

# **Agenda Packet**

## **COMMUNITY DEVELOPMENT AGENCY**

Monday, August 07, 2017  
5:15 p.m.

Created 8/3/2017 11:44 AM

Notice of Meeting  
Community Development Agency

The Community Development Agency will meet on Monday, August 07, 2017 at 5:15 p.m. at the City Council Chambers, 309 N. 5th St., Norfolk, Nebraska.

The Agency reserves the right to adjourn into closed session as per Section 84-1410 of the Nebraska Revised Statutes.

An agenda for such meeting, kept continuously current, is available at the office of the City Administrator, City of Norfolk, 309 N 5th St, Norfolk, Nebraska, during normal business hours.

Elizabeth A. Deck  
Norfolk City Clerk &  
CDA Secretary

Publish (August 04, 2017)  
1 P.O.P.

# COMMUNITY DEVELOPMENT AGENCY

## AGENDA

August 07, 2017

### Call to Order

1. Call meeting to order
2. Inform the public about the location of the Open Meeting Act posted in the City Council Chambers and accessible to members of the public.
3. Roll Call

### Action Items/Discussion Items

- |  |                           |
|--|---------------------------|
| 4. Approve Agenda  | <b>Motion</b>             |
| 5. Approve the minutes of the July 17, 2017 Agency meeting.  | <b>Motion</b>             |
| 6. Consideration of Resolution No. 2017-10 recommending approval of the Medelmans Lake Redevelopment Area Plan to the City Council.  | <b>Resolution 2017-10</b> |
| 7. Consideration of re-ratifying approval of an Assignment from McIntosh Family, L.L.C., a Nebraska limited liability company, to Whitecliff Development, Inc., a Nebraska corporation, of the Meadow Ridge Phase II Redevelopment Contract. | <b>Motion</b>             |

STAFF MEMORANDUM  
COMMUNITY DEVELOPMENT AGENCY

August 07, 2017

Call to Order

1. Call meeting to order
2. Inform the public about the location of the Open Meeting Act posted in the City Council Chambers and accessible to members of the public.
3. Roll Call

Action Items/Discussion Items

- |   |               |
|---|---------------|
| 4. Approve Agenda   | <b>Motion</b> |
| 5. Approve the minutes of the July 17, 2017 Agency meeting. | <b>Motion</b> |

See Enclosure 5.

- |   |                           |
|---|---------------------------|
| 6. Consideration of Resolution No. 2017-10 recommending approval of the Medelmans Lake Redevelopment Area Plan to the City Council. | <b>Resolution 2017-10</b> |
|---|---------------------------|

On July 3, the Agency accepted the Medelmans Lake Redevelopment Area Plan and forwarded it to the Planning Commission for recommendation. On July 18, the Planning Commission reviewed the Plan and recommended approval.

See Enclosure 6.

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| 7. Consideration of re-ratifying approval of an Assignment from McIntosh Family, L.L.C., a Nebraska limited liability company, to Whitecliff Development, Inc., a Nebraska corporation, of the Meadow Ridge Phase II Redevelopment Contract. | <b>Motion</b> |
|--|---------------|

On June 22, 2017, the Community Development Agency approved the Assignment of the Meadow Ridge Phase II Redevelopment Contract to Whitecliff Development Inc. However, Exhibit "A" (the Redevelopment Contract for McIntosh Family, LLC, dated 3-16-2015) was not attached to the Assignment and was not included in the agenda packet. On July 17 the CDA ratified approval of the Assignment with the attached Redevelopment Contract; however, the Register of Deeds won't file this Assignment. She says the Assignment has conflicting legal descriptions. The Redevelopment Contract attached to the Assignment had a metes and bounds legal description of all of Meadow Ridge Phase IV, 2nd Addition; while the Assignment itself just refers to Out Lot A of Meadow Ridge Phase IV, 2nd Addition.

The Register of Deeds wants the attachment removed and instead referenced in the Assignment with the book and page number where it is filed in the Register of Deeds Office. Included in the agenda packet is the Assignment in this new form as well as a redline comparison to the previous Assignment. Staff recommend re-ratification of the Assignment in this new form as requested by the Register of Deeds.

See Enclosure 7.

## COMMUNITY DEVELOPMENT AGENCY

The Community Development Agency of the City of Norfolk, Nebraska, met in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska, on Monday, July 17, 2017, beginning at 5:17 p.m.

Chair Josh Moenning called the meeting to order.

Roll call found the following Agency members present: Dave Fauss, Corey Granquist, Gary L. Jackson, Jim Lange, Rob Merrill, Josh Moenning and Dick Pfeil. Absent: Shane Clausen and Thad Murren.

City staff members present were City Administrator Andy Colvin, City Attorney Clint Schukei, City Clerk Beth Deck, Public Works Director Dennis Smith, Police Chief Bill Mizner and Finance Officer Randy Gates.

Notice of the meeting was given in advance by publication in the Norfolk Daily News, and the notice of the meeting was given to the Chair and all members of the Agency prior to the meeting.

The Chair presided and the Secretary recorded the proceedings.

The Chair informed the public about the location of the current copy of the Open Meetings Act posted in the meeting room and accessible to members of the public.

### Agenda

Merrill moved, seconded by Fauss to approve the agenda as printed. Roll call: Ayes: Fauss, Granquist, Jackson, Lange, Merrill, Moenning and Pfeil. Nays: None. Absent: Clausen and Murren. Motion carried.

### Minutes (July 3, 2017)

Granquist moved, seconded by Fauss to approve the minutes of the July 3, 2017 Agency meeting as printed. Roll call: Ayes: Fauss, Granquist, Jackson, Lange, Merrill, Moenning and Pfeil. Nays: None. Absent: Clausen and Murren. Motion carried.

### Resolution No. 2017-9 (McIntosh Family, L.L.C., Amendment No. 2)

Merrill moved, seconded by Granquist to adopt Resolution No. 2017-9 approving Amendment No. 2 to the McIntosh Family, L.L.C. Redevelopment Contract incorporating Phase I, Sub-Phase 2 to the project with an effective date of January 1, 2017 for the division of taxes on six lots included in this sub-phase.

Gates provided information to Agency members. The McIntosh Family, L.L.C. Redevelopment Contract provides for construction of 53 housing units in two phases with each phase including multiple sub-phases. Each sub-phase will have its own effective date allowing for the division of taxes in accordance with Section 18-2147 of Statutes for up to 15 years. As of January 1,

2017 the assessor had improvement value on six additional houses in the Project. The Redeveloper, in accordance with Section 3.01 of the Redevelopment Contract, filed a Redevelopment Contract Amendment Notice on June 30, 2017 requesting taxes on these six lots be divided effective January 1, 2017. This allows incremental taxes on these six lots to go to the Agency to pay debt service on the tax increment bonds to be issued for certain Project Costs. Resolution No. 2017-9 also authorizes the Agency Treasurer to sign the Notice to Divide Tax (Exhibit A to the Amendment) and forward it to the Madison County Assessor on or before August 1, 2017.

Roll call: Ayes: Fauss, Granquist, Jackson, Lange, Merrill, Moenning and Pfeil. Nays: None. Absent: Clausen and Murren. Motion carried.

Redevelopment Contract  
(McIntosh Family, L.L.C. Assignment)

Fauss moved, seconded by Granquist to ratify approval of an Assignment from McIntosh Family L.L.C., a Nebraska limited liability company, to Whitecliff Development, Inc., a Nebraska corporation, of the Meadow Ridge Phase II Redevelopment Contract.

Gates explained that on June 22, 2017, the Community Development Agency approved the Assignment of the Meadow Ridge Phase II Redevelopment Contract to Whitecliff Development Inc. However, Exhibit "A" (the Redevelopment Contract for McIntosh Family, LLC, dated 3-16-2015) was not attached to the Assignment and was not included in the agenda packet. Also, at the time the Redevelopment Contract for McIntosh Family, LLC was filed and recorded, the Madison County Register of Deeds requested the minor, inconsequential changes to the legal description, e.g. "IV" changed to "4" and adding the wording An Addition to the City of Norfolk, Madison County, Nebraska. This is housekeeping issue.

Roll call: Ayes: Fauss, Granquist, Jackson, Lange, Merrill, Moenning and Pfeil. Nays: None. Absent: Clausen and Murren. Motion carried.

There being no further business, the Chair declared the meeting adjourned at 5:22 p.m.

\_\_\_\_\_  
Josh Moenning, Chair

ATTEST:

\_\_\_\_\_  
Elizabeth A. Deck, Secretary

( S E A L )

July 18, 2017

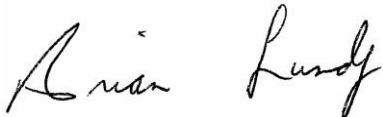
Dear Members of the Community Development Agency:

The Norfolk Planning Commission reviewed the Medelmans Lake Redevelopment Area Redevelopment Plan on July 18, 2017, as it pertains to the City of Norfolk zoning code and Comprehensive Plan.

The redeveloper proposes to redevelop the site into primarily urban residential uses, consisting of approximately 188 single family homes, in multiple phases over multiple years, along with some future commercial areas for typical uses found with lake developments. The area was rezoned on July 3, 2017 to allow such uses and the residential zoning is in accordance with the Comprehensive Plan.

The Planning Commission recommends approval of the Redevelopment Plan for Medelmans Lake Redevelopment Area with an 8-0 vote.

Sincerely,



Brian Lundy, Chair  
Norfolk Planning Commission



**REDEVELOPMENT PLAN  
FOR MEDELMANS LAKE REDEVELOPMENT AREA  
OF THE CITY OF NORFOLK, NEBRASKA**

**I. GENERAL REDEVELOPMENT PLAN**

A. Introduction

This Redevelopment Plan for the Medelmans Lake Redevelopment Area of the City of Norfolk, Nebraska (“Redevelopment Plan”) is a guide for redevelopment activities undertaken in the Medelman Lake area to remove or eliminate blight and substandard conditions within the City of Norfolk, Nebraska (the “City”).

This Redevelopment Plan has been established in accordance with the requirements of the Nebraska Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154, as amended (the “Act”) and the Comprehensive Plan of the City. This Redevelopment Plan, as amended from time to time, 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. Future amendments to this Redevelopment Plan shall identify specific redevelopment projects that will use tax increment financing pursuant to Section 18-2147 of the Act.

B. 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(13).

The Act further defines 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: (1) The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein; (2) a land-use plan showing proposed uses of the area; (3) information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment; (4) a statement of the proposed changes, if any, in zoning

ordinances or maps, street layouts, street levels or grades, or building codes and ordinances; (5) a site plan of the area; and (6) 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.

C. Redevelopment Area

The real property included in the redevelopment area and the boundaries of the redevelopment area subject to this Redevelopment Plan are generally described as follows:

South 1<sup>st</sup> Street on the East; West Sherwood Road on the South;  
Highway 81 on the West; and the Elkhorn River on the North.

The Redevelopment Area was declared blighted and substandard by the City Council by Resolution No. 2017-31, dated June 5, 2017, and based upon, inter alia, a Blight and Substandard Determination Study prepared by Northeast Nebraska Economic Development District dated April of 2017.

The legal description of the Redevelopment Area is attached hereto as Exhibit “A” and incorporated by this reference. The Redevelopment Area is currently located adjacent to but outside the corporate limits of the City of Norfolk. Land outside the corporate limits of the City is not included in the area of operation of the Community Development Agency of the City of Norfolk (the “CDA”) and is not eligible for the use of tax increment financing until said land is annexed into the City and is within the corporate limits of the City of Norfolk. Provided, it is the intent of the CDA and the City of Norfolk that the CDA’s area of operation shall at all times include all the property identified herein that is within the corporate limits of the City. Upon the annexation of the property currently located outside the corporate limits of the City containing approximately 438.74 acres (“Annexed Area”), such property shall automatically be within the CDA’s area of operation and shall be eligible for the use of tax increment financing as part of a redevelopment project without any further action to re-define the CDA’s area of operation. The entirety of the Redevelopment Area is being annexed concurrently with the adoption of the Blight Declaration and this Redevelopment Plan and thus, is fully included in both documents. Again, the Redevelopment Area excludes the main body of the lake bed and all of the single family home and boat club situated in Parcel 3, north of the lake. The area included in the Redevelopment Area, net of the excluded lake bed and Parcel 3, contains approximately 287.87 acres.

D. Land Use Plan

This Redevelopment Plan adopts and incorporates the Comprehensive Plan of the City as it relates to the redevelopment area. The “Implementation Guide” of the Comprehensive Plan provides that physical growth and expansion of the City of Norfolk will be strategic in nature in order to support new development that benefits the City through diverse housing or other opportunities. This Redevelopment Plan is consistent with the Comprehensive Plan in that it provides for the orderly growth and development, including the extension of municipal services and facilities, of the City of Norfolk to the Medelmans Lake Redevelopment Area.

A map showing the existing uses of the real property in and around the City, including the Medelmans Lake Redevelopment Area, is attached hereto as Exhibit “B” and incorporated by this reference. A map showing the future uses of the real property in and around the City, including the Medelmans Lake Redevelopment Area, is attached hereto as Exhibit “C” and incorporated by this reference. This Future Land Use Map contained in the City’s Comprehensive Plan reflects that this Medelman Lake Redevelopment Area should be developed for urban density residential use. The Redevelopment Plan is consistent with that designation in the City’s Comprehensive Plan.

E. Project Specific Requirements

As indicated in Section II below, this Redevelopment Plan envisions a phased implementation of the development and the phases of the redevelopment project that will occur in the redevelopment area is identified, this Redevelopment Plan shall be amended to include, at a minimum, the following information for each subsequent phase, as required by the Act: (1) The boundaries of the specific phase of redevelopment project area, with a map showing the existing uses and condition of the real property therein; (2) a land-use plan showing proposed uses of the area; (3) information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment if relevant; (4) a statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances; (5) a site plan of the area; and (6) 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.

This Redevelopment Plan identifies a first phase of the redevelopment project that will occur in the Medelmans Lake Redevelopment Area. As stated above, additional redevelopment projects shall be identified in subsequent amendments to this Redevelopment Plan.

F. Tax Increment Financing

The City and the CDA contemplate the use of tax increment financing (“TIF”) for the phases of the redevelopment project 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, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date as identified in the 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 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.

For any redevelopment project or phase thereof in the Medelmans Lake Redevelopment Area that will utilize TIF, this Redevelopment Plan shall be amended to identify the TIF project or phase and shall provide sufficient information to support a determination that: (i) the redevelopment project as designed would not be economically feasible without the use of TIF; (ii) the redevelopment project as designed would not occur in the Medelmans Lake Redevelopment Area without the use of TIF; and (iii) the costs and benefits of the redevelopment project are in the long-term best interest of the City.

#### G. Conclusion

Medelmans Lake Redevelopment Area is in need of redevelopment to remove blight and substandard conditions in order to promote orderly and planned growth of the community. This Redevelopment Plan, as amended from time to time, shall guide and assist the Community Development Agency of the City of Norfolk and the City itself in their efforts to foster and facilitate redevelopment activities pursuant to the Nebraska Community Development Law.

## II. MEDELMANS LAKE REDEVELOPMENT PROJECT

### A. The Project Site

The purpose of this Article II of the Redevelopment Plan is to identify the various phases of the project within the Medelmans Lake Redevelopment Area that will cause the removal of blight and substandard conditions on the sites located in the City of Norfolk, Nebraska, and depicted on the attached and incorporated Exhibit “D” (the “Project Site”).

The Project Site is in need of redevelopment. The CDA has considered whether redevelopment of the Project Site, and specifically, the Medelmans Lake Redevelopment Project (the “Project”), will conform to the General Redevelopment Plan set forth in Article I, and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that such redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight.

The Project Site generally consists of underdeveloped land located in the Medelmans Lake Redevelopment Area which, until recently, served as a gravel mining site. The blighted condition of the Project Site and the lack of adequate utilities and infrastructure to serve the Project Site contribute to its inability to attract development. The location of the Project Site, which surrounds Medelmans Lake, makes it an ideal site for residential development, but the initial upfront costs associated with necessary infrastructure makes development of the Project Site not feasible. The redevelopment of the Project Site pursuant to this Article II of the Redevelopment Plan will include eligible expenditures under the Act and will further the purposes of the Act in conformance with the Redevelopment Plan.

### B. Description of Project

Medelmans Lake Development, Inc. (the “Redeveloper”) proposes to redevelop the Project Site into urban residential uses. The Project will consist of the construction of approximately 188 single family homes, and associated improvements, on the Project Site. The proposed site plan for the Project is attached hereto as Exhibit “E”. The proposed site plan is conceptual in nature and is subject to revision based on the timing for the construction and sale of dwelling units, budgetary constraints, physical conditions, and other factors, but the site plan presents the Redeveloper’s overall vision for the Project.

The Redeveloper intends to complete the Project in multiple phases over multiple years, which will allow the Redeveloper to optimize the tax increment financing resources available for public improvements including specifically infrastructure in the Medelmans Lake Redevelopment Area. Further, the phased approach will allow the Redeveloper to construct the private improvements at a rate that the market can support based on the construction and sale of homes. The implementation of the Project in multiple phases is described in greater detail below. The Redeveloper shall complete the Redevelopment Project so that the Effective Date for the final phase of the Project shall be no later than January 1, 2050.

