

**CITY OF LA VISTA  
LA VISTA COMMUNITY DEVELOPMENT AGENCY  
AUGUST 16, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
84 <sup>TH</sup> ST. REDEVELOPMENT AREA APPROVE REDEVELOPMENT CONTRACT - MIXED USE REDEVELOPMENT PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH, COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to accept a redevelopment contract with La Vista City Centre, LLC, titled "Redevelopment Agreement - Mixed Use Redevelopment Project".

**FISCAL IMPACT**

The FY 17 budget provides funds associated with the mixed use redevelopment project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City Council adopted Resolution No. 12-011 declaring the 84<sup>th</sup> Street Redevelopment Area a substandard and blighted area in need of redevelopment. The City Council also created the La Vista Community Development Agency governed by the Mayor and City Council and providing for actions of the Agency to be taken at City Council meetings; and approved a Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area ("Redevelopment Plan"). Amendment No. 1, approved at the August 2, 2016 meeting, includes a Mixed Use Redevelopment Project. The proposed Redevelopment Agreement would be in furtherance of the Mixed Use Redevelopment Project. The Mayor would be authorized to execute the Redevelopment Agreement and thereby accept it in accordance with the terms of the resolution.

This agenda item was acted on at the August 2, 2016 meeting and approved unanimously. However, the Agenda did not specifically state that action on this item would be taken by the Community Development Agency and therefore it has been placed on this agenda for action.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, APPROVING AND AUTHORIZING THE MAYOR ON BEHALF OF THE AGENCY TO ACCEPT REDEVELOPMENT CONTRACT FOR THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA

WHEREAS, the La Vista Community Development Agency ("Agency") consisting of and governed by the Mayor and City Council of the City of La Vista has been created; and

WHEREAS, The City Council approved a Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area ("Redevelopment Plan"), and subsequently approved Amendment No. 1 to the Redevelopment Plan for, among other things, two redevelopment projects; specifically a mixed use redevelopment project and a public improvement redevelopment project including areas in the vicinity of 84<sup>th</sup> Street and Brentwood Boulevard, Brentwood Crossing, La Vista Falls golf course, the City swimming pool and adjacent areas ("Amendment No. 1").

WHEREAS, The Agency desires to approve a redevelopment contract proposal as presented to the City or Agency in various documents, including without limitation the Tax Increment Financing Application for La Vista City Centre submitted by La Vista City Centre, LLC ("City Centre Redeveloper") and the Redevelopment Agreement as presented at this meeting ("Redevelopment Contract Proposal" or "Proposal").

NOW THEREFORE, BE IT RESOLVED that the City Council acting as the La Vista Community Development Agency hereby finds and approves as follows:

1. Recitals above are incorporated into this resolution by this reference.
2. With respect to redevelopers and redevelopment proposals other than City Centre Redeveloper and its Redevelopment Contract Proposal: All redevelopment proposals, if any, and the financial and legal ability of the prospective redevelopers to carry out their proposals have been considered.
3. With respect to City Centre Redeveloper and its Redevelopment Contract Proposal:
  - a. The Redevelopment Contract Proposal has been considered;
  - b. The Agency considered the legal ability of the City Centre Redeveloper to carry out its proposal, taking into consideration among other things, City Centre, LLC existing as a limited liability company in good standing under Nebraska law, and the purchase agreement City Centre Redeveloper or its principals have to acquire the Brentwood Crossing site;
  - c. The Agency deems the Redevelopment Contract Proposal to be in the public interest and in furtherance of the purposes of the Community Development Law;
  - d. Such Redevelopment Contract Proposal is hereby approved; and
  - e. The Mayor on behalf of the Agency shall be authorized to accept such Redevelopment Contract Proposal on behalf of the Agency; and
  - f. Subsections (c) through (e) shall be subject to the City Administrator, or her designee, on behalf of the Agency:

(a) Receiving, if not already received, and considering if desired, the certification from City Centre Redeveloper prescribed by Neb. Rev. Stat. Section 18-2119(3), and

(b) Considering the financial ability of the City Centre Redeveloper to carry out the Redevelopment Contract Proposal to the satisfaction of the City Administrator or her designee (this subsection "f" referred to as "Conditions").

4. Acceptance of the Redevelopment Contract Proposal, subject to satisfaction of the Conditions, shall be accomplished by the Mayor executing the Redevelopment Agreement as presented at this meeting, subject any additions, subtractions or modifications to the Redevelopment Agreement as the City Administrator determines necessary or advisable ("Redevelopment Contract"); and not in any other manner. Acceptance of the Redevelopment Contract Proposal and the Redevelopment Contract shall be effective the later of August 22, 2016 or satisfaction of the Conditions, after which all steps shall be authorized as necessary to effectuate such Redevelopment Contract.
5. Sales, leases, or transfers of real property or any interest therein, if any, to any redeveloper for uses in accordance with the Redevelopment Plan, as amended, shall be deemed to be at fair value for uses in accordance with the Redevelopment Plan, as amended, taking into account and giving consideration to uses and purposes required by such plan; restrictions upon, and covenants conditions, and obligations assumed by the redeveloper of such property; objectives of the redevelopment plan for the prevention of the recurrence of substandard and blighted areas; and such other matters as determined appropriate; and in fixing any rentals or selling prices, it shall be deemed that consideration has been given to any appraisals of the property for such uses made by land experts employed by or for the authority.
6. The Mayor, City Clerk, or City Administrator, or his or her designee, in addition to and not in limitation of any other authority otherwise granted, shall be authorized to take all actions on behalf of the Agency as necessary or appropriate to carry out the Redevelopment Contract or actions approved herein.

PASSED AND APPROVED THIS 16TH DAY OF AUGUST, 2016.

LA VISTA COMMUNITY DEVELOPMENT  
AGENCY

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Douglas Kindig, Mayor  
City of La Vista

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk