project Site consists of a portion of the property that was declared blighted and substandard by the City Council pursuant to the Blight and Substandard Determination Study created by Miller & Associated in 2023 and adopted by the City on July 17, 2023.

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 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 Project Site needs extensive infrastructure installation and construction to support any development. This is described further in section VI, below.

#### IV. Land Use Plan

The Redevelopment Plan generally adopts and incorporates the Land Use Plan as set forth in the Comprehensive Plan of the City as it relates to the redevelopment area, as such Land Use Plan has been subsequently amended by the City. The existing land use map from the Comprehensive Plan is set forth below:

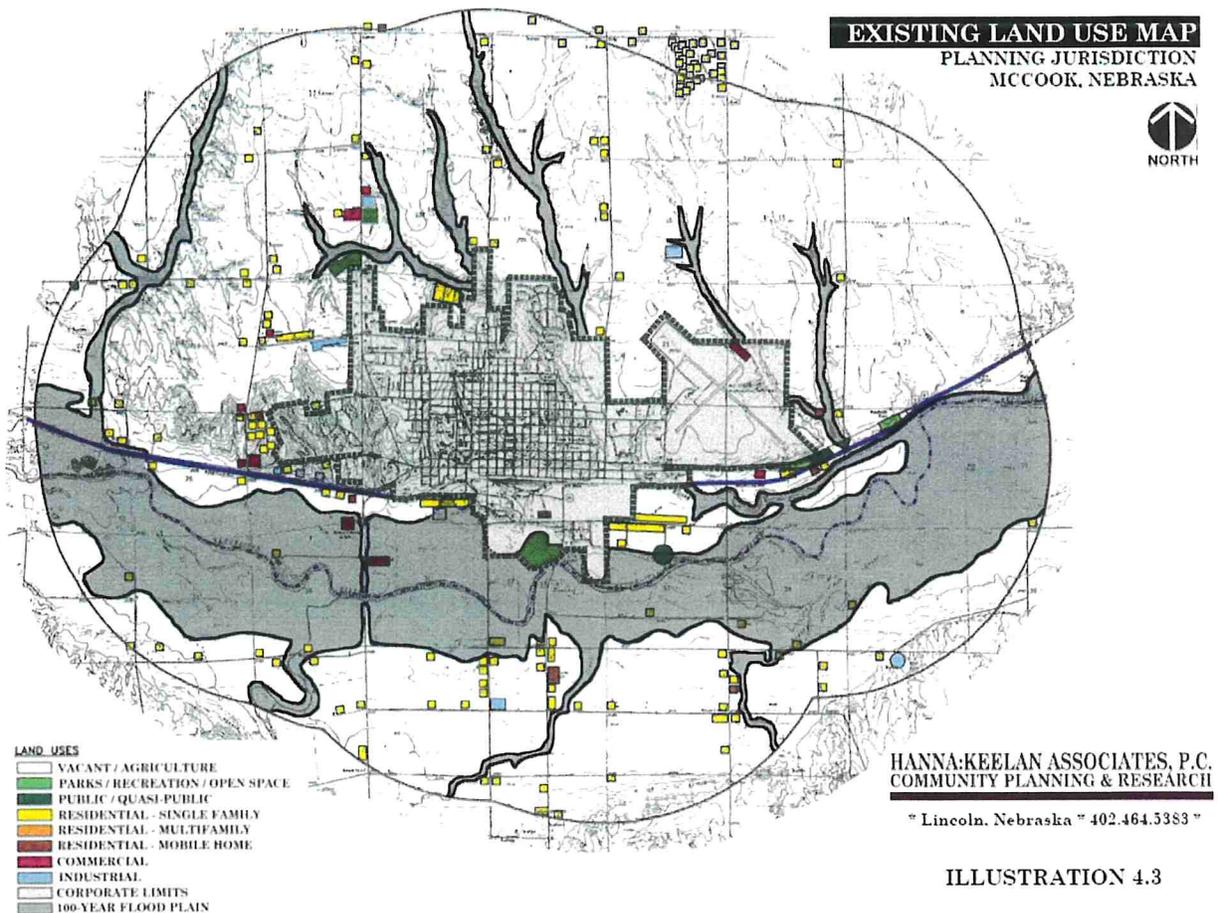
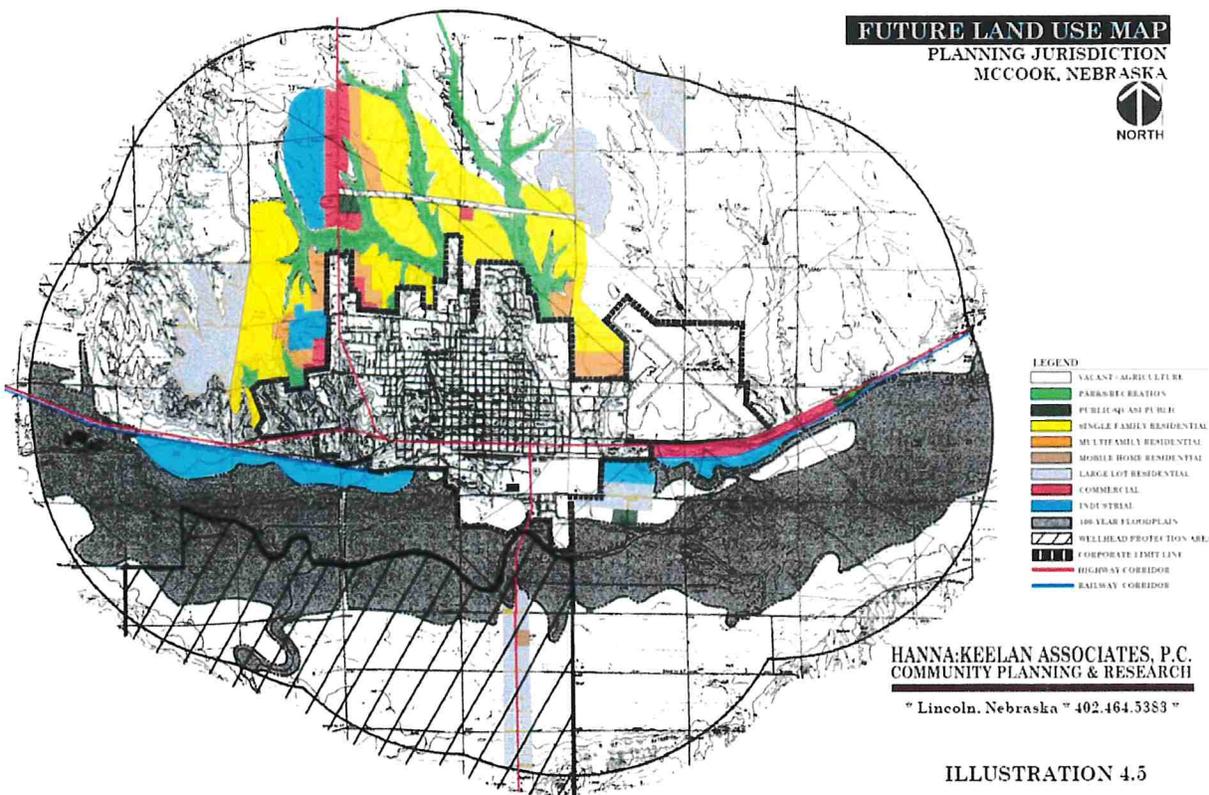


ILLUSTRATION 4.3

The Project Site was not located in corporate limits when the Comprehensive Plan was adopted and the existing land use map for the City's extraterritorial jurisdiction shows that the Project Site's use as vacant/agricultural. The Project Site was annexed into the corporate limits of the City in 2023. The Project Site was recently rezoned and is within the Heavy Industrial Zoning District.

