RESOLUTION NO. 2022-7

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA, APPROVING THE CITY OF GOTHENBURG REDEVELOPMENT PLAN FOR THE WEARPARTS TILLAGE TOOLS, LLC; APPROVAL OF A REDEVELOPMENT PROJECT OF THE CITY OF GOTHENBURG; AND APPROVAL OF RELATED ACTIONS

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

Recitals:

- a. The Mayor and Council of the City of Gothenburg, Nebraska (the "City"), upon the recommendation of the City Planning Commission (the "Planning Commission"), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), has previously declared an area, including an area legally described on the attached Exhibit "A" (the "Redevelopment Area"), to be blighted and substandard and in need of redevelopment; and
- b. Pursuant to and in furtherance of the Act, the City of Gothenburg Redevelopment Plan for the Wearparts Tillage Tools, LLC (the "Redevelopment Plan") has been prepared and submitted to the City of Gothenburg Community Redevelopment Authority (the "Authority") by Wearparts Tillage Tools, LLC, (the "Redeveloper"), a copy of which is Attached hereto as Exhibit "B", for the purpose of redeveloping the Redevelopment Area; and
- c. The Authority submitted the Redevelopment Plan to the Planning Commission for its recommendation on the Redevelopment Plan after holding a public hearing in compliance with the provisions of the Act; and
- d. The Planning Commission has reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City;
- e. Pursuant to Section 18-2113 of the Act, the Gothenburg Community Redevelopment Authority (the "Authority") has conducted a cost benefit analysis of the project set forth in the Redevelopment Plan (the "Redevelopment Project"), reviewed the Redevelopment Plan, and recommended approval of the Redevelopment Plan by the Mayor and Council of the City;
- f. The City, in compliance with all public notice requirements imposed by the Act, published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan and received extensive public comment thereon; and
- g. The City Council has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described in it are designed with the general purpose

of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

Resolved that:

- 1. The Redevelopment Plan is determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act. Section 18-2102 of the Act establishes the legislative declarations and determinations for the Act. The Redevelopment Plan clearly demonstrates that the criteria declarations have been satisfied. The Redevelopment Area (the "Site") constitutes an economically and socially undesirable land use in its current state. The Site is under multiple ownership and generates limited tax revenue in its current state. The Site is not designed for proper utilization, is undesirable for economic and social purposes and constitutes a barrier to the sound growth of the City. The substantial cost to install infrastructure and prepare the Site for redevelopment is a significant and onerous burden. Given the foregoing, the conditions of the Site are beyond the remedy and control of normal regulatory processes and police power and due to the high cost of development and cannot be dealt with effectively by the ordinary operations of private enterprise. Further documentation of these findings is set forth in the Blight and Substandard Determination Study for the Site on file in the office of the Gothenburg City Clerk.
- 1. The City Council further finds and documents that: the Redevelopment Project described in the Redevelopment Plan would not be economically feasible without the use of funds from tax-increment financing and would not occur in the Redevelopment Area without the use of funds from tax-increment financing; the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The Cost Benefit Analysis incorporated into the Redevelopment Plan and adopted by the Authority provides significant documentation of the benefit to the City. Documentation of the fact that the Redevelopment Project is not financially feasible and would not occur at the Site, without tax increment financing, is provided by Act by the receipt of correspondence from the Redeveloper's lender stating that the project is not financially feasible and will it will not provide capital for the project without the benefit of tax increment financing. The City Council acknowledges receipt of the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Plan.
- 2. In accordance with Section 18-2147 of the Act, the City provides that any advalorem tax on real property in the City of Gothenburg, Nebraska, more fully described on

Exhibit A, attached hereto, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be determined in a Redevelopment Contract and a Redevelopment Contract Amendment entered into between the Redeveloper and the Authority. Said tax shall be divided as follows:

- (a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
- (b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, shall be paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, 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. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Redevelopment Project Area shall be paid into the funds of the respective public bodies.
- 3. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.
 - 4. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on August //w, 2022.

City of Gothenburg, Nebraska

Mayor Days & Hudson

ATTEST:

City Clerk (Seal)

EXHIBIT "A" LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA

Lot 1 and Lot 2, Block 2, Gothenburg Industrial Park First, an addition to the City of Gothenburg, Dawson County, Nebraska and public right of way adjacent thereto.