The Redeveloper will pay the costs of the private improvements, including the construction of the dwelling units and associated improvements. As part of the Project, the CDA will capture the available tax increment revenues generated by the redevelopment of the Project Site to assist in paying for public improvements listed as eligible expenditures under the Act in the Medelmans Lake Redevelopment Area, including, but not limited to: site preparation, installation and extension of public utilities, installation of streets, trails and sidewalks, buffering of the residential areas from the industrial area to the West, landscaping, hardscaping and streetscaping, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare which qualify as eligible expenditures for public improvements under the Act. The specific public improvements for which the available tax increment revenues generated by the Project will be used will be described in more detail in the Redevelopment Contract for this Project applicable to Phase I.

The redevelopment of the Project Site pursuant to this Article II of the Redevelopment Plan will eliminate the blight and substandard conditions on the Project Site and will further the purposes of the Act in conformity with the Redevelopment Plan.

### C. Implementation of Project

As described above, the Redeveloper will complete the Project in multiple phases over multiple years the timing of which shall be tied to the construction and sale of homes. The phased approach to construction of the Project will allow the Redeveloper to optimize the tax increment financing resources available to fund construction of eligible public improvements, and to construct the private improvements at a rate that the market can support based on the absorption of the dwelling units. The Project Site shall be platted in phases to identify the specific property that will be included in each phase, and each phase of the Project shall include the corresponding dedication of all public rights of way and public areas contained within the Project Site. It is intended by the CDA that each phase of the Project shall include all public rights of way and public areas contained within the Project Site, in order that costs incurred by the Redeveloper for public improvements in initial phases of the Project in excess of the tax increment generated by such phases, may be included as eligible costs payable



from the tax increment generated by subsequent phases of the Project. The first phase of the Project is described below.

Each phase of the Project will be governed by a separate Redevelopment Agreement between the Redeveloper and the CDA, which will describe the private improvements and the public improvements to be constructed by the Redeveloper as a part of such phase. Further, the Redevelopment Agreement for each phase of the Project may identify several years for the completion of the phase, the implementation of which will mirror the Redeveloper's anticipated construction schedule, thereby preserving the tax increment financing resources available for the public improvements to be constructed as part of the Project. Likewise, the Redevelopment Agreement may identify more than one effective date for the division of ad valorem taxes for each such phase, with the effective dates determined by the Redeveloper's schedule of construction of the private improvements that are a part of such phase.

This Article II is intended to be flexible and to serve as a guide for development of the Project Site by Redeveloper. The CDA acknowledges that each phase of the Project may include modifications to this Article II, including in particular, modifications to the private improvements and the public improvements to be constructed as a part of the Project. For example, individual phases of the Project may include adjustments to the quantity and type of residential dwellings constructed. It is the Redeveloper's intent that each phase of the Project shall qualify as a minor modification to the Redevelopment Plan to be approved by the CDA and the City Council of the City of Norfolk as each phase may move forward. The Redeveloper also reserves the right to accelerate the phases if the absorption of the homes exceeds expectations. However, the phasing plan is intended to reflect a conservative approach to the timing for the construction and sale of homes.

#### D. Phase I

The first phase of the Project ("Phase I") shall include the property identified on the attached Exhibit "F" (the "Phase I Project Site"). The Phase I Project Site is located in the Medelmans Lake Redevelopment Area and within the Project Site. The Redeveloper private improvements for Phase I will consist of construction of approximately 18 single family homes, including approximately 14 lake front dwellings and approximately 4 villas. The public improvements to be constructed as part of Phase I will include installation of streets, trails and sidewalks, landscaping, hardscaping and streetscaping, and extension of public utilities necessary to serve the private improvements to be constructed during Phase I and the Project. The private improvements and public improvements to be developed in Phase I shall be described in more detail in the Redevelopment Agreement for Phase I of the Project. The Cost-Benefit Analysis for the Phase I Project is attached as Exhibit "F".

The redevelopment of the Phase I Project Site pursuant to Phase I of the Project will eliminate the current blight and substandard conditions on the Project Site and will further the purposes of the Act in conformity with the Redevelopment Plan. The Project is not feasible without the use of TIF to assist with the costs of the public improvements. Due to the scope of the Project and the costs of the public improvements included in Phase I, it is expressly acknowledged that the Redeveloper would not undertake Phase I without the anticipated use of tax increment financing for Phase I and subsequent phases of the Project.

E. Statutory Elements

As described above, the Project envisions the capture of the incremental taxes generated by the Project on the Project Site to pay for eligible expenditures under the Act. Attached as Exhibit "G" and incorporated herein by this reference is a consideration of the statutory elements under the Act. In addition, the Cost-Benefit Analysis required for each phase shall be attached as completed for each phase of the project. The Cost-Benefit Analysis for the Phase I Project shall be attached to this Plan prior to consideration by the City Council of the City of Norfolk.

Exhibits:

- "A" – Medelmans Lake Redevelopment Area Legal Description
- "A-1" – Medelmans Lake Legal Description
- "A-2" – Parcel 3 (Home and Boat Club Area) Legal Description
- "B" – Existing Land Use
- "C" – Future Land Use
- "D" – Project Site
- "E" – Site Plan and Phasing Plan
- "F" – Cost-Benefit Analysis for Phase I
- "G" – Statutory Elements



**EXHIBIT "A"**  
**MEDELMANS LAKE REDEVELOPMENT AREA - LEGAL DESCRIPTION**

A TRACT OF LAND COMPOSED OF A PORTION OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6<sup>TH</sup> P.M., A PORTION OF THE NORTHEAST NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6<sup>TH</sup> P.M., A PORTION OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6<sup>TH</sup> P.M., A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6<sup>TH</sup> P.M., AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6<sup>TH</sup> P.M., ALL IN MADISON COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6<sup>TH</sup> P.M., THENCE SOUTHERLY ON THE EAST LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF S01°06'57"E, A DISTANCE OF 914.00' TO **THE TRUE POINT OF BEGINNING**; THENCE N88°53'03"E, A DISTANCE OF 50.00' TO A POINT; THENCE S01°06'57"E, ON A LINE LOCATED 50.00' EAST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,721.51' TO A POINT; THENCE S01°08'07"E, ON A LINE LOCATED 50.00' EAST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, AND ON A SOUTHERLY EXTENSION OF SAID LINE, A DISTANCE OF 32.06' TO A POINT; THENCE S87°47'00"W TO A POINT, A DISTANCE OF 17.00'; THENCE S01°08'07"E, ON A LINE LOCATED 33.00' EAST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, A DISTANCE 1286.43'; THENCE N87°54'53"E, A DISTANCE OF 17.00' TO A POINT; THENCE S01°08'07"E, ON A LINE LOCATED 50.00' EAST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, A DISTANCE 495.23'; THENCE S87°49'53"W TO A POINT, A DISTANCE OF 17.00'; THENCE S01°08'07"E, ON A LINE LOCATED 33.00' EAST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3 TO A POINT ON AN EASTERLY EXTENSION OF A LINE LOCATED 40.00' SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST, A DISTANCE 864.07'; THENCE S87°50'05"W ON A LINE LOCATED 40.00' SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 3, A DISTANCE OF 2,667.69' TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE N01°19'43"W, ON THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID SOUTHEAST QUARTER, AND ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2,018.13' TO A POINT; THENCE S87°46'54"W, A DISTANCE OF 1,205.76' TO A POINT; THENCE N02°14'16"W, A DISTANCE OF 339.65' TO A POINT; THENCE S87°49'11"W, A DISTANCE OF 773.60' TO A POINT; THENCE N01°27'23"W, A DISTANCE OF 1,620.02' TO A POINT; THENCE S87°47'25"W, A DISTANCE OF 134.32' TO A POINT; THENCE N02°12'35"W, A DISTANCE OF 140.00' TO A POINT; THENCE S87°47'25"W, A DISTANCE OF 50.60' TO A POINT; THENCE N02°12'47"W, A DISTANCE OF 215.01' TO A POINT; THENCE S87°47'13"W, A DISTANCE OF 345.40' TO A POINT; THENCE S02°12'47"E, A DISTANCE OF 214.99' TO A POINT; THENCE S02°11'25"E, A DISTANCE OF 140.00' TO A POINT; THENCE S87°47'25"W, A DISTANCE OF 51.19' TO A POINT LOCATED 78.43' EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE N01°28'20"W, ON A LINE LOCATED 78.43' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,131.33' TO A POINT;

THENCE S85°41'59"E, A DISTANCE OF 1,253.68' TO A POINT; THENCE N89°56'14"E, A DISTANCE OF 694.11' TO A POINT; THENCE N88°18'45"E, A DISTANCE OF 417.60' TO A POINT; THENCE S79°52'49"E, A DISTANCE OF 729.55' TO A POINT; THENCE N86°42'41"E, A DISTANCE OF 444.19' TO A POINT; THENCE N80°07'01"E, A DISTANCE OF 385.90' TO A POINT; THENCE S73°34'48"E, A DISTANCE OF 1,388.64' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA 18,750,170.32 SQUARE FEET OR 430.44 ACRES, MORE OR LESS.