The Future Land Use Map from the Comprehensive Plan is set forth below. The future land use of the Project Site is identified as industrial.



As stated in the Comprehensive Plan section of this Redevelopment Plan, the Project Site has been identified for future industrial development. Due to its proximity to an existing railway line, the Project Site is a prime location for industrial redevelopment.

**V. Tax Increment Financing**

The City contemplates the use of Tax Increment Financing ("TIF") for redevelopment projects identified in this Redevelopment Plan, as amended from time to time. TIF is authorized under section 18-2147 of the Act, which states

that any ad valorem tax levied upon real property in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the project redevelopment contract or in the resolution of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such 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, (referred to as the “Incremental Tax Amount”) 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.

The redevelopment of the Project Site will utilize TIF.

## **VI. The Project**

### **a. McCook Business Park – Phase II**

McCook Economic Development Corporation (the “Redeveloper”) has contracted to purchase the Project Site and intends to develop the Project Site into Phase II of the McCook Business Park. The Project Site is anticipated to be developed in up to four phases. The first phase of the Redevelopment Project will involve construction of a commercial building for the operations of a liquid livestock feeding company. The first phase of the Redevelopment Project is identified and described in this Redevelopment Plan and is anticipated to commence as soon as possible following Project approval. The second through fourth phases of the Project will involve the construction of commercial/industrial buildings on the remaining lots for compatible and complementary uses. The exact scope, size, and uses of the subsequent phases are still to be determined. Additional detail about each subsequent phase shall be added pursuant to an amendment to this Redevelopment Plan. It is unknown when the subsequent phases will commence, but the Project is being developed as a single project in this Redevelopment Plan because the public improvements that shall be constructed and installed in connection with Phase One of the Project are necessary for the implementation of the subsequent phases, and

without the anticipation of the subsequent phases, Redeveloper would not proceed with this project.

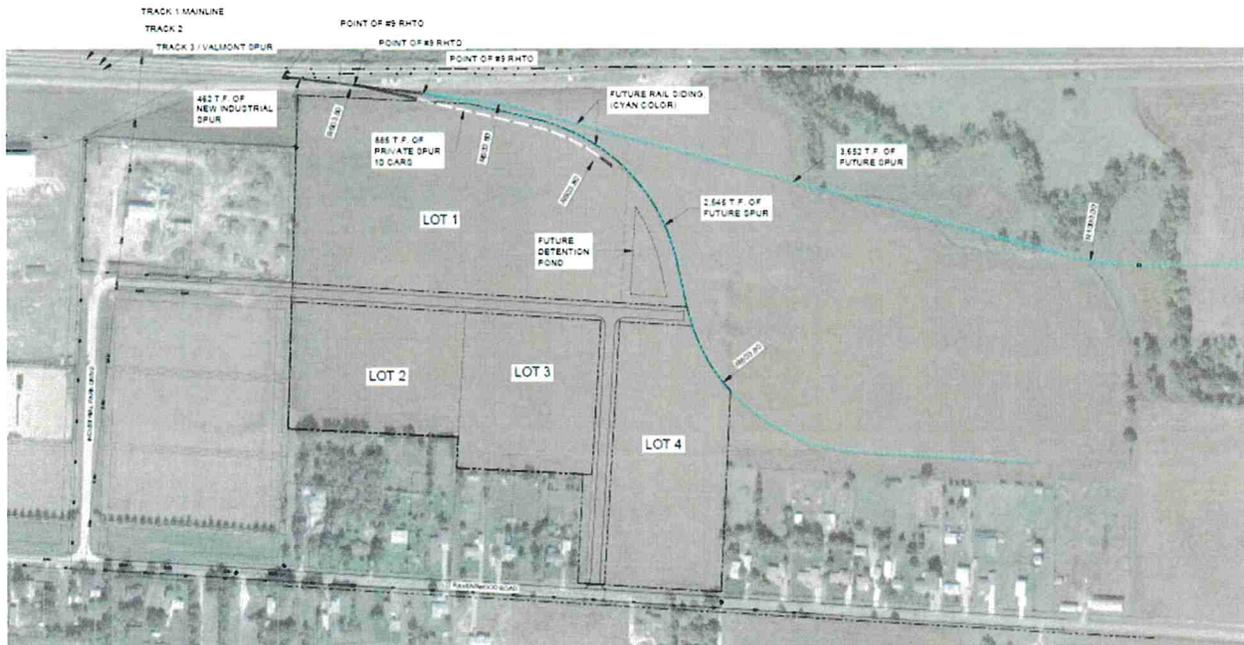
The Project Site needs extensive infrastructure installation and construction to support any development. This will include improvements to, and the extension of, Industrial Park Drive. In particular, the adjacent portion of Industrial Park Drive to the west of the subdivision is not paved, and access to the Project Site will be primarily from Industrial Park Drive. It is necessary to pave this portion of the street leading to the Project Site, or the Project Site cannot support the truck traffic associated with commercial and industrial uses. Industrial Park Drive will then need to be extended and constructed between Lot 1 on the north and Lots 2-4 on the south to provide access to the lots and adequate traffic flow. East 17<sup>th</sup> Street between Lot 3 and other properties on the west and Lot 4 on the east will also need to be constructed to support development on the Project Site. East 17<sup>th</sup> Street will be a controlled access road that is not intended for primary ingress and egress but is necessary for emergency vehicle access and other secondary access needs. Utilities will also need to be extended to support the development of the Project Site.

The overall cost of paving and utility improvements for the project are anticipated to be approximately \$1,500,212, as set forth below:

**Cost Estimate - McCook Business Park Phase II  
Paving and Utilities**

Item	Estimate Quantity	Unit Price	Total
1 Site Grading	1 L.S.	\$ 110,000.00	\$ 110,000.00
2 Stormwater Detention	1 L.S.	\$ 95,000.00	\$ 95,000.00
3 Subgrade Prep	8930 Sq. Yds.	\$ 7.00	\$ 62,510.00
4 Access Control Gate	1 Ea.	\$ 10,000.00	\$ 10,000.00
5 Rock Drive and Turnaround	3275 Sq. Yds.	\$ 17.50	\$ 57,312.50
6 Paving - 8" Concrete Phase II	5660 Sq. Yds.	\$ 85.00	\$ 481,100.00
7 8" Sanitary Sewer	1432 Lin. Ft.	\$ 72.00	\$ 103,104.00
8 Manholes	6 Ea.	\$ 7,500.00	\$ 45,000.00
9 Sanitary Taps	4 Ea.	\$ 1,200.00	\$ 4,800.00
10 10" Water Main	2275 Lin. Ft.	\$ 90.00	\$ 204,750.00
11 10" Gate Valve	4 Ea.	\$ 3,400.00	\$ 13,600.00
12 Fire Hydrant	4 Ea.	\$ 5,000.00	\$ 20,000.00
13 Water Main Taps	4 Ea.	\$ 2,000.00	\$ 8,000.00
14 Landscaping Screen and Seeding	1 L.S.	\$ 35,000.00	\$ 35,000.00
	Sub Total		\$ 1,250,176.50
	Contingency		\$ 125,017.65
	Engineering		\$ 125,017.65
	Grand Total		<b>\$ 1,500,211.80</b>