Exhibit "B"

CITY OF GOTHENBURG REDEVELOPMENT PLAN FOR THE WEARPARTS TILLAGE TOOLS, LLC

CITY OF GOTHENBURG REDEVELOPMENT PLAN FOR WEARPARTS TILLAGE TOOLS, LLC, REDEVELOPMENT PROJECT

I. INTRODUCTION.

The City of Gothenburg, Nebraska, recognizes that blight is a threat to the continued stability and vitality of the City as a focal point of business and civic activity of the region, and a focus of community pride and achievement. Therefore, the City has initiated a program of revitalization with the goal of enhancing the City of Gothenburg as the center of business and health services for the region.

WEARPARTS TILLAGE TOOLS, LLC, seeks to construct a headquarters, manufacturing and warehouse facility in the Gothenburg Industrial Park.

WEARPARTS TILLAGE TOOLS, LLC, seeks a public private partnership to redevelop real estate in the City that the Gothenburg Council has declared substandard and blighted pursuant to the Nebraska Community Development Law (the "Act").

The Redevelopment Area constituting the Redevelopment Area is currently a vacant lot. This Redevelopment Project will be the first development in the Industrial Park and provide for the installation of infrastructure to further develop the entire site. The Redevelopment Area is a prime location for a industrial building. However, in order to support private development, the Redevelopment Area requires a redeveloper to incur significant upfront costs, including, but not limited to site acquisition, preparation, extension of sewer, water and electrical lines, public and private roadways, sidewalks and planning costs. These development costs, when paired with the high costs of construction of the private improvements, are a barrier to redevelopment of the site. Wearparts Tillage Tools, L.L.C, (the "Redeveloper") is unable, without assistance from tax increment financing, to undertake the Project due to financing restrictions. The Redeveloper and its lender have determined that the Project would not be economically feasible without tax increment financing.

The Redevelopment Area subject to this Plan covers an area consisting of 26.64 acres and is shown on Exhibit "A", being Lot Two, Block Two Gothenburg Industrial Park First. The Redevelopment Area was declared blighted and substandard by the Gothenburg Council pursuant to the Nebraska Community Development Law (the "Act"). The Redevelopment Area has been determined, through the blight and substandard resolution, to be in need of revitalization and strengthening to ensure that it will contribute to the economic and social wellbeing of the City.

To encourage private investment in the Redevelopment Area, this Plan has been prepared to set forth the CITY OF GOTHENBURG REDEVELOPMENT PLAN FOR THE WEARPARTS TILLAGE TOOLS, LLC REDEVELOPMENT PROJECT ("Redevelopment Project"), which is considered to be of the highest priority in accomplishing the goal of revitalizing and strengthening the Redevelopment Area.

II. EXISTING SITUATION.

This section of the Redevelopment Plan examines the existing conditions within the designated Redevelopment Area. This section is divided into the following subsections: existing land use, existing zoning, existing public improvements, and existing building condition/blighting influences.

- A. <u>Existing Land Use</u>. The Redevelopment Area contains 26.64 acres and is part of a new subdivision. The current use is shown on Exhibit "B".
 - B. <u>Existing Zoning</u>. The Community Redevelopment Area is zoned I-2.
- C. <u>Existing Public Improvements</u>. There is no internal street network constructed within the Redevelopment Area. Potable water mains and sanitary sewer mains are within the Industrial Park, but will required extension.
- D. <u>Existing Building Conditions</u>. The Redevelopment Area was declared blighted and substandard as part of a larger area pursuant to the Act.

III. FUTURE SITUATION.

This section of the Redevelopment Plan examines the future conditions within the Community Redevelopment Area. This section is divided into the following subsections:

- A. Proposed Land Use Plan
- B. Conformance with the Comprehensive Plan; Conformance with the Community Development Law Declarations
- C. Relationship to Local Objectives
- D. Building Requirements and Standards after Redevelopment
- E. Proposed Changes and Actions
- F. Cost-Benefit Analysis
- G. Proposed Cost and Financing
- H. Procedure for Changes in the Approved Redevelopment Plan
- A. <u>Proposed Land Use Plan</u>. The land use plan for the Redevelopment Area as it relates to Redevelopment Area is conceptually shown on Exhibit "C".