**EXCEPT THE FOLLOWING:**

A TRACT OF LAND COMPOSED OF A PORTION OF RIVIERA ADDITION, A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6TH P.M.; THENCE NORTHERLY ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER ON AN ASSUMED BEARING OF N01°13'18"W, A DISTANCE OF 50.00' TO **THE TRUE POINT OF BEGINNING**; THENCE CONTINUING N01°13'18"W ON SAID LINE, A DISTANCE OF 278.06' TO A POINT; THENCE N87°48'57"E, A DISTANCE OF 638.87' TO A POINT; THENCE S01°10'14"E, A DISTANCE OF 278.28' TO A POINT LOCATED 50.00' NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE S87°50'05"W, ON A LINE LOCATED 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 638.62' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 177,653.26 SQUARE FEET OR 4.08 ACRES, MORE OR LESS.

**AND, EXCEPT THE FOLLOWING:**

A TRACT OF LAND LOCATED IN SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE ON THE WEST LINE OF SAID SECTION 3, S01°28'20"E, 1433.20 FEET; THENCE N88°31'40"E, 1037.50 FEET TO THE POINT OF BEGINNING; THENCE N01°58'22"W, 539.58 FEET; THENCE N63°46'47"W, 225.93 FEET TO A POINT OF CURVATURE; THENCE ON A 100.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 152.70 FEET (LONG CHORD BEARS N20°02'02"W, 138.29 FEET); THENCE N23°42'42"E, 68.74 FEET TO A POINT OF CURVATURE; THENCE ON A 100.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 138.72 FEET (LONG CHORD BEARS N63°27'05"E, 127.86 FEET); THENCE S76°48'10"E, 646.58 FEET TO A POINT OF CURVATURE; THENCE ON A 93.36 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 124.90 FEET (LONG CHORD BEARS S38°28'33"E, 115.79 FEET); THENCE S01°04'12"E, 403.33 FEET TO A POINT OF CURVATURE; THENCE ON A 322.83 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 1011.70 FEET (LONG CHORD BEARS N87°25'36"E, 645.66 FEET); THENCE N08°45'04"W, 52.41 FEET; THENCE N14°06'24"W, 69.13 FEET; THENCE N23°29'42"W, 65.94 FEET; THENCE N15°39'39"E, 61.77 FEET; THENCE N00°00'00"E, 43.70 FEET; THENCE N64°15'01"E, 49.49 FEET; THENCE N74°11'38"E, 25.52 FEET; THENCE S83°58'19"E, 38.87 FEET; THENCE S61°54'50"E, 59.58 FEET; THENCE S38°42'30"E, 107.43 FEET; THENCE S62°14'16"E, 88.21 FEET; THENCE S76°19'57"E, 173.31 FEET; THENCE S69°58'13"E, 218.34 FEET; THENCE S78°20'32"E, 70.98 FEET; THENCE N80°19'20"E, 160.33 FEET; THENCE S00°00'00"E, 502.46 FEET; THENCE N90°00'00"E, 50.00 FEET; THENCE S00°00'00"E, 227.54

FEET; THENCE N90°00'00"E, 763.40 FEET; THENCE N00°00'00"E, 239.79 FEET; THENCE N24°15'58"E, 165.57 FEET; THENCE N29°57'21"E, 131.11 FEET; THENCE N40°45'31"E, 104.38 FEET; THENCE N70°49'24"E, 33.37 FEET; THENCE N75°12'36"E, 93.01 FEET; THENCE S82°02'13"E, 478.37 FEET; THENCE S39°21'53"E, 57.52 FEET; THENCE S27°31'48"E, 105.33 FEET TO A POINT OF CURVATURE; THENCE ON A 395.09 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 284.32 FEET (LONG CHORD BEARS S00°44'46"W, 278.23 FEET); THENCE S27°55'04"W, 320.92 FEET; THENCE S31°25'40"W, 102.48 FEET; THENCE S48°44'55"W, 144.43 FEET TO A POINT OF CURVATURE; THENCE ON A 435.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 149.75 FEET (LONG CHORD BEARS S71°24'55"W, 149.01 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ON A 350.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 492.42 FEET (LONG CHORD BEARS S35°59'16"W, 452.80 FEET); THENCE S09°00'52"E, 206.90 FEET TO A POINT OF CURVATURE; THENCE ON A 305.77 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 250.09 FEET (LONG CHORD BEARS S14°25'00"W, 243.17 FEET); THENCE S35°30'38"W, 372.92 FEET TO A POINT OF CURVATURE; THENCE ON A 1275.20 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 605.55 FEET (LONG CHORD BEARS S17°49'57"W, 599.88 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ON A 320.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 145.63 FEET (LONG CHORD BEARS S04°49'10"E, 144.38 FEET); THENCE S14°20'32"W, 65.25 FEET; THENCE S24°14'50"W, 143.08 FEET; THENCE S21°04'46"W, 111.58 FEET; THENCE S43°08'23"W, 97.30 FEET; THENCE S28°32'21"W, 220.33 FEET; THENCE S42°26'55"W, 45.55 FEET TO A POINT OF CURVATURE; THENCE ON A 171.36 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 95.43 FEET (LONG CHORD BEARS S66°16'52"W, 94.20 FEET); THENCE N81°38'14"W, 51.99 FEET; THENCE N68°24'10"W, 51.72 FEET TO A POINT OF CURVATURE; THENCE ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 128.48 FEET (LONG CHORD BEARS N30°41'06"W, 126.28 FEET); THENCE N00°37'16"W, 586.26 FEET TO A POINT OF CURVATURE; THENCE ON A 482.62 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 292.19 FEET (LONG CHORD BEARS N18°04'30"E, 287.75 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ON A 767.58 FOOT RADIUS CURVE TO THE LEFT, AN RC LENGTH OF 53.44 FEET (LONG CHORD BEARS N34°46'36"E, 53.43 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ON A 300.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 428.97 FEET (LONG CHORD BEARS N06°49'48"W, 393.35 FEET); THENCE N47°47'39"W, 105.35 FEET TO A POINT OF CURVATURE; THENCE ON A 1604.96 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 187.44 FEET (LONG CHORD BEARS N32°58'35"W, 187.33 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ON A 225.94 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 163.13 FEET (LONG CHORD BEARS N11°29'17"W, 159.61 FEET); THENCE N06°39'16"E, 151.44 FEET TO A POINT OF CURVATURE; THENCE ON A 500.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 703.71 FEET (LONG CHORD BEARS N34°28'27"W, 647.05 FEET); THENCE N74°47'38"W, 559.03 FEET TO A POINT OF CURVATURE; THENCE ON A 1000.00 FOOT RADIUS CURVE TO THE LEFT, AN LENGTH OF 173.40 FEET (LONG CHORD BEARS N79°45'41"W, 173.18 FEET; THENCE N84°43'44"W, 386.55 FEET TO A POINT OF CURVATURE; THENCE ON A 550.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 794.40 FEET (LONG CHORD BEARS N43°21'03"W, 727.13 FEET) TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 5,081,295.53 SQ. FT. OR 116.65 ACRES MORE OR LESS.

