

Agenda Packet

COMMUNITY DEVELOPMENT AGENCY

Thursday, June 22, 2017
5:15 p.m.

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Notice of Meeting
Community Development Agency

The Community Development Agency will meet on Thursday, June 22, 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 (June 19, 2017)
1 P.O.P.

COMMUNITY DEVELOPMENT AGENCY

AGENDA

June 22, 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 | Motion |
| 5. Approve the minutes of the June 5, 2017 Agency meeting. | Motion |
| 6. Assignment of Meadow Ridge Phase II Redevelopment Contract to Whitecliff Development, Inc. | Motion |
| 7. Addendum to Redevelopment Contract for Meadow Ridge Phase II. | Motion |

STAFF MEMORANDUM
COMMUNITY DEVELOPMENT AGENCY

June 22, 2017

Call to Order

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Action Items/Discussion Items

- | | |
|--|---------------|
| 4. Approve Agenda | Motion |
| 5. Approve the minutes of the June 5, 2017 Agency meeting. | Motion |

See Enclosure 5.

- | | |
|---|---------------|
| 6. Assignment of Meadow Ridge Phase II Redevelopment Contract to Whitecliff Development, Inc. | Motion |
|---|---------------|

Whitecliff Development is under contract to purchase land from the McIntosh Family. The land is located along East and West Meadow Ridge Road. The parties plan to close on the property on or before July 1, 2017 and this assigns the redevelopment contract to Whitecliff for Phase II.

See Enclosure 6.

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| 7. Addendum to Redevelopment Contract for Meadow Ridge Phase II. | Motion |
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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, June 5, 2017, beginning at 5:15 p.m.

Chair Josh Moenning called the meeting to order.

Roll call found the following Agency members present: Josh Moenning, Dave Fauss, Corey Granquist, Jim Lange, Rob Merrill, Shane Clausen, Gary L. Jackson, Thad Murren and Dick Pfeil. Absent: None.

City staff members present were City Administrator Shane Weidner, Public Works Director Dennis Smith, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates and Economic Development Director Andy Colvin.

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

Minutes

May 1, 2017

Lange moved, seconded by Fauss to approve the minutes of the May 1, 2017 Agency meeting as printed. Roll call: Ayes: Clausen, Fauss, Granquist, Jackson, Lange, Merrill, Moenning, Murren, and Pfeil. Nays: None. Absent: None. Motion carried.

Resolution No. 2017-7

(SCM 10X Norfolk 1120, LLC Redevelopment Agreement)

Merrill moved, seconded by Granquist to adopt Resolution No. 2017-7 approving the Redevelopment Agreement with SCM 10X Norfolk 1120, LLC.

Andy Colvin provided information to Agency members. The project area is located at the northwest corner of 13th Street and West Omaha Avenue and consists of Lots 1 and

2, O.L. Scheer Second Addition to the City of Norfolk, Madison County, Nebraska. The project area is proposed to be redeveloped through the use of TIF and private funding and will consist of two newly constructed buildings approximately 2,724 square feet and 10,050 square feet for commercial, office and retail space. The project area will also include extensive parking and landscaping surrounding the premises with appropriate exterior lighting and signage. The Redevelopment Agreement provides for using Tax Increment Financing (TIF) for building improvements to serve the redevelopment project area.

Roll call on Resolution No. 2017-7: Ayes: Clausen, Fauss, Granquist, Jackson, Lange, Merrill, Moenning, Murren, and Pfeil. Nays: None. Absent: None. Motion carried. Resolution No. 2017-7 was adopted.

Fountain Point
(Redevelopment Plan)

Granquist moved, seconded by Lange, to accept the Redevelopment Plan for Fountain Point Redevelopment Area of the City of Norfolk, Nebraska and forward to the Planning Commission for recommendation.

The proposed project is the redevelopment of the property located at the Southwest quadrant of West Norfolk Avenue and 37th Street and will provide for health care facilities and multi-family residential development.

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

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, 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, 2nd 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 Member

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

ADDENDUM TO REDEVELOPMENT CONTRACT

This Addendum to Redevelopment Contract is made this 22nd day of June, 2017 by and between McIntosh Family L.L.C. ("McIntosh" herein), a Nebraska limited liability company, Community Development Agency of the City of Norfolk, Nebraska ("Agency" herein), and Whitecliff Development, Inc., a Nebraska corporation ("Whitecliff" herein).

WHEREAS, McIntosh entered into a Redevelopment Contract dated March 16, 2015 ("Redevelopment Contract") to develop real estate now legally described as Meadow Ridge Phase IV, 2nd Addition to the City of Norfolk, Madison County, Nebraska as follows:

- Phase I – Meadow Ridge Phase IV, 2nd Addition less Out Lot A ("Phase I" herein); and
- Phase II – Out Lot A, Meadow Ridge Phase IV, 2nd Addition ("Phase II" herein).

WHEREAS, Phase I has been developed by McIntosh;

WHEREAS, Phase II, will be sold by McIntosh to Whitecliff on or before July 1, 2017, subject to the provisions of the Redevelopment Plan and the Redevelopment Contract; and

WHEREAS, McIntosh remains the developer of Phase I, and subject to any and all obligations related to Phase I of the Redevelopment Plan and Redevelopment Contract;

WHEREAS, this Addendum is intended by the parties to identify the status of McIntosh and Whitecliff with respect to the Redevelopment Plan and Redevelopment Contract;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants herein contained, McIntosh, Whitecliff and Agency do hereby agree covenant and warrant as follows:

1. The terms of the Redevelopment Contract shall remain binding upon McIntosh for Phase I of said Redevelopment Contract. Whitecliff shall be deemed the "Redeveloper" of Phase II and shall be bound by the terms of the Redevelopment Contract for Phase II, pursuant to Section 10 of the Redevelopment Contract, contingent upon the sale and conveyance of Phase II from McIntosh to Whitecliff on or before July 1, 2017. McIntosh is hereby released from any and all obligations contained within the Redevelopment Plan and Redevelopment Contract relating to Phase II, contingent upon the sale and conveyance of Phase II from McIntosh to Whitecliff on or before July 1, 2017.
2. Any payment payable to the "Redeveloper" pursuant to the Redevelopment Contract and related to Phase II shall be paid by the Agency's Treasurer solely to Whitecliff. Any payment payable to the "Redeveloper" pursuant to the Redevelopment Contract related to Phase I shall be paid by the Agency's treasurer solely to McIntosh.
3. Pursuant to Section 13 of the Redevelopment Contract, notice to Whitecliff shall be addressed to: Whitecliff Development, Inc., 1000 West Norfolk Avenue, Norfolk, NE 68701.
4. In all other respects, the terms of the Redevelopment Contract shall remain in effect and are not modified by this Amendment.

MCINTOSH FAMILY, L.L.C., a Nebraska limited liability company,

BY: _____

Jonathan P. McIntosh, Managing Member

STATE OF NEBRASKA)

) ss.

COUNTY OF MADISON)

Subscribed and sworn to before me by the said Jonathon P. McIntosh, Managing Member of McIntosh Family, L.L.C., a Nebraska limited liability company, on the ____ day of _____, 201__.

Notary Public

COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF
NORFOLK, NEBRASKA

BY: _____

Josh Moenning, 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 Josh Moenning, Chairperson, and Elizabeth A. Deck, Secretary, of the governing body of the Community Development Agency of the City of Norfolk, Nebraska, on behalf of such agency.

Notary Public

WHITECLIFF DEVELOPMENT, INC., a Nebraska corporation

BY: _____

Ann Dover, President

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 ____ of _____, 201__.

Notary Public

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