Additionally, the Redeveloper intends to construct a rail spur from the existing BNSF railroad to provide rail access to these lots and other lots. The spur built by the Redeveloper would be owned by the Redeveloper to allow access to the existing railway. Access to a railway spur presents a significant transportation benefit to the Project Site and surrounding area. Redeveloper will enter into the necessary agreements with the BNSF to operate the rail spur. A preliminary plan for the rail spur extension is set forth below:



The overall cost of rail extension is anticipated to be approximately \$1,493,640, as set forth below:

### Cost Estimate - Rail Extension

Item	Estimate Quantity	Unit Price	Total
1 Subgrade Prep	3600 Sq. Yds.	\$ 7.00	\$ 25,200.00
2 Subballast	3300 Sq. Yds.	\$ 17.50	\$ 57,750.00
3 NewBNSF Rail Switch	1 L.S.	\$ 750,000.00	\$ 750,000.00
4 New Private Switch	1 L.S.	\$ 70,000.00	\$ 70,000.00
5 New Industry Track	1347 T.F.	\$ 250.00	\$ 336,750.00
6 Seeding	1 L.S.	\$ 5,000.00	\$ 5,000.00
	Sub Total		\$ 1,244,700.00
	Contingency		\$ 124,470.00
	Engineering		\$ 124,470.00
	Grand Total		\$ 1,493,640.00

All rail infrastructure improvements would be subject to the necessary agreements with BNSF.

Accordingly, Redeveloper has identified approximately \$3 million in eligible TIF uses solely related to streets, utilities, and the rail spur. These improvements are necessary to support the proposed business park as a whole, as well as provide public benefit to the adjacent areas. The projected \$3 million in TIF-eligible costs does not include site acquisition, site preparation, or any additional phase-specific improvements, so the actual amount of the TIF-eligible improvements shall be significantly higher for the Project.

The TIF uses above and the additional TIF uses for the Project are necessary not only for Phase One but also for the subsequent phases. Additional TIF-eligible expenses are expected to be identified further in the supplemental amendment for the subsequent phases. Tax increment financing from all phases of the Project is necessary to assist with the costs of these public improvements, and the Redeveloper has stated that it would not proceed with the improvements if the TIF from all phases of the Project Site would not be available to assist with these costs. Construction of the public improvements is anticipated to commence in 2023.

As stated herein, the Project will consist of up to four phases. The first phase of the project is identified herein, but all phases should be considered one redevelopment project. Nevertheless, because the details of the subsequent phases are still to be determined, Redeveloper acknowledges that the CDA has not approved the subsequent phases at this time and each subsequent phase must be identified in a supplemental amendment to this Redevelopment Plan. Said supplemental amendment shall be a substantial modification of the Redevelopment Plan as defined in Neb. Rev. Stat. § 18-2115, which shall be subject to review and approval before any TIF is authorized for the subsequent phases.

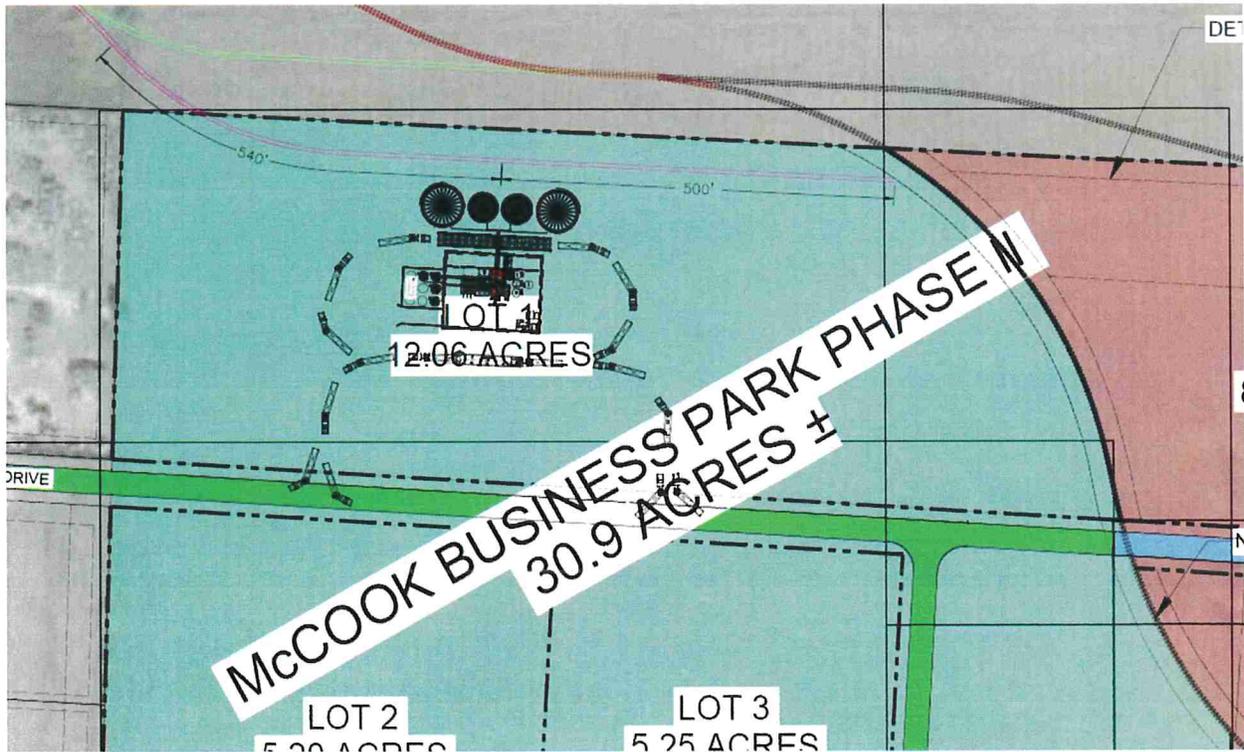
**b. Performance Plus Project - Phase One of McCook Business Park – Phase II**

The first phase of the Redevelopment Project will involve construction of a commercial building on property legally described on the attached Exhibit A-1 for the operation of a liquid livestock feeding company. For the purposes of this section that is identifying and describing the first phase, the first phase of Project shall be referred to herein as the “Project” and site for the first phase (identified in Exhibit A-1) shall be referred to herein as the “Project Site.”

Redeveloper intends to sell the Project Site to Performance Plus Liquids, Inc. (“Performance Plus”), and Performance Plus will construct the Phase One private improvements and operate the business. Performance Plus will construct

and install all the private improvements for the Project. Performance Plus will also construct any specific public improvements to support the Project that are not constructed by Redeveloper.

The preliminary site plan is set forth below:



All site plans are preliminary in nature and subject to change. Redeveloper will begin more detailed layout and building design if the project is approved; it is currently not feasible for Redeveloper to engage in further design process if the overall Project and the Phase One Project in particular are not approved.