**AND, EXCEPT THE FOLLOWING:**

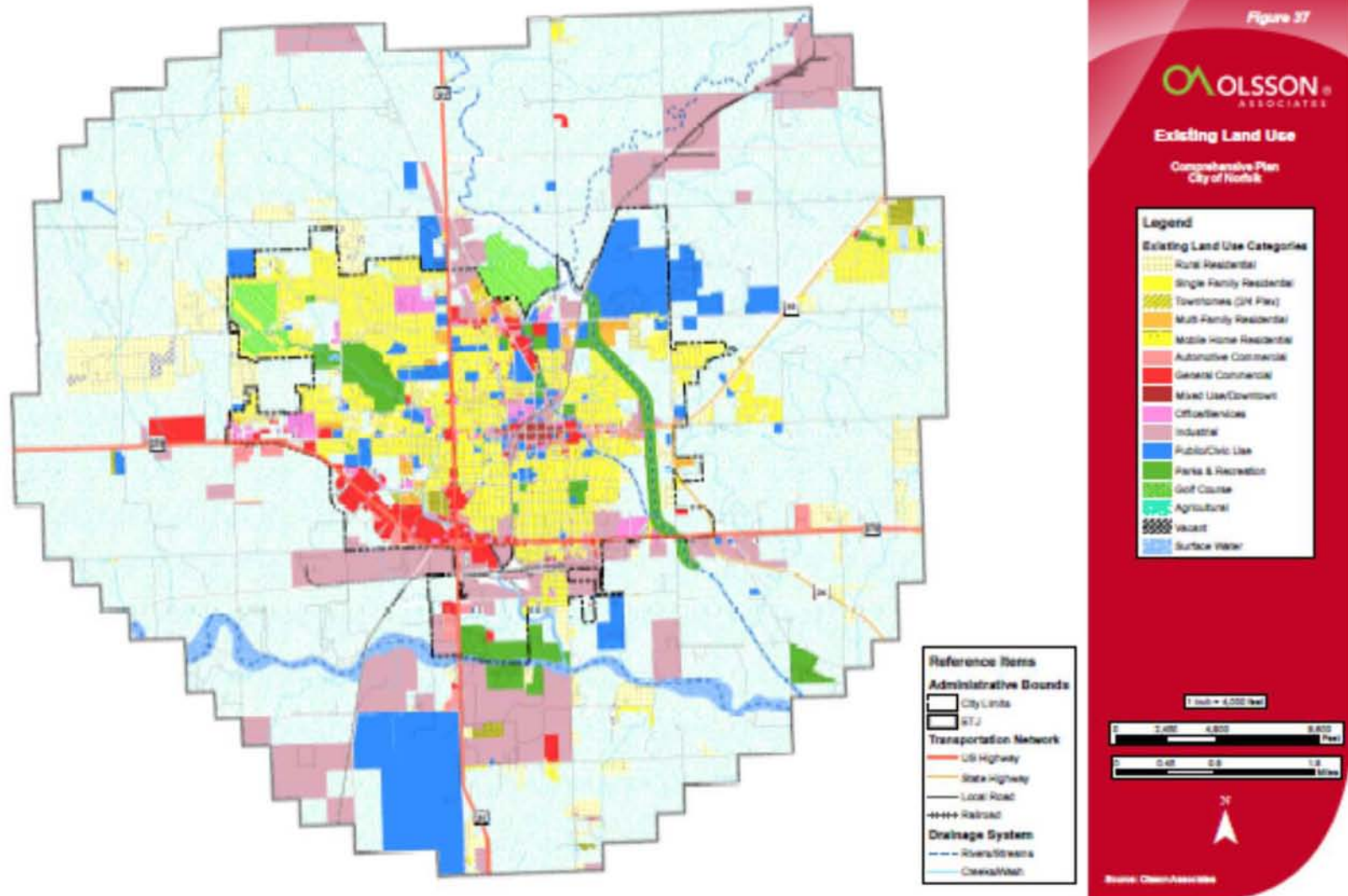
A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6TH P.M.; THENCE WESTERLY ON THE NORTH LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF S87°47'35"W, A DISTANCE OF 1,326.27' TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE S01°13'18"E, ON THE EAST LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 3, A DISTANCE OF 909.77' TO A POINT; THENCE S88°46'42"W, A DISTANCE OF 8.32' TO **THE TRUE POINT OF BEGINNING**; THENCE S00°00'00"E, A DISTANCE OF 1,052.07' TO A POINT; THENCE S90°00'00"W, A DISTANCE OF 763.40' TO A POINT; THENCE N00°00'00"E, A DISTANCE OF 227.54' TO A POINT; THENCE S90°00'00"W, A DISTANCE OF 50.00' TO A POINT; THENCE N00°30'00"W, A DISTANCE OF 926.52' TO A POINT; THENCE N79°01'42"E, A DISTANCE OF 192.52' TO A POINT; THENCE N81°10'49"E, A DISTANCE OF 117.33' TO A POINT; THENCE N81°41'31"E, A DISTANCE OF 143.96' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 78°53'17", A RADIUS OF 270.00', AN ARC LENGTH OF 371.75', A CHORD LENGTH OF 343.07', A TANGENT LENGTH OF 222.13', AND A CHORD BEARING OF S58°51'51"E, TO A POINT; THENCE N90°00'00"E, A DISTANCE OF 80.44' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 951,399.43 SQUARE FEET OR 21.84 ACRES, MORE OR LESS.

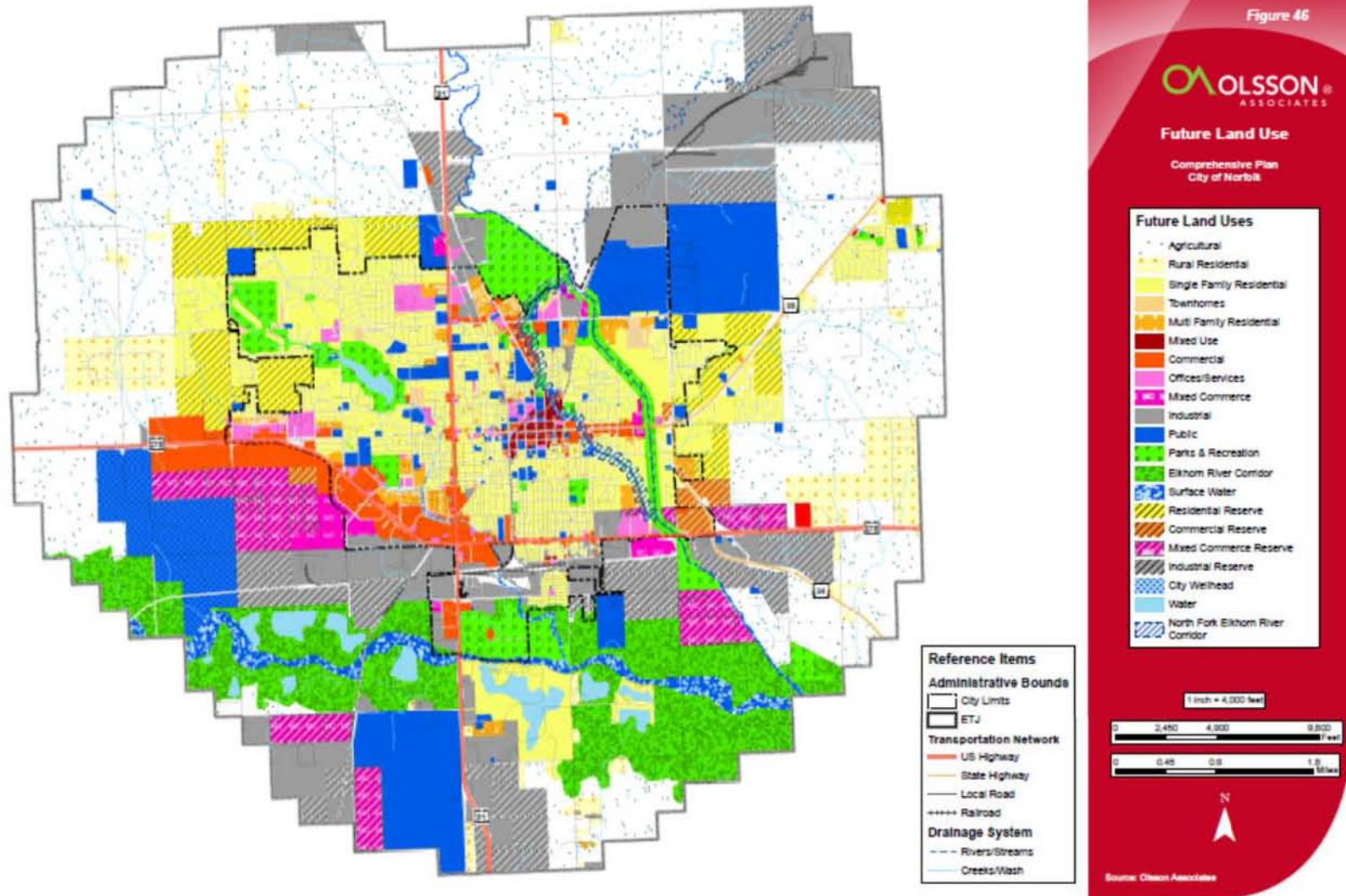
**THE TOTAL AREA OF THE TRACT OF LAND IS 12,539,822.10 SQUARE FEET OR 287.87 ACRES, MORE OR LESS.**