The Redevelopment Authority intends to negotiate a specific redevelopment agreement with WEARPARTS TILLAGE TOOLS, LLC, outlining the proposed Redevelopment Project. The written redevelopment agreement will include a Redevelopment Project description, specific funding arrangements, and specific covenants and responsibilities of the Community Redevelopment Authority and the Redeveloper to implement the Redevelopment Project.

B. <u>Conformance with the Comprehensive Plan; Conformance with the Community Development Law Declarations</u>. In accordance with the Act, the Plan described in this document has been designed to conform to the 2007 Comprehensive Development Plan for the City of

Gothenburg ("Comp Plan") as amended. By approval of this Plan, the City Council finds that this Plan is feasible and in conformity with the general plan for the development of the City as a whole and the plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law. This finding is documented by a determination that the Comp Plan, specifically designates the future land use for the Redevelopment Area as Commercial.

- C. Relationship to Local Objectives. The proposed Redevelopment Area lies within the boundary described on attached Exhibit "A". Plan has been developed on the basis of the goals, policies and actions adopted by the City for the community as a whole. General goals, policies and actions relating to the community as a whole and for the Redevelopment Area will be set forth in the Comp Plan as so amended. This plan provides for reutilization of lots that previously contained a commercial building.
- D. <u>Building Requirements and Redevelopment Standards</u>. The redevelopment of the Redevelopment Area should generally achieve the following requirements and standards:
 - 1. <u>Population Density</u>. There are no dwelling units currently located within the Redevelopment Area, and none are proposed under this Redevelopment Plan. Consequently, there is no change proposed for the population density within the Redevelopment Area.

The redevelopment of the Redevelopment Area will be accomplished the construction of an industrial building to house headquarters, manufacturing and warehouse facilities for the Redeveloper.

- 2. <u>Land Coverage and Building Density</u>. This Plan contemplates construction of 80,000 square foot industrial building with private roadways and parking.
- 3. <u>General Environment</u>. Provide for the redevelopment and rehabilitation of the site with a new industrial building with public parking.
- 4. <u>Building Heights and Massing</u>. Building heights and massing to comply with the I-2 zone.
- 5. <u>Circulation, Access and Parking</u>. Provide for vehicular access to the Redevelopment Area in a manner consistent with the needs of the development and the community.

Provide for an adequate supply of appropriately located parking in accordance with applicable zoning district regulations.

7. Off-Street Loading, Service and Emergency Facilities. Provide for consolidated off-street loading and service facilities, with access to be provided (where feasible) from the public street system.

E. <u>Proposed Changes and Actions</u>. The Redevelopment Area is anticipated to function as an industrial headquarters, manufacturing and warehouse facility that will allow for future expansion. This section describes the proposed changes needed, if any, to the zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances, and actions to be taken to implement this Plan.

- 1. <u>Zoning, Building Codes and Ordinances</u>. The entire Redevelopment Area is zoned I-2 (Light Industrial) which is appropriate for the proposed Redevelopment Project. No changes to the City's Zoning Ordinances, Building Codes, or other local ordinances are contemplated to implement this Redevelopment Plan.
- 2. <u>Traffic Flow, Street Layout and Street Grades</u>. Access to the Redevelopment Area will be provided from new streets to be constructed as part of this Plan. The City will be required to install Gothenburg Industrial Parkway and Bacon Drive. Street Grades will be designed by the City Engineer.
- 3. <u>Public Redevelopments, Improvements, Facilities, Utilities and Rehabilitations.</u> Extension of potable water mains and sanitary sewer mains exists in the Industrial Park. However they will need to be extended to the boundaries of Lot Two, Block Two Gothenburg Industrial Park First.
- 4. <u>Site Preparation and Demolition</u>. Site preparation will be required for installation of the building, private parking, utility extensions and storm water drainage.
- 5. <u>Private Redevelopment, Improvements, Facilities and Rehabilitation</u>. The private improvements anticipated within the Redevelopment Area include construction of an 80,000 square foot industrial building and public parking.
- 6. Open Spaces, Pedestrian ways, Landscaping, Lighting, Parking. The proposed site plan and private sector improvements will comply with the City's minimum open space, pedestrian way, landscaping, lighting, and parking standards as defined in the Zoning and Subdivision Ordinances, Building Codes, or other local ordinances. In addition, the City may elect to require additional standards in these areas as described in a written redevelopment agreement in order to help remove blight and substandard conditions.
- F. <u>Cost-Benefit Analysis</u>. A Redevelopment Project TIF Statutory Cost Benefit Analysis ("Cost-Benefit Analysis") is required to be prepared by the Redevelopment Authority prior to submission of this Plan to the City Council. The Cost-Benefit Analysis must comply with the requirements of the Act in analyzing the costs and benefits of the Redevelopment Project, including costs and benefits to the economy of the community and the demand for public and private services. The Cost-Benefit Analysis is set forth on Exhibit "D".
- G. <u>Proposed Costs and Financing; Statements</u>. The City will negotiate with the Redeveloper of the Redevelopment Area on a specific written redevelopment agreement. The written redevelopment agreement will include a site plan, project description, and specific Tax