Construction of the private improvements is anticipated to commence in 2023, as soon as the Project is approved and to be completed in 2024. This is Performance Plus's best estimate based on the current schedule. If the commencement date is delayed, the completion date would also be pushed back accordingly. The effective date for the anticipated increase in valuation (the "Effective Date") for TIF purposes is anticipated to be January 1, 2025. However, if a substantial partial valuation is placed on the Project Site in 2024 and the Redeveloper determines that an earlier effective date is more advantageous to the Project, the Effective Date may be established as January 1, 2024.

Performance Plus estimates that the total private improvement costs for its Project will be approximately \$10,000,000 to \$12,000,000. The CDA acknowledges that all amounts provided above are estimates, and the actual cost will be determined upon receipt of construction bids.

Based upon an estimated base value of \$108540, an anticipated potential completed valuation of \$9,600,000, and a 6.0% interest rate for the TIF Note, phase one of the Project could support approximately \$1,707,800 in TIF Indebtedness.<sup>1</sup> The TIF Sources are set forth in more detail on the attached and incorporated Exhibit "B". The identified TIF-eligible uses set forth above exceed the anticipated TIF Indebtedness amount. However, any additional TIF revenue from subsequent phases of the Project may aid in the payment of eligible costs from phase one. Many of the public infrastructure improvements constructed in connection with phase one are also necessary for construction of the private improvements on additional phases on the Project Site. While the subsequent phases will all require an amendment to this Redevelopment Plan, it is the CDA's expectation that TIF in the full amount of the Redeveloper's eligible costs will be supported by the Project and issued in connection herewith. The final, actual cost of all TIF-eligible expenses shall be certified by Redeveloper upon completion of construction.

### **Statutory Elements**

The use of TIF to assist with the costs of the eligible public improvements will make the Project as designed feasible. This section addresses the consideration of the statutory elements under the Nebraska Community Development Law for a project utilizing TIF.

#### **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. The Redeveloper has contracted to purchase the Project Site, and has site control. Redeveloper shall sell the individual lots within the Project Site to third party businesses as such businesses with an interest in relocating to the Project Site are identified.

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

The proposed development at the Project Site is the construction of a commercial/industrial business park, which will not significantly affect population density in the project area. There is no residential component of this Project.

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<sup>1</sup> For purposes of the TIF projections for this Project, the CDA (1) has assumed the Project will capture the full 15 years of tax increment and there will not be a partial valuation in the first year and (2) has not accounted for any increases in the assessed value of the Project Site during the 15-year tax increment financing period. These assumptions will change the actual amount of the tax increment generated by the Project.

C. Land Coverage

The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City of McCook. The land coverage will be determined on a phase-by-phase approach. The Redeveloper or its assignees will be required to obtain all necessary zoning approvals and building permits, and the approval of this Redevelopment Plan shall not supersede or constitute approval of any requirements of the City of McCook.

D. Traffic Flow, Street Layouts, and Street Grades

No adverse impacts are anticipated with respect to traffic flow, street layouts, and street grades. The Project is anticipated to increase traffic to and from the Project Site; however, the Project will include the improvement and extension of Industrial Park Road to handle the anticipated increase in traffic. Redeveloper will construct and install the necessary public infrastructure required to support the Project, including the Industrial Park Road improvements and the East 17<sup>th</sup> Street improvements. While East 17<sup>th</sup> Street will not be paved immediately and is not anticipated to be used for primary travel, it will provide an alternative controlled access for emergency service vehicles and other traffic. The TIF generated from the Project will be used to make the necessary street improvements to support the overall plan of redevelopment. These public improvements will address any traffic and street concerns created by the Project.

E. Parking

The Project will be required to meet or exceed the parking requirements set forth in the Industrial Heavy Zoning District. Each lot will be required to meet all parking requirements on a lot-by-lot basis and shall obtain all necessary City approvals.

F. Zoning, Building Code, and Ordinances

The Project will be required to meet all City zoning and building codes. If subdivision is necessary for the Project, Redeveloper shall meet all the requirements of the City's subdivision ordinance.

The Project Site is currently zoned Industrial Heavy (IH) District. Permitted uses in the IH district include:

1. Wholesale, storage and warehouse uses.
2. Garaging and equipment maintenance.
3. Automobile service stations.
4. Freight terminals.

5. Any light industrial, trade, or service use which can meet the “light industrial” performance standards for the IL Industrial Light District set forth in Section 1606, provided, such is not specifically prohibited.
6. Existing single family dwellings.
7. Any industrial or manufacturing use which can meet the performance standards for this district set forth below, except as herein modified, but which is not prohibited.
8. General research facilities.
9. Indoor eating and drinking establishments on the same lot as, and incidental to, any use allowed by right or special review.
10. Automobile parking lots.
11. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment and accessories for such vehicles, not including salvage junk yards.
12. Commercial uses (excluding retail stores) including, but not limited to the following: lumber yards, nurseries, stock production and sales, yard equipment, transportation centers, service garages, wholesale operations, household equipment and appliance repair, rental establishments, car washes, bulk cleaning and laundry plants, cold storage lockers, and printing services -- provided adequate safeguards be taken to protect adjoining properties from objectionable or harmful substances, conditions or operations.
13. Feed mixing plants.

The McCook Zoning Ordinance also provides for certain permitted accessory uses and special exceptions. All uses shall comply with the McCook Zoning Ordinance including all applicable performance standards.

### **Comprehensive Plan**

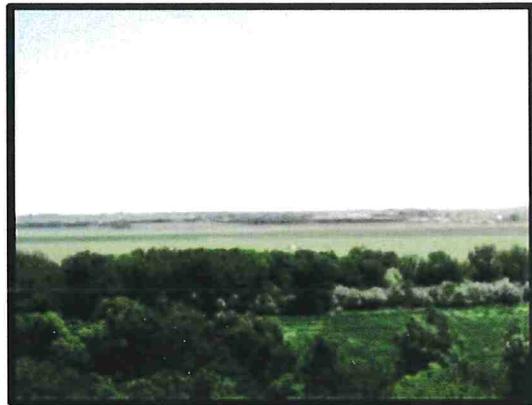
The McCook, Nebraska Comprehensive Plan 2013-2023 was prepared by Hanna:Keelan and adopted as the comprehensive development plan of the City (“Comprehensive Plan”). This section is not a comprehensive analysis of the Project’s conformance with the Comprehensive Plan but is meant to highlight and summarize certain key points on this topic. The Project meets and furthers the goals set forth in the Comprehensive Plan and is thus in conformance with the Comprehensive Plan.

The Redevelopment Area has been designated for future industrial use in the Comprehensive Plan:

## INDUSTRIAL

The City of McCook has sufficient vacant land in areas designated for future industrial uses along the Burlington Northern Santa Fe Railroad Corridor and at the Ben Nelson Regional Airport. McCook currently has an estimated 247 acres of industrial land within the Corporate Limits. The McCook Industrial Park has attracted large industries, such as Valmont Irrigation, and is projected to provide land area for industrial growth opportunities throughout the 10-year planning period. An additional industrial growth area is proposed in the northwest portion of the Planning Jurisdiction, west of the Highway 83 Corridor.

To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses. The City must maintain enough industrial land for growth and development. Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development.