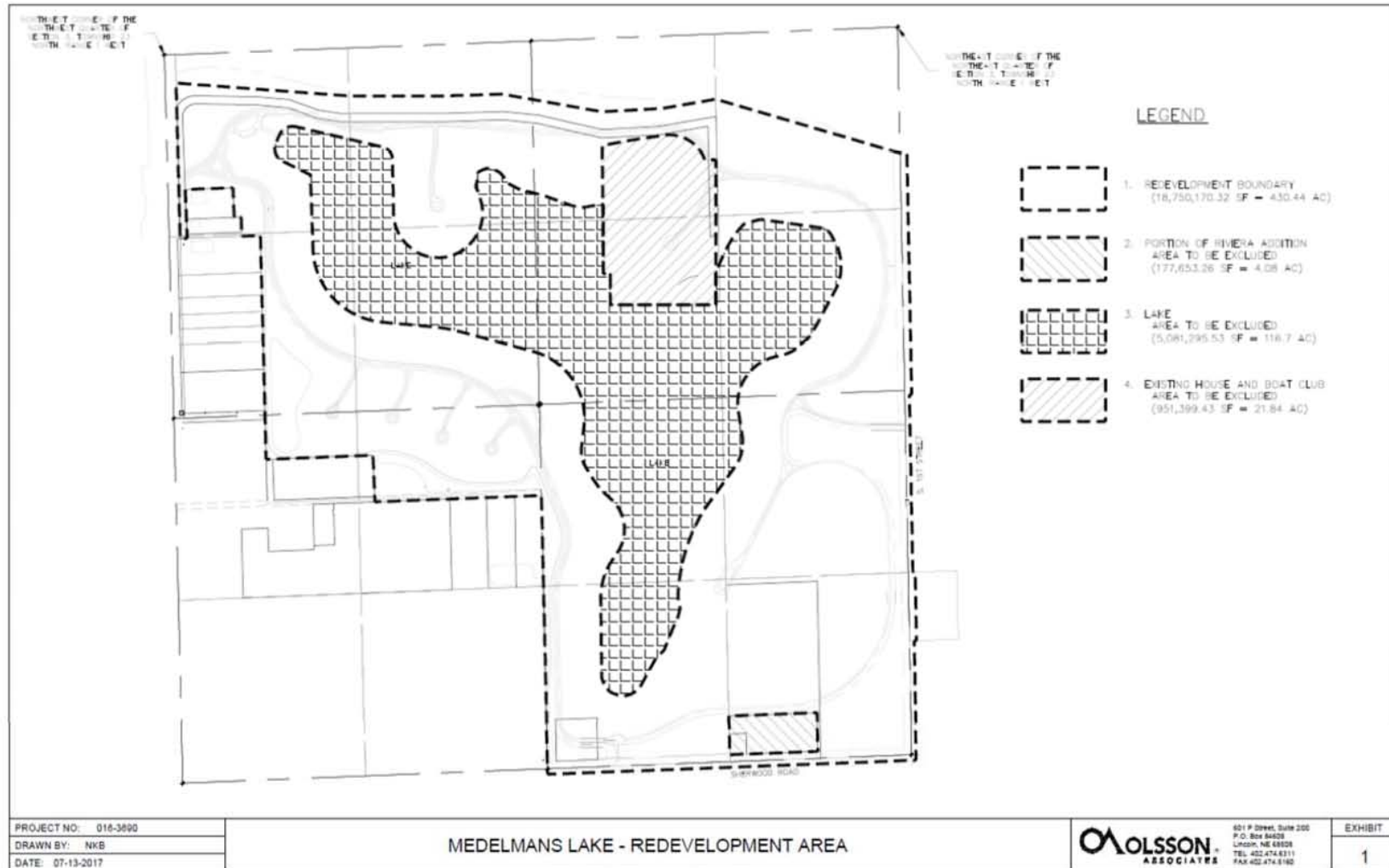
## EXHIBIT "B" EXISTING LAND USE



## EXHIBIT "C" FUTURE LAND USE



## EXHIBIT "D" PROJECT SITE





## EXHIBIT "E" SITE PLAN AND PHASING PLAN

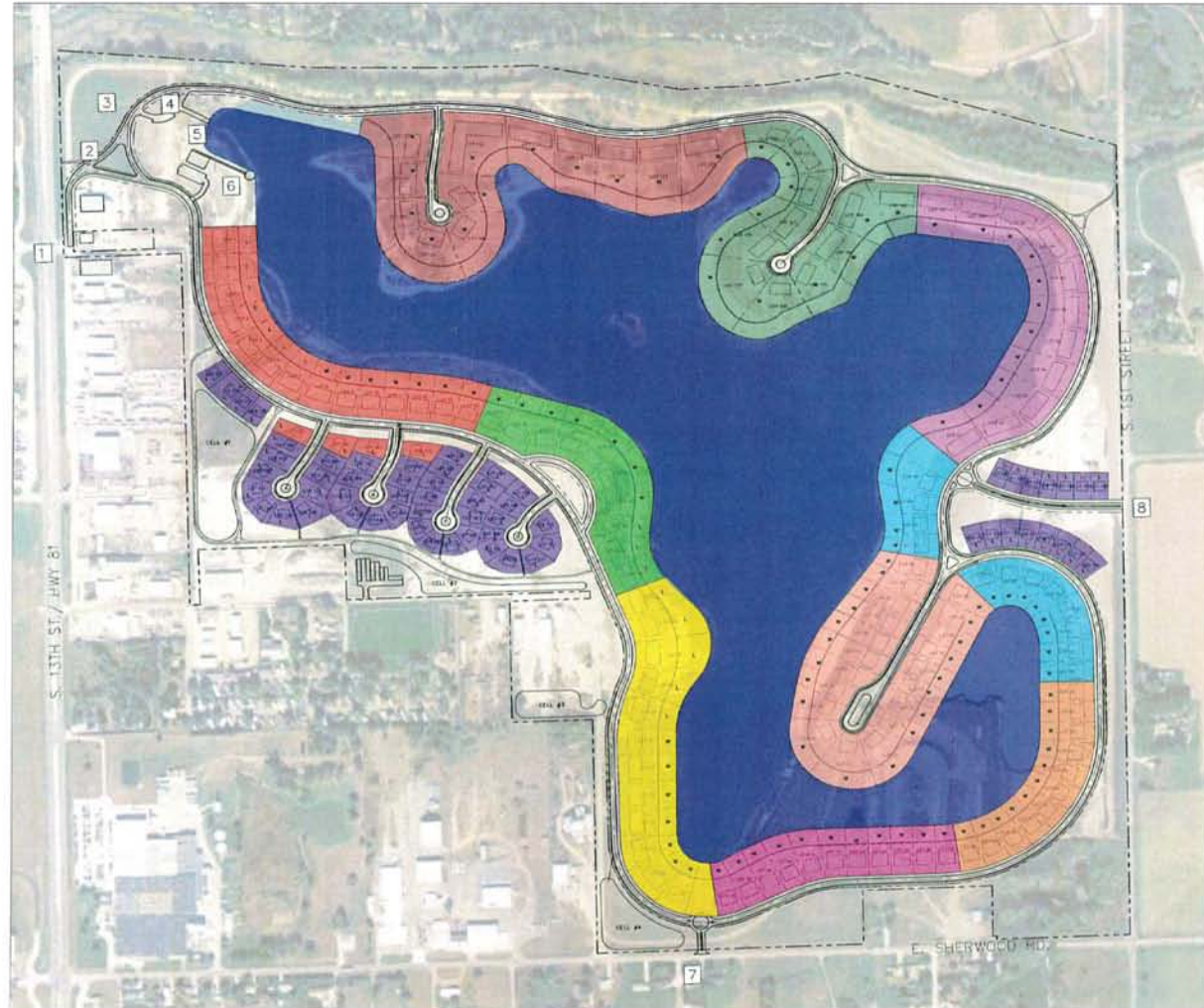
### MEDELMANS LAKE

1. LANDSCAPED ENTRY FROM HIGHWAY 81
2. GATED ENTRY AND SIGNAGE
3. CONVENIENCE STORAGE FOR OWNERS BOATS
4. BOAT TRAILER PARKING
5. BOAT RAMP
6. PARK WITH BEACH AND GAZEBO
7. ENTRANCE FROM SHERWOOD ROAD - PHASE 1
8. ENTRANCE FROM SOUTH 1ST STREET - PHASE 2
9. SURFACE AREA OF LAKE 139 ACRES