Increment Financing arrangements. The Redeveloper seeks the issuance of two tax increment revenue bonds. The first is in the approximate amount of \$550,000. This bond shall be granted to the Redeveloper. The second bond will be issued in the approximate amount of \$250,000, the proceeds of which will be granted to the City of Gothenburg to pay for a portion of the public infrastructure required to support the Redevelopment Project. The agreement will further provide specific covenants and responsibilities of the Redevelopment Authority and the Redeveloper to implement the Redevelopment Project.

Estimated Eligible Private Redevelopment Project Costs are:

Site Purchase	\$	250,000	
Site prep & onsite utilities	\$	484,522	
Electrical	\$	97,210	
Paving and walks	\$	625,725	
Survey	\$	15,000	
Testing	\$	30,000	
Public infrastructure	<u>\$3</u>	,000,000	
Total	\$4,502,457		

The figures above are estimates. Final figures are subject to a specific site plan, design specifications, City approval and public regulations.

The public will fund as much of the above Eligible Improvements as needed to the extent necessary to meet the public purpose and community goals, policies and standards. The City will not fund improvements that exceed the amount of funds available from tax-increment financing indebtedness. The amount of the available proceeds for tax-increment financing is estimated at approximately \$800,000[\$450,000+\$250,000]. This assumes an increased valuation as a result of the project of approximately \$5,200,000. In the event the project assessed valuation exceeds \$5,200,000, the Authority will fund up to an additional \$800,000 in tax increment financing pursuant to an amended redevelopment contract with the proceeds to be allocated pursuant to such amended redevelopment contract.

Any ad valorem tax levied upon the real property in a Redevelopment Project for the benefit of any public body shall be divided, for a period not to exceed fifteen (15) years after the effective date established in the redevelopment agreement. Said taxes shall be divided 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; and
- b. That portion of the ad valorem tax on real property in the Redevelopment Project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise,

such authority for financing or refinancing, in whole or in part, a Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a Redevelopment Project shall be paid into the funds of the respective public bodies.

The Redevelopment Project is within the corporate boundaries of the City.

Because the Plan proposes to use tax-increment financing funds as authorized in §18-2147 of the Act, the Authority and City Council, in approving this Plan find as follows:

- a. the Redevelopment Project in the Plan would not be economically feasible without the use of tax-increment financing;
- b. the Redevelopment Project would not occur in the Redevelopment Area without the use of tax-increment financing; and
- c. this finding is documented by receipt of a letter from the Redeveloper's lender showing the project is not financially feasibly without the benefit of tax increment financing.
- d. the costs and benefits of the Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and been found to be in the long term best interest of the community impacted by the Redevelopment Project.
- H. Procedure for Changes in the Approved Redevelopment Plan. If the City of Gothenburg desires to significantly modify this Plan, it may do so after holding a public hearing on the proposed change in accordance with applicable state and local laws. A redevelopment plan which has not been approved by the governing body when recommended by the authority may again be recommended to it with any modifications deemed advisable. A redevelopment plan may be modified at any time by the authority, provided, that if modified after the lease or sale of real property in the Redevelopment Area, the modification must be consented to by the redeveloper or redevelopers of such property or his successor, or their successors, in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the governing body the modification must similarly be approved by the governing body.
- I. <u>Relocation Expenditures</u>. In the event that The Community Redevelopment Authority is required to relocate any individuals or businesses from the Redevelopment Area, the Authority will adopt rules and regulations pursuant to the Act. This Plan will not be implemented unless the Authority is reimbursed, by the redeveloper, in advance, for all estimated and actual costs incurred by the Authority, including professional fees required as a result of such relocation undertaking.