The Future Land Use Maps, Illustrations 4.4 and 4.5, identify proposed industrial land areas both within the City and the Two-Mile Planning Jurisdiction.

## UTILITY GROWTH AREAS

McCOOK, NEBRASKA

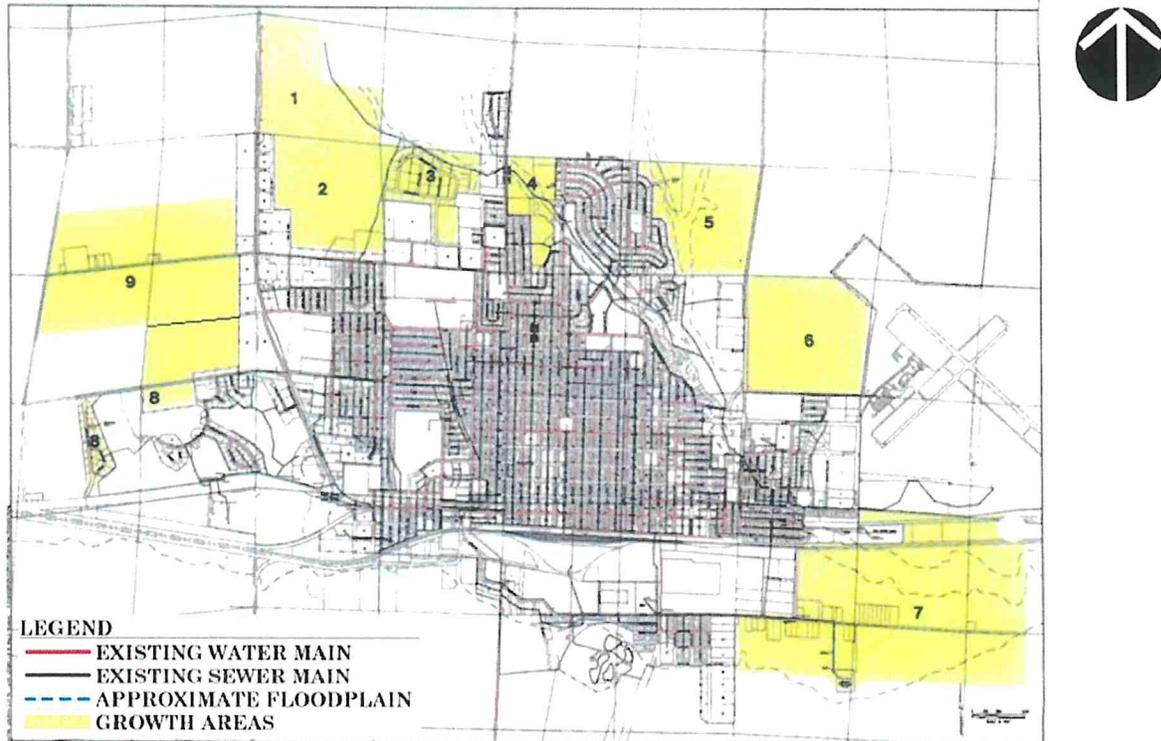


ILLUSTRATION 5.3

**“Area 7**, the largest of the nine Areas, is located southeast of McCook, south of the Highway 6/34 Corridor and on both sides of the Burlington Northern Santa Fe Railroad Corridor. This Area currently supports some residential and industrial development, but would need extensive work to support full development of the Area. This would include water and sewer lines, a lift station and a force main to gain access to the gravity sewer. Additional water lines would be needed north of the Railroad Corridor.”

The Comprehensive Plan includes the following statements, goals, and policies:

- The Community has the unique advantage of being considered a “regional hub” for commercial and industrial activity in southwest Nebraska.
- McCook needs to continue to pursue the service, commercial and industrial businesses needed to serve both the Community and Red Willow County.

- The Community’s ability to utilize both Tax Increment Financing ... for economic development will play an important role in growth opportunities for McCook.
- Additional commercial and industrial business, as well as the expansion of existing businesses in the McCook area and the provision of vacant land for these economic growth activities should be pursued if the Community desires more commerce.
- A McCook economic development initiative began in 2004 to attract industrial businesses...
- To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses.
- The City must maintain enough industrial land for growth and development. Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development.
- Goal 1: Population Growth Activities
  - Action Step 3: Continue the development of Commercial and Industrial Land in McCook. An analysis of existing land uses in McCook identifies ample land areas designated for future industrial and commercial uses. ... Light industrial uses and manufacturing companies should be located in designated industrial zoned areas, primarily located south of and along the Burlington Northern Santa Fe Railroad Corridor.
- Goal 2: Economic Development.
  - Action Step 1: The McCook Economic Development Corporation (MEDC) is recommended to develop and implement a strategic Economic Development Plan for prioritizing economic development and redevelopment efforts in the Community.
  - Action Step 2: Create up to 200 new jobs in McCook by 2023. This should be achieved by expanding existing and adding commercial businesses and industrial companies, “light manufacturing” in nature to McCook.

- Goal 4: Community Redevelopment Planning and Implementation.
  - Action Step 1: Utilize Tax Increment Financing (TIF) in designated “Redevelopment Areas” as a method of funding structural rehabilitation activities for commercial buildings.
  - Action Step 2: McCook will need to consider the use of Tax Increment Financing for Community development activities involving the improvement of public utilities, facilities, public utilities, streets, sidewalks and trails.

### **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.

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

Redeveloper has represented that: (i) without the use of TIF, this Project would not be feasible and the Redeveloper could not develop this Project on the Project Site; (ii) no families will be displaced or relocated from the Project Site based upon this Project, and (iii) Redeveloper does not intend to file an application with the Department of Revenue to receive tax incentives under the Imagine Act.

**Exhibit A**  
**Redevelopment Area Legal Description**

All of McCook Business Park–Phase II, an addition to the City of McCook, Red Willow County, Nebraska, together with all adjacent rights of way, including that portion of Industrial Park Drive adjacent to but not included in the subdivision area.

**Exhibit A-1**  
**Phase One Legal Description**

Lot 1, McCook Business Park-Phase II, an addition to the City of McCook, Red Willow County, Nebraska

**Exhibit B**  
**Projected Phase One TIF Sources**

**TIF SOURCES:**

**Assumptions:**

Tax Levy	1.854491
Interest Rate	6%
Number of Years	15

Property Valuation:

	Assessed Val.	Est. Taxes
Pre-Project	\$108,540	\$2,013
Completed Project	\$9,600,000	\$178,031
Difference	\$9,491,460	\$176,018

**TIF Calculations:**

Annual TIF Amount	\$176,018
Less 1%	\$174,258
Total TIF	\$2,613,871
TIF Indebtedness (Present Value)	<b>\$1,707,768</b>

Note: the final plans for the Project are not known at this time, but Phase One construction costs are anticipated to be between \$10,000,000 and \$12,000,000. The final valuation was estimated based upon 80% of the \$12,000,000 construction costs.