#### LEGEND

W= WALKOUT LOTS  
L= ONE LEVEL LOTS

	<b>PHASE 1</b> 3 - 150' LEVEL LOTS 4 - 140' LEVEL LOTS 4 - 85' LEVEL LOTS 6 - 120' WALKOUT LOTS 1 - 150' WALKOUT LOT
	<b>PHASE 2</b> 7 - 120' WALKOUT LOTS 3 - 150' LEVEL LOTS
	<b>PHASE 3</b> 2 - 150' LEVEL LOTS 6 - 150' WALKOUT LOTS 3 - 140' LEVEL LOTS 1 - 120' WALKOUT LOT
	<b>PHASE 4</b> 11 - 110' LEVEL LOTS
	<b>PHASE 5</b> 11 - 110' WALKOUT LOTS
	<b>PHASE 6</b> 10 - 110' WALKOUT LOTS 1 - 112' WALKOUT LOT 1 - 130' WALKOUT LOT
	<b>PHASE 7</b> 18 - 110' WALKOUT LOTS 1 - 114' WALKOUT LOT 1 - 124' WALKOUT LOT
	<b>PHASE 8</b> 6 - 200' WALKOUT LOTS 5 - 180' WALKOUT LOTS
	<b>PHASE 9</b> 11 - 250' WALKOUT LOTS
	<b>PHASE 10</b> 12 - 200' WALKOUT LOTS
	<b>PHASE A,B,C,D,E,F</b> 66 - LEVEL LOTS





**EXHIBIT “F”**  
**PHASE I PROJECT SITE COST-BENEFIT ANALYSIS**

**(Pursuant to Neb. Rev. Stat. § 18-2113)**

The cost-benefit analysis for the Medelman Lake Redevelopment Project (Phase I) (the “Project”), as described on the attached Exhibit 1, which will utilize funds authorized by Neb. Rev. Stat. § 18-2147, can be summarized as follows:

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

a.	Base Project Area Valuation:	\$55,800
b.	Preliminary Completed Project Assessed Valuation:	\$8,230,000
c.	Tax Increment Base (b. minus a.):	\$8,174,200
d.	Annual Projected Tax Shift:	\$161,364

*Note: The estimated Tax shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The estimated tax levy for this analysis is 1.97406, which is the 2016 Madison County tax levy, and will likely change for 2017.*

**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:

The Redeveloper anticipates expenditures of approximately \$10,000,000 for the acquisition, construction and installation of the Project and related and ancillary improvements. These expenditures will be financed by funds of the Redeveloper and the builders of the 18 homes in Phase I. It is proposed that approximately \$1,610,000 of these expenditures made for public improvements will be reimbursed by a grant from the CDA financed with the proceeds of tax increment financing indebtedness. This TIF sum is anticipated to be used for:

- Grading;
- Sanitary Sewer;
- Water Main;
- Storm Sewer;
- Paving;
- Landscaping/Screening;
- Street Lighting; and
- Site Acquisition Costs.

The sizing of the TIF for this Phase I Project may adjust in the final redevelopment contract. The projected sources and uses of the TIF indebtedness, which will be refined in the Redevelopment Agreement for this Project. All expenditures financed by tax increment financing Indebtedness shall be eligible public expenditures. It is not anticipated that the Project will have a material adverse impact on existing public infrastructure. The Project improvements will materially benefit other property in and around the City.

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

i. Tax Revenue. The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. It is important to acknowledge that the City historically has not relied on tax revenue from the Phase I Project Site, since the Phase I Project Site was not until recently within the corporate limits of the City. The Phase I Project Site would not likely have been annexed without the proposed Project because the Project and the use of TIF for public infrastructure improvements is essential for the City's plan to furnish city services to the area. Further, the City would be unlikely to realize additional ad valorem taxes in the near future without the Project because other developers are unlikely to undertake this Project without the utility and infrastructure improvements that are being constructed as a part of the Project. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, it is intended to create long-term benefit and a substantial increase in property taxes to the City and other local taxing jurisdictions.

The Project should also generate immediate tax growth for the City. The Project will involve the construction of approximately 180 new dwelling units, 18 of which are contained in Phase I. The Project should generate a significant amount of sales tax revenue as the new homes are constructed. Further, the residents of the homes will generate sales tax revenue in the future.

ii. School District. The Project should not have a material adverse impact on the Norfolk School District. Based on the assumption that Phase I shall contain 18 dwelling units, the Redeveloper anticipates only a modest increase in school population. Historical data reflects the Phase I project would have the potential to add approximately 9 students of varying ages to the school population. Based on current school funding formulas, the Norfolk School District should not experience a material adverse effect in its funding of public education due to the approval of the use of funds pursuant to Section 18-2147. The project is not anticipated to put stress on or create any capacity issues for Norfolk schools.

**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.

**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:**

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 Project should also increase the need for services

and products from existing businesses. The Project will require the purchase of construction materials.

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

The Project is anticipated to increase construction employment in the community. When secondary employment effects in other employment sectors are added, the total employment effects are expected to be even higher.

There are no other material impacts determined by the agency relevant to the consideration of the cost of benefits arising from the Project.

**6. Cost Benefit Analysis Conclusion:**

Based upon the findings presented in this cost benefit analysis, the benefits outweigh the costs of the proposed Project.

Approved by the Community Development Agency, City of Norfolk this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
\_\_\_\_\_, Chairman

\_\_\_\_\_  
\_\_\_\_\_, Secretary

## **EXHIBIT 1**

### **PROJECT INFORMATION**

The Project consists of capturing the incremental tax revenue created by the Phase I of the Medelman Lake Redevelopment Project which Phase I consists of approximately 14 lakeside lots/homes and 4 non-lakeside homes. The 18 single family home sites shall be created by the first phase subdivision for the Project.

**EXHIBIT “G”**  
**STATUTORY ELEMENTS**

A. Property Acquisition, Demolition and Disposal

No public acquisition of private property or relocation of families or businesses is necessary to accomplish the Project. The Redeveloper owns or controls the Project Site.

B. Population Density

The proposed Project includes the construction of approximately 188 new single family homes on the Project Site, which will inherently increase population density in the area. The Project will be properly platted to accommodate the increase in population density.

C. Land Coverage

The Project consists of construction of approximately 188 new single family homes on approximately 150 acres of undeveloped land (which excludes the majority of the water surface of the lake). The Project will comply with the applicable land-coverage ratios and zoning requirements of the City of Norfolk.

D. Traffic Flow, Street Layouts and Street Grades

It is anticipated that the Project will produce additional traffic as a result of residents travelling to and from the new homes constructed on the Project Site. The Redeveloper will construct new streets that will provide access to the new homes constructed on the Project Site. Installation of the streets in phases, as described in the Redevelopment Plan, will allow the Redeveloper to construct streets as needed to alleviate any congestion that might be created by the Project.

E. Parking

The Project will meet or exceed the parking requirements set forth in the applicable zoning district.

F. Zoning, Building Code and Ordinances

The Redeveloper intends to proceed with a Preliminary Plat which covers the entire Project and all Phases. The Redeveloper and the CDA acknowledge and agree that the Project Site may be final platted incrementally, in connection with each phase of the Project, in order to implement the phasing plan for the development based on the sale of the lots. Redeveloper shall be responsible for any zoning, building code, or ordinance changes that are necessary for the Project. The Project will necessitate the change of the zoning classification to an urban residential zone, such as R-2 zoning under the City of Norfolk Zoning Ordinance. The Redeveloper intends to seek a change of zone to amend the official Zoning Map of the City of Norfolk for the entire Project.

RESOLUTION NO. 2017- 10

BE IT RESOLVED, by the governing body of the Community Development Agency of the City of Norfolk, Nebraska, (the "Agency") as follows:

1. The governing body of the Agency hereby finds and determines that there has been previously prepared and presented to the Agency a redevelopment plan entitled "Redevelopment Plan for Medelmans Lake Redevelopment Area" (the "Plan"); that the Plan has been recommended and approved by the Planning Commission of the City of Norfolk; that all conditions precedent to the recommending of the Plan to the Mayor and Council of the City of Norfolk for hearing and final approval have occurred.

2. The governing body of the Agency hereby further finds and determines that the proposed land uses and building requirements in the redevelopment project area as described in the Plan are designed with the general purpose of accomplishing, in conformance with the City's general plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; that under the Plan adequate provision is made for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the provision of adequate transportation, water, sewage 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 insanitary or unsafe dwelling accommodations or conditions of blight.

3. The governing body of the Agency hereby determines that the Plan contains a statement of the proposed method and estimated cost of acquisition and preparation for redevelopment of the redevelopment project area; that no public improvements are required to be provided except as set forth in the Plan; that there are no estimated proceeds or revenue expected to be obtained by the Agency from disposal of property to redevelopers; that the Plan sets forth the proposed method of financing for the proposed redevelopment project consisting of direct payment for public improvements or grant assistance to the redeveloper for the redevelopment project area, as designated in the Plan, which includes the issuance by the Agency of its tax increment revenue bonds to provide moneys to pay for the costs of certain public improvements directly or of public or private improvements by grant assistance; and that there are no families currently living within the redevelopment project area, as set forth in the Plan, which are currently expected to be displaced from such area. The project area set forth in the Plan is located within the corporate limits of the City of Norfolk.