Exhibit "A" Legal Description

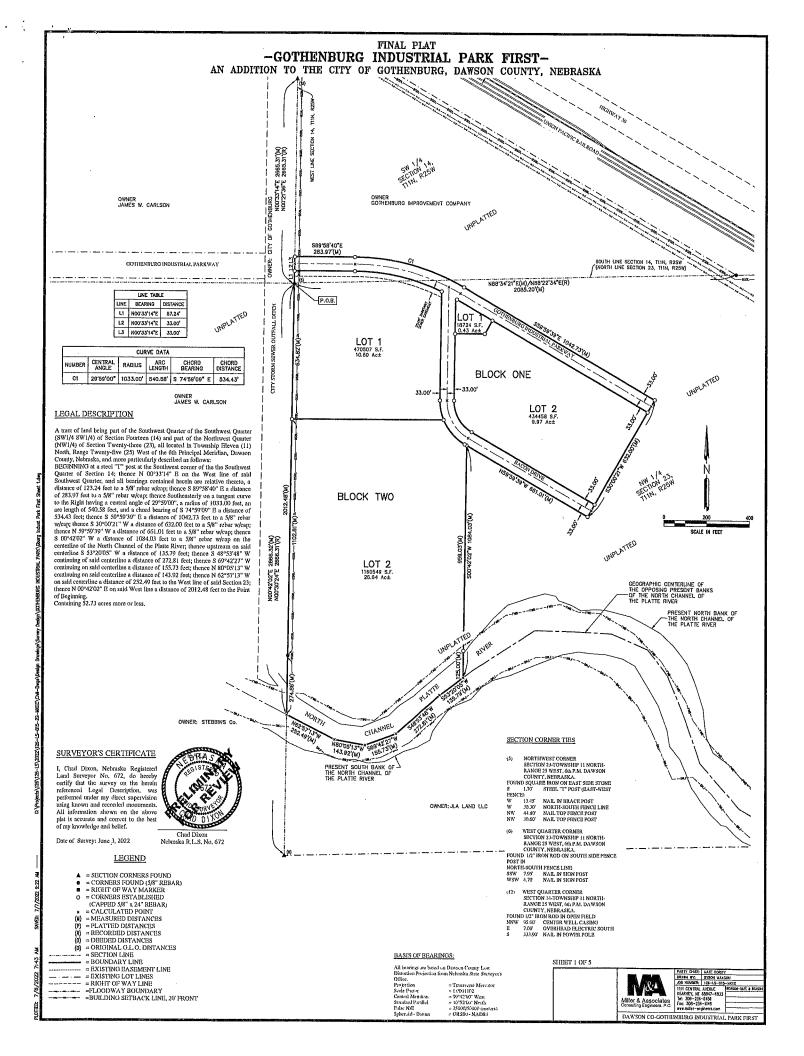
LEGAL DESCRIPTION

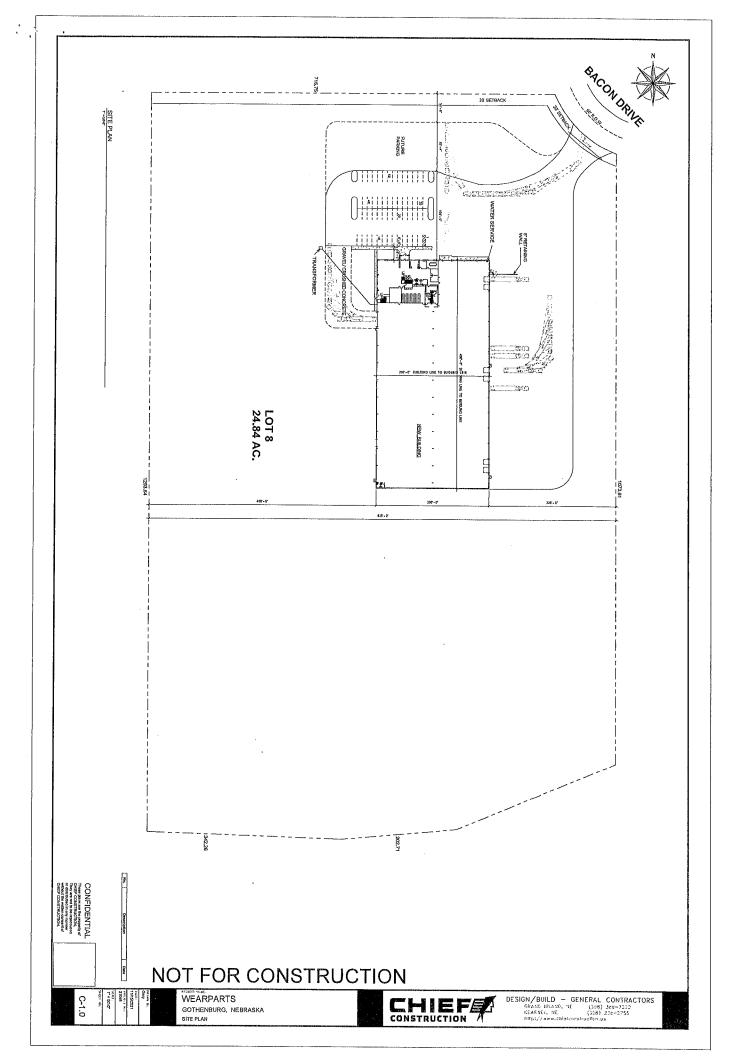
Lots One, Two and Three Block Two Gothenburg Industrial Park First, an addition to the City Gothenburg, Dawson County, Nebraska together with adjacent street right-of-way.