**Exhibit C**  
**Cost Benefit Analysis**  
**(Pursuant to NEB. REV. STAT. § 18-2113)**

The cost-benefit analysis for the McCook Business Park Phase II Redevelopment Project, as described in the Redevelopment Plan to which this cost-benefit analysis is attached, is presented below. The Project will utilize Tax Increment Financing 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 for phase one of the Project is as follows:

Phase One – Performance Plus Project

a.	Redevelopment Project Base Valuation:	\$108,450
b.	Projected Completed Project Assessed Valuation:	\$9,600,000
c.	Projected Tax Increment Base:	\$9,491,460
d.	Estimated Tax Levy:	1.854491
e.	Annual Projected Tax Shift:	\$176,018

Phase Two Through Four – TBD

The private improvements and uses for phases 2-4 are unknown at this time. It is intended that the uses for the remaining three lots will be compatible industrial uses. The Cost-Benefit Analysis will be supplemented for each phase, but it is reasonable to anticipate a tax shift of at least approximately the same amount for the other three smaller lots, as this would support the overall TIF amount necessary to finance the public infrastructure needs for the Project.

*Note: The Projected Tax Increment 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 2023 levy rate. There has been no accounting for incremental growth or change in the tax levy over the 15-year TIF period. The phase one final valuation is based on the anticipated high range of Phase One construction costs, but the final numbers have not been determined, so the tax shift for phase one could be less.*

**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 adverse effects are anticipated on the public infrastructure and community public service needs. All public infrastructure and community public services required to serve the Project exist or will be constructed. The Project is not anticipated to have a material adverse effect on any community public services. Utilities will be extended to the Project Site with the assistance of TIF. There are not internal street on the Project Site, but also the adjacent streets need significant improvements to support an industrial park. These adjacent street improvements will benefit not only the Project but the adjacent properties as well.

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 for the City. The Project will include an amount of personal property that will be on the property tax rolls upon its acquisition and installation. Additionally, the City should realize revenue from sales tax paid by the patrons of the businesses. The Project will also require and 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 should provide a material benefit for the area. As stated in the Comprehensive Plan and referenced in the Redevelopment Plan, “[a]dditional commercial and industrial business, as well as the expansion of existing businesses in the McCook area and the provision of vacant land for these economic growth activities should be pursued if the Community desires more commerce.” The City set a goal to “[c]reate up to 200 new jobs in McCook by 2023. This should be achieved by expanding existing and adding commercial businesses and industrial companies, “light manufacturing” in nature to McCook.” Creating additional industrial businesses is a goal of the City and a step in the direction of achieving the plan for development set for thin the Comprehensive Plan.

**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:**

Similar to the answer provided 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. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. The development of a business park for industrial uses is a goal of the City and this Project will help achieve the goals set forth in the Comprehensive Plan: “To provide jobs for an increasing population base and to attract additional business and industry to McCook, it is recommended that vacant lands within these industrial areas be prepared to support new industrial uses,” and “Local development groups, organizations and property owners, with the guidance of the McCook Economic Development Corporation are encouraged to promote and continue their support for additional industrial land development.” There should be no material and unreasonable impact on other 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. There is no residential component to the Project.

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

Redeveloper anticipates a multi-phase redevelopment of the Project Site, which will not happen without the public improvements for the first phase Project. Thus, the Project will be an immediate catalyst for further commercial construction and economic development in the City.

**7. Summary of Findings:**

The Project will increase the City’s tax base, without material adverse effects on either public or private entities. The Project will increase property tax revenue in the long-term. The Project will facilitate the development of a blighted and substandard area of the City. The benefits outweigh the costs of the proposed Project.

**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2023-04**  
(Redevelopment Plan– McCook Business Park Phase II  
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 City Council of the City of McCook 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 July 10, 2023, 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 #6**

**PAGE(S) - 2**

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 10<sup>th</sup> day of July, 2023.

PLANNING COMMISSION OF THE  
CITY OF MCCOOK, NEBRASKA

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

ATTEST:

By: \_\_\_\_\_  
Chad Lyons, Secretary

**CITY MANAGER'S REPORT  
JULY 10, 2023 PLANNING COMMISSION MEETING**

ITEM NO. 2.E. Public Hearing - Regarding the Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

ITEM NO. 2.F. Approve Resolution No. PC2023 - ~~15~~ recommending approval of a Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska and approval of related actions for the purpose of the development of the North Pointe Redevelopment Project Phases I, II, and III.

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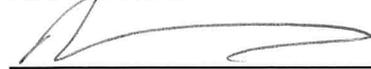
**BACKGROUND:**

Based upon our current projections, it appears that the Phase I TIF Note associated with the North Pointe Project - First Phase, will be paid off with the first half tax payment in 2025. Projecting out the remaining tax increment, the Phase I project could generate an additional \$280,500 in TIF. In order to capture the TIF to assist with the build-out of North Pointe Phase(s) II and III, it is proposed that we modify the Redevelopment Plan to authorize the issuance of an additional TIF note. Due to the fact that the TIF will increase by more than 5%, we are required to go through the public hearing process again, as we did when we adopted the original Redevelopment Plan.

A second TIF note will ultimately be issued from the Phase I project. The additional TIF will help build out public improvements associated with the upcoming housing development project. Before this can occur the Planning Commission must hold a public hearing and make a recommendation to the City Council for the substantial modification to the original Plan. As always, the Planning Commission should focus on whether the modified plan conforms with the City of McCook's Comprehensive Plan. Of note, the City of McCook's Comprehensive Plan stresses the need for housing development. Specifically, the Comprehensive Plan calls for up to 270 new housing units to be constructed by 2023. In terms of development, steps have been taken to prepare this area for new single family housing construction.

The Phase I Redevelopment Plan contained a provision that contemplated that excess TIF from Phase I could be used for future phases. Flexibility was stressed in order to achieve McCook's housing objectives at the time of the adoption of the original Plan.

**APPROVALS:**

  
\_\_\_\_\_

July 6, 2023

Nathan A. Schneider, City Manager

  
\_\_\_\_\_

July 6, 2023

Lea Ann Doak, City Clerk

  
\_\_\_\_\_

July 6, 2023

Tera Koetter, Assistant City Manager

**EXHIBIT #1**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that a public hearing that will be held at 5:15 p.m. on Monday, July 10, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed substantial modification to the redevelopment plan for the City of McCook, including certain modifications to the North Pointe Redevelopment Project that was previously approved.

The property which is the subject of this Notice and of the public hearing is legally described as follows:

Lots 1-6, Block 1, Clary Subdivision Replat No. 1, City of McCook, Red Willow County, Nebraska;

Lots 1-9, Block 1, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska; and

Lots 1-16, Block 2, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska.

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed substantial modification to the North Pointe Redevelopment Plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

-s- Lea Ann Doak, City Clerk

Publish Twice: June 23 and June 30, 2023

**EXHIBIT #2**

**PAGE(S) - 1**

COPY OF NOTICE 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  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

**EXHIBIT #3**

**PAGE(S) - 1**



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

CERTIFIED MAIL

Date: June 30, 2023

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

### **NOTICE OF PUBLIC HEARING**

Public notice is hereby given by the Planning Commission of the City of McCook, Nebraska, that a public hearing that will be held at 5:15 p.m. on Monday, July 10, 2023, in the City Council Chambers at the McCook Municipal Center, 505 W C Street, McCook, Nebraska.

The purpose of the hearing is to obtain public comment prior to the review and consideration of a proposed substantial modification to the redevelopment plan for the City of McCook, including certain modifications to the North Pointe Redevelopment Project that was previously approved.