4. The Cost Benefit Analysis prepared for the Agency is hereby approved.

5. The governing body of the Agency hereby recommends to the Mayor and Council of the City of Norfolk that the Plan be approved and, subject to such approval, hereby adopts the Plan.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Josh Moenning, Chairman (Mayor)

ATTEST:

\_\_\_\_\_  
Elizabeth A Deck, Secretary (City Clerk)

(SEAL)

Approved as to form: \_\_\_\_\_  
Clint Schukei, City Attorney

### ASSIGNMENT

McIntosh Family, L.L.C., a Nebraska limited liability company, ("Assignor"), hereby assigns to Whitecliff Development, Inc., a Nebraska corporation, ("Assignee"), all rights, title and interest in Phase II of the Redevelopment Contract dated March 16, 2015 recorded in Book 2017 Page 03008 of the Madison County Register of Deeds, between Assignor and the Community Development Agency of the City of Norfolk, Nebraska (the "CDA"). Such assignment is contingent upon the sale and conveyance of all real estate location within Phase II of the Redevelopment Contract from Assignor to Assignee on or before July 1, 2017. ~~A copy of the Redevelopment Contract, dated March 16, 2015, is attached hereto as Exhibit "A".~~ The parties hereto agree that the Assignor shall remain bound by the terms of the Phase I portion of the Plan entitled "McIntosh Family, L.L.C. Redevelopment Plan, Norfolk, Nebraska" and the Phase I portion of the Redevelopment Contract dated March 16, 2015. The parties hereto agree that the Assignee shall assume and be bound by the terms of the Phase II portion of the Plan entitled "McIntosh Family, L.L.C. Redevelopment Plan, Norfolk, Nebraska" and the Phase II portion of the Redevelopment Contract dated March 16, 2015. Assignor is hereby released from further obligations regarding Phase II of said Redevelopment Plan and Redevelopment Contract. The legal description of the Phase II of said Redevelopment Plan and Redevelopment Contract is as follows:

Out Lot A, Meadow Ridge Phase IV, 2<sup>nd</sup> Addition to the City of Norfolk, Madison County, Nebraska (the "Property").

This Assignment is effective upon the acknowledgement and acceptance by the CDA as set forth below provided the sale and conveyance of all real estate location within Phase II from Assignor to Assignee occurs on or before July 1, 2017.

Dated this \_\_\_\_ day of June, 2017.

McIntosh Family, L.L.C., a Nebraska limited liability company

By: \_\_\_\_\_  
Jonathan P. McIntosh, Managing Partner

Whitecliff Development Inc., a Nebraska Corporation

BY: \_\_\_\_\_  
Ann Dover, President

STATE OF NEBRASKA    )  
  ) ss.

County of Madison        )

Subscribed and sworn to before me by the said Jonathan P. McIntosh, Managing Member of McIntosh Family L.L.C., a Nebraska limited liability company on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
Notary Public

STATE OF NEBRASKA    )  
  ) ss.

County of \_\_\_\_\_ )

Subscribed and sworn to before me by the said Ann Dover, President of Whitecliff Development, Inc., a Nebraska Corporation on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
Notary Public



ACKNOWLEDGMENT AND ACCEPTANCE BY AGENCY

The Community Development Agency of the City of Norfolk, Nebraska, the "Agency" in the Redevelopment Contract dated March 16, 2015, does hereby accept and acknowledge the Assignment from McIntosh Family, L.L.C., a Nebraska limited liability company, to Whitecliff Development, Inc., a Nebraska Corporation. Further, the Agency releases McIntosh Family, L.L.C. from any and all obligations contained within Phase II of the Redevelopment Plan and Redevelopment Contract provided the sale and conveyance of all real estate location within Phase II from Assignor to Assignee occurs on or before July 1, 2017 .

COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF  
NORFOLK, NEBRASKA

BY: \_\_\_\_\_

\_\_\_\_\_, Chairperson

ATTEST:

\_\_\_\_\_  
Elizabeth A. Deck, Secretary

STATE OF NEBRASKA    )

) ss.

COUNTY OF MADISON    )

The Foregoing instrument was acknowledged before me this \_\_\_\_day of \_\_\_\_\_, 201\_\_\_\_, by \_\_\_\_\_, Chairperson of the governing body of the Community Development Agency of the City of Norfolk, Nebraska, on behalf of such Agency.

\_\_\_\_\_  
Notary Public

By: City of Norfolk, 309 N 5<sup>th</sup> St, Norfolk, NE 68701

### **ASSIGNMENT**

McIntosh Family, L.L.C., a Nebraska limited liability company, ("Assignor"), hereby assigns to Whitecliff Development, Inc., a Nebraska corporation, ("Assignee"), all rights, title and interest in Phase II of the Redevelopment Contract dated March 16, 2015 recorded in Book 2017 Page 03008 of the Madison County Register of Deeds, between Assignor and the Community Development Agency of the City of Norfolk, Nebraska (the "CDA"). Such assignment is contingent upon the sale and conveyance of all real estate location within Phase II of the Redevelopment Contract from Assignor to Assignee on or before July 1, 2017. The parties hereto agree that the Assignor shall remain bound by the terms of the Phase I portion of the Plan entitled "McIntosh Family, L.L.C. Redevelopment Plan, Norfolk, Nebraska" and the Phase I portion of the Redevelopment Contract dated March 16, 2015. The parties hereto agree that the Assignee shall assume and be bound by the terms of the Phase II portion of the Plan entitled "McIntosh Family, L.L.C. Redevelopment Plan, Norfolk, Nebraska" and the Phase II portion of the Redevelopment Contract dated March 16, 2015. Assignor is hereby released from further obligations regarding Phase II of said Redevelopment Plan and Redevelopment Contract. The legal description of the Phase II of said Redevelopment Plan and Redevelopment Contract is as follows:

Out Lot A, Meadow Ridge Phase IV, 2<sup>nd</sup> Addition to the City of Norfolk, Madison County, Nebraska (the "Property").

This Assignment is effective upon the acknowledgement and acceptance by the CDA as set forth below provided the sale and conveyance of all real estate location within Phase II from Assignor to Assignee occurs on or before July 1, 2017.

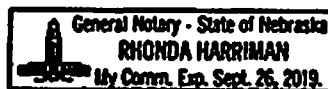
Dated this \_\_\_\_ day of June, 2017.

McIntosh Family, L.L.C., a Nebraska limited liability company

By: [Signature]  
Jonathan P. McIntosh, Managing Member

Whitecliff Development Inc. a Nebraska Corporation  
BY: [Signature]  
Ann Dover, President

STATE OF NEBRASKA    )  
                                  ) ss.  
                  Douglas  
County of Madison    )



Subscribed and sworn to before me by the said Jonathan P. McIntosh, Managing Member of McIntosh Family L.L.C., a Nebraska limited liability company on the 23<sup>rd</sup> day of June, 2017.

[Signature]  
Notary Public Rhonda Harriman

STATE OF NEBRASKA    )  
                                  ) ss.  
County of Madison    )

Subscribed and sworn to before me by the said Ann Dover, President of Whitecliff Development, Inc., a Nebraska Corporation on the 23 day of June, 2017.



[Signature]  
Notary Public  
Elizabeth A. Deck

ACKNOWLEDGMENT AND ACCEPTANCE BY AGENCY

The Community Development Agency of the City of Norfolk, Nebraska, the "Agency" in the Redevelopment Contract dated March 16, 2015, does hereby accept and acknowledge the Assignment from McIntosh Family, L.L.C., a Nebraska limited liability company, to Whitecliff Development, Inc., a Nebraska Corporation. Further, the Agency releases McIntosh Family, L.L.C. from any and all obligations contained within Phase II of the Redevelopment Plan and Redevelopment Contract provided the sale and conveyance of all real estate location within Phase II from Assignor to Assignee occurs on or before July 1, 2017.

COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF  
NORFOLK, NEBRASKA

BY:

Josh Moernig Chairperson

ATTEST:

Elizabeth A. Deck  
Elizabeth A. Deck, Secretary

STATE OF NEBRASKA )

) ss.

COUNTY OF MADISON )

The Foregoing instrument was acknowledged before me this 22 day of June, 2017, by Josh Moernig, Chairperson of the governing body of the Community Development Agency of the City of Norfolk, Nebraska, on behalf of such Agency.

Bethene A. Hoff  
Notary Public  
Bethene A. Hoff