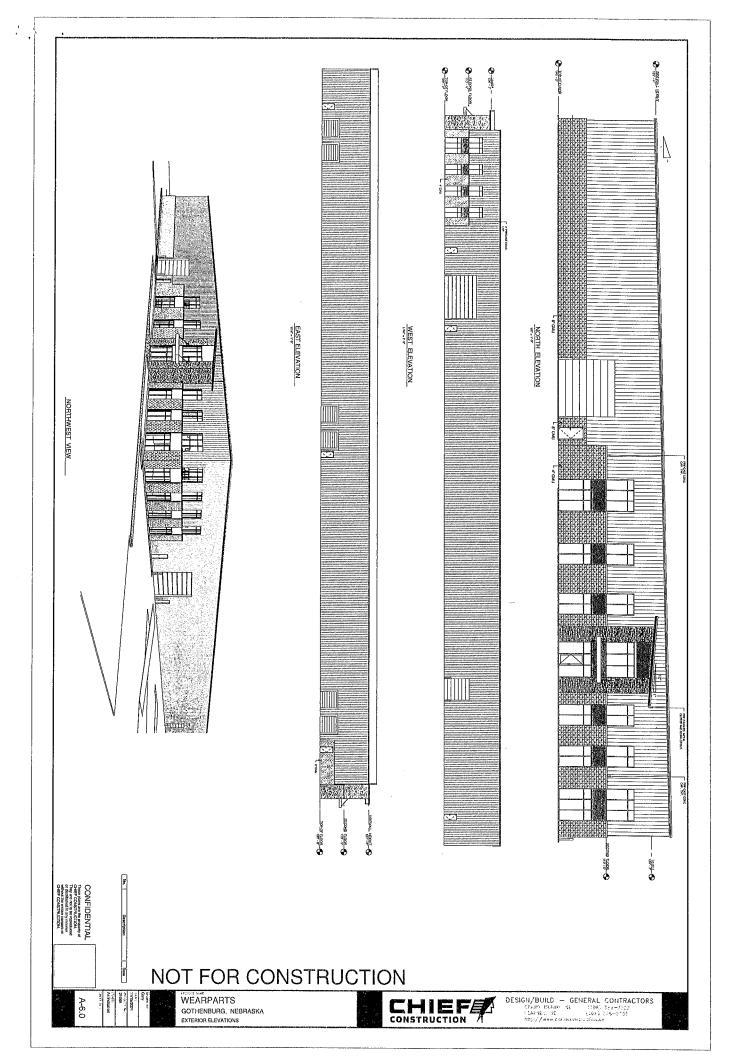
Exhibit "B" Existing Land Use



Exhibit "C" Land Use After Redevelopment







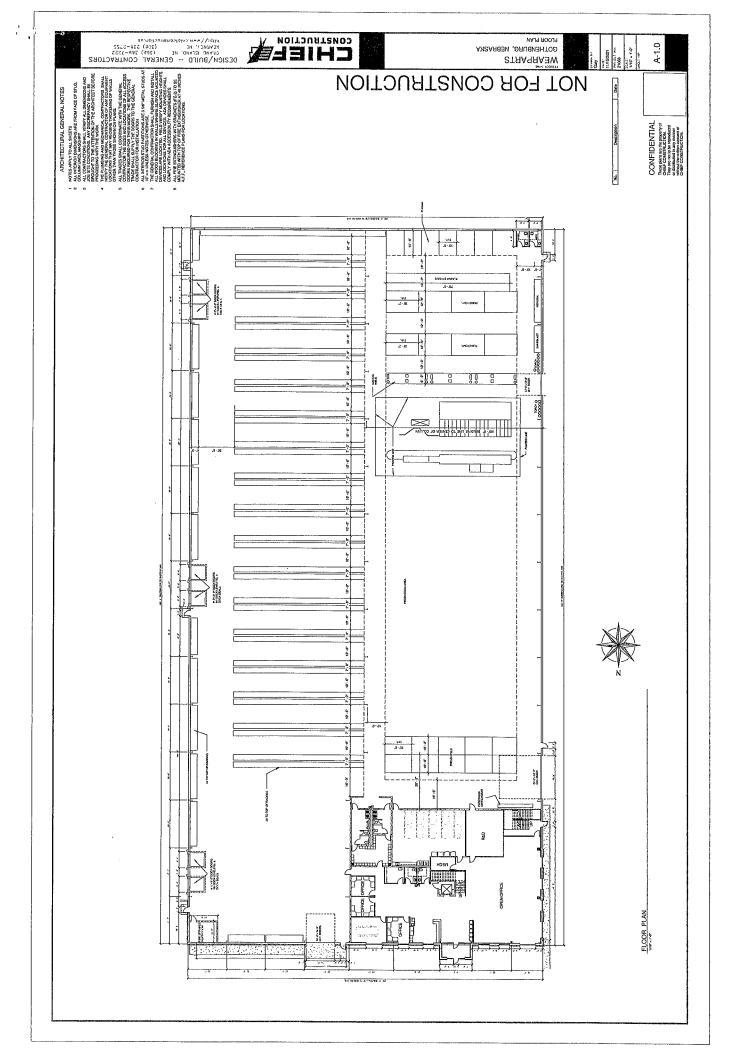


Exhibit "D" Cost Benefit Analysis

STATUTORY COST BENEFIT ANALYSIS

As authorized in the Nebraska Community Development Law, §18-2147, *Neb. Rev. Stat.* (2012), the City of Gothenburg has analyzed the costs and benefits of the proposed WEARPARTS TILLAGE TOOLS, Redevelopment Project, including:

Project Sources and Uses. Approximately \$1,302,916 [Bonds of \$800,000 plus \$502,916 interest] in potential property tax receipts from tax increment financing provided by the Community Redevelopment Authority of the City of Gothenburg (the "Authority") is required to complete the proposed redevelopment. Such a TIF grant by the Authority will leverage an estimated \$7,800,000 in other investment and financing; an investment of \$5.99 for every dollar of tax increment financing. An additional issuance of indebtedness of \$800,000 would result in an additional \$1,302,9116 capture of potential tax receipts.

Tax Shifts. The property to be redeveloped is anticipated to have a January 1, 2022, valuation of approximately \$28,340. Based on the 2021 levy of .01919%, this would result in a real property tax of approximately \$543. It is anticipated that the assessed value will increase by a minimum of \$5,450,000 when the Project is completed. This will result in an overall tax increase of approximately \$100,000 annually, based on the 2021 levy. The tax increment gained from this Redevelopment Project area would not be available for use by the taxing entities as general tax revenues, but would be used to pay the TIF bonds issued to pay for eligible improvements to enable this project to be realized. To the extent a Project development phase has not reached full value at the time taxes are divided, the amount of the annual tax increment will be less.

Estimated 2022 assessed value:	\$ 28,340
Estimated value after completion	\$ 5,450,000
Increment value	\$ 5,421,660
TIF bonds	\$ 800,000

Public Infrastructure and Community Public Service Impacts. Additional public infrastructure is required for the Redevelopment Project for extension of paving, sewer, water and electricity. These costs are expected to equal \$3,000,000.

Employment Within the Project Area. Employment within the Redevelopment Area is expected to increase from 46 in 2023 to 79 by 2025.

Employment in the City Outside the Project Area. No impact is foreseen on employment outside the Redevelopment Area.

Other Impacts. No other significant impacts are foreseen.

Impacts on student populations. No significant impact is foreseen.