The property which is the subject of this Notice and of the public hearing is legally described as follows:

Lots 1-6, Block 1, Clary Subdivision Replat No. 1, City of McCook, Red Willow County, Nebraska;

Lots 1-9, Block 1, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska; and

Lots 1-16, Block 2, North Pointe Addition, an addition to the City of McCook, Red Willow County, Nebraska.

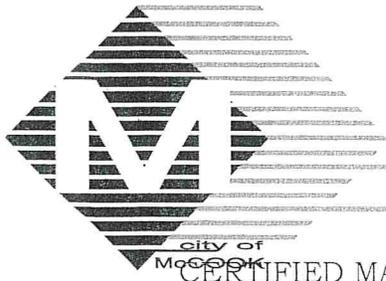
All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed substantial modification to the North Pointe Redevelopment Plan. A map of the redevelopment area and a copy of the redevelopment plan and cost-benefit analysis for the project shall be maintained at the office of the City Clerk.

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Lea Ann Doak, City Clerk

**EXHIBIT #4**

**PAGE(S) - 5**



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

CERTIFIED MAIL

Date: June 30, 2023

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

### **NOTICE OF PUBLIC HEARING**

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Lea Ann Doak, City Clerk



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

CERTIFIED MAIL

Date: June 30, 2023

To: Chairman of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

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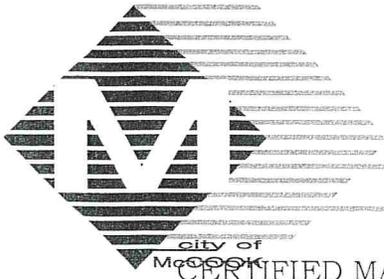
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Lea Ann Doak, City Clerk



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

Date: June 30, 2023

To: Chairman of the Board  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

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Lea Ann Doak, City Clerk



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

CERTIFIED MAIL

Date: June 30, 2023

To: Board President  
McCook School District  
600 West 7th  
McCook, NE 69001

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

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

**RECITALS**

- A. The “Redevelopment Plan North Pointe Redevelopment Area, 2013” was approved and adopted by the City Council of the City of McCook, Nebraska (the “Governing Body”) on July 1, 2013 (the “2013 Plan”).
- B. The “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” was approved and adopted by the Governing Body on October, 18, 2021 (the “2021 Plan”).
- C. A Minor Modification to the 2021 Plan was approved and adopted by the Community Development Agency of the City of McCook, Nebraska (“CDA”) on May 1, 2023 (the “Minor Modification”).
- D. The 2013 Plan, the 2021 Plan, and the Minor Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- E. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- F. The purpose of this Substantial Modification is to authorize the issuance of additional TIF Indebtedness for the Project.

**Amendment to the Redevelopment Plan for the  
North Pointe Redevelopment Project**

**1. Summary of Project**

The Project consists of the construction of approximately thirty-one (31) residential dwelling units and the necessary public infrastructure to support the residential development. The Project will be constructed in three (3) phases, each with multiple subphases. Exhibit “A” shows the phases for the development.

Phase I of the Project has been completed. Three (3) Notices to Divide Tax were filed for Phase I:

Subphase	Effective Date	Location
1	January 1, 2016	Lots 1 and 3, Block 1, Clary Subdivision Replat #1
2	January 1, 2017	Lots 2 and 4, Block 1, Clary Subdivision Replat #1
3	January 1, 2018	Lots 5 and 6, Block 1, Clary Subdivision Replat #1

Phase II of the Project is anticipated to commence in 2024. It is anticipated that the first subphase of Phase II will have an Effective Date of January 1, 2025 based upon completion of construction on the first home(s) in 2024.

## 2. TIF Indebtedness

The 2013 Plan authorized TIF Indebtedness for Phase I of the Project in the principal amount of \$262,000. Pursuant to the Redevelopment Contract for Phase I of the Project dated July 7, 2014, by and between the CDA and North Pointe Properties, L.L.C., a Nebraska limited liability company, the CDA issued that certain Tax Incremental Development Redevelopment Bond (North Pointe Properties Redevelopment Project), Series 2014A to the McCook Economic Development Corporation (“MEDC”) in the principal amount of \$208,000, at an interest rate of 0.0% (the “Phase I TIF Indebtedness”).

The 2021 Plan, as amended by the Minor Modification, authorized aggregate TIF Indebtedness for Phases II and III of the Project in the principal amount of \$1,300,000, at an interest rate of 5.0%. Pursuant to the Redevelopment Agreement for Phase II of the Project dated May 1, 2023, by and between the CDA and MEDC, the CDA will issue TIF Indebtedness to MEDC in the principal amount of \$955,500, at an interest rate of 5.0% (the “Phase II TIF Indebtedness”). With respect to Phase III, the CDA may issue TIF Indebtedness to MEDC in the principal amount of up to \$344,500, at an interest rate of 5.0% (the “Phase III TIF Indebtedness”).

In addition, the 2013 Plan contemplates the issuance of additional TIF Indebtedness in the event that there is excess TIF from Phase I after paying off the Phase I TIF Indebtedness. The 2013 Plan states as follows:

Excess incremental taxes [from Phase I] will be pledged to additional bonds issued by the [CDA] from time to time to pay assist in paying for installation of infrastructure in [Phases II and III].

Based on the amount of TIF already collected for Phase I, as well as the TIF projected to be received in the future, the CDA anticipates that the Phase I TIF Indebtedness will be paid off in 2025 and that there will be excess TIF from Phase I in the amount of approximately \$280,500. The following chart shows the estimated TIF from Phase I<sup>1</sup>:

Tax Year	Subphase 1	Subphase 2	Subphase 3	Total
2016	\$2,917.95	\$0.00	\$0.00	\$2,917.95
2017	\$8,241.82	\$5,172.68	\$0.00	\$13,414.49
2018	\$9,035.37	\$9,195.57	\$5,892.94	\$24,123.87
2019	\$10,287.11	\$10,511.95	\$8,662.17	\$29,461.23
2020	\$10,347.60	\$10,573.76	\$8,713.10	\$29,634.47
2021	\$11,500.51	\$12,150.14	\$10,310.34	\$33,960.99
2022	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2023	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98
2024	\$12,310.61	\$12,991.36	\$10,991.02	\$36,292.98

<sup>1</sup> For purposes of the TIF Projections for Phase I of the Project, the CDA: (1) has assumed that each subphase will capture 14 years of TIF; (2) has assumed the levy rate to be the 2022 levy rate for tax years 2023–2031; and (3) has accounted for a \$30,000 increase in the assessed value of each lot in tax years 2025 and 2028.

2025	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2026	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2027	\$13,412.17	\$14,092.92	\$12,092.59	\$39,597.69
2028	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2029	\$14,513.74	\$15,194.49	\$13,194.16	\$42,902.39
2030	\$0.00	\$15,194.49	\$13,194.16	\$28,388.65
2031	\$0.00	\$0.00	\$13,194.16	\$13,194.16
	<u>\$158,526.17</u>	<u>\$174,440.43</u>	<u>\$155,605.99</u>	<u>\$488,572.59</u>

Based on the foregoing, the CDA is willing to issue additional TIF Indebtedness to MEDC in the principal amount of up to \$280,500, at an interest rate of 0.0% (the "Excess TIF Indebtedness"); provided, however, the Excess TIF Indebtedness shall not exceed the actual and certified TIF-eligible expenditures for the Project. Details regarding the issuance of the Excess TIF Indebtedness will be set forth in a resolution of the CDA authorizing the same.

As outlined in the Minor Modification, MEDC has identified approximately \$2,300,000 in TIF-eligible expenditures for Phases II and III. The Phase I TIF Indebtedness, the Phase III TIF Indebtedness, and the Excess TIF Indebtedness will assist in payment of up to \$1,580,500 of these costs which will make the Project as designed feasible.

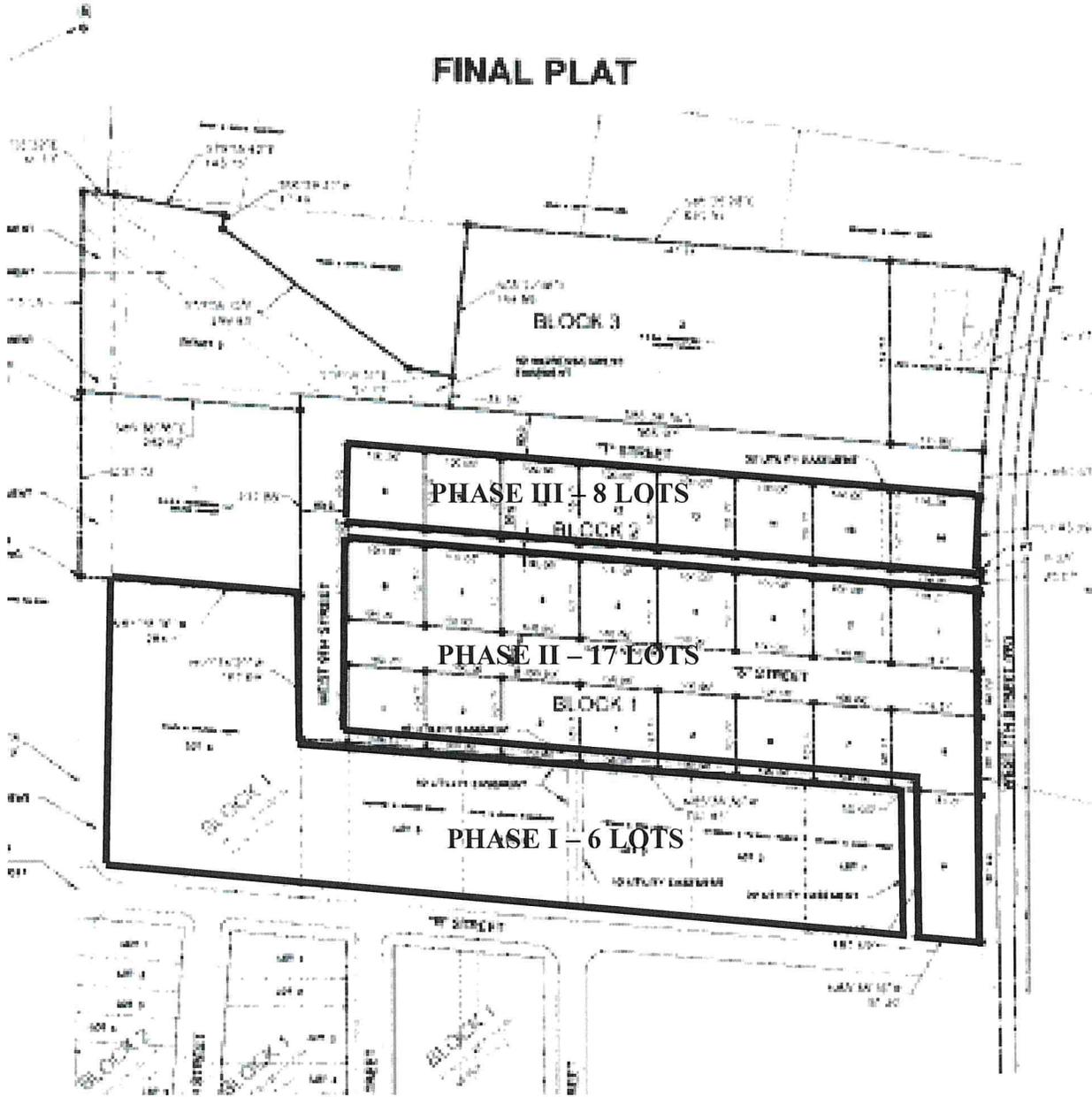
EXHIBIT "A"  
Phases

# NORTH POINTE ADDITION

## AN ADDITION TO THE

City of McCook, Red Willow County, Nebraska

### FINAL PLAT



**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2023-05**

(Substantial Modification to 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 AGENCY AND THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, WITH RESPECT TO A SUBSTANTIAL MODIFICATION TO THE REDEVELOPMENT PLAN FOR THE NORTH POINTE REDEVELOPMENT PROJECT.**

**RECITALS**

- A. On July 1, 2013, the City of McCook, Nebraska (“City”) adopted the “Redevelopment Plan North Pointe Redevelopment Area, 2013” (the “2013 Plan”).
- B. On October 18, 2021, the City adopted the “Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska” (the “2021 Plan”).
- C. On May 1, 2023, the Community Development Agency of the City of McCook, Nebraska (“CDA”) adopted a Minor Modification to the 2021 Plan (the “Minor Modification”).
- D. The 2013 Plan, the 2021 Plan, and the Minor Modification shall be collectively referred to herein as the “Redevelopment Plan”.
- E. The Redevelopment Plan serves as a guide for the implementation of the North Pointe Redevelopment Project (the “Project”).
- F. The CDA desires to amend the Redevelopment Plan to authorize the issuance of additional TIF Indebtedness for the Project.
- G. The CDA has prepared a Substantial Modification to the Redevelopment Plan (the “Amendment”) to make the substantial modification described above. A copy of the Amendment is on file and available for public inspection with the McCook City Clerk.
- H. Pursuant to Neb. Rev. Stat. § 18-2115, public hearings are required for a substantial modification to the Redevelopment Plan. The CDA has determined that the Amendment is a substantial modification to the Redevelopment Plan because it increases the amount of ad valorem taxes pledged for the Project by more than 5.0%.
- I. The CDA has submitted the question of whether the Amendment should be approved to authorize the issuance of additional TIF Indebtedness as stated in said Amendment.
- J. 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.

**EXHIBIT #6**

**PAGE(S) - 2**

Stat. §84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

K. On July 10, 2023, 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.

L. The Planning Commission has reviewed the 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 18-2155 (the "Act"), as follows:

1. The Project Site, as defined in the Redevelopment Plan, is in need of redevelopment to remove blight and substandard conditions identified pursuant to the Act.
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 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 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 Amendment by the CDA to the City Council; and (ii) approval of the Amendment by the City Council as the governing body for the City of McCook.

Passed and approved by the City of McCook Planning Commission on this 10<sup>th</sup> day of July, 2023.

PLANNING COMMISSION OF THE  
CITY OF MCCOOK, NEBRASKA

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

ATTEST:

By: \_\_\_\_\_  
Chad Lyons, Secretary