

ITEM D

**CITY OF LA VISTA
LA VISTA COMMUNITY DEVELOPMENT AGENCY
JULY 18, 2017 AGENDA**

Subject:	Type:	Submitted By:
84 TH ST. REDEVELOPMENT AREA REDEVELOPMENT AGREEMENT FIRST AMENDMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution of the La Vista Community Development Agency has been prepared in the interests of eliminating and preventing recurrence of the substandard and blighted 84th Street redevelopment area to approve a first amendment to the redevelopment agreement of the Agency with La Vista City Centre, LLC regarding access to public offstreet parking facilities in the 84th Street Redevelopment Area.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

The Agency and La Vista City Centre LLC entered into a redevelopment agreement dated November 29, 2016. In the interests of eliminating and preventing recurrence of the substandard and blighted 84th Street redevelopment area, a first amendment to the redevelopment agreement regarding access to public offstreet parking facilities in the 84th Street Redevelopment Area is proposed in form and content presented at this meeting.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, APPROVING AND AUTHORIZING THE MAYOR ON BEHALF OF THE AGENCY TO EXECUTE A FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT, 84TH STREET REDEVELOPMENT AREA

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

WHEREAS, the Agency and La Vista City Centre LLC entered into a Redevelopment Agreement dated November 29, 2016 (the "Redevelopment Agreement"), and

WHEREAS, in the interests of eliminating and preventing recurrence of the substandard and blighted 84th Street Redevelopment Area, a First Amendment to the Redevelopment Agreement regarding access to public offstreet parking facilities in the 84th Street Redevelopment Area is proposed in form and content presented at this meeting ("First Amendment").

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

1. Recitals above are incorporated into this resolution by this reference.
2. The First Amendment is hereby adopted and approved.
3. The Mayor on behalf of the Agency is authorized to execute such First Amendment, subject to any additions, subtractions or modifications as the City Administrator determines necessary or advisable.
4. The Mayor, City Clerk, or City Administrator, or his or her designee, in addition to and not in limitation of any other authority otherwise granted, shall be authorized to take all actions on behalf of the Agency as necessary or appropriate to carry out the Redevelopment Agreement, as amended by the First Amendment, or actions approved herein.

PASSED AND APPROVED THIS 18TH DAY OF JULY, 2017.

LA VISTA COMMUNITY DEVELOPMENT
AGENCY

Douglas Kindig, Mayor
City of La Vista

ATTEST:

Pamela A. Buethe, CMC
City Clerk

FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT

This First Amendment to Redevelopment Agreement (the "Amendment") is entered into as of _____, 2017 (the "Effective Date") by and between La Vista Community Development Agency, a community development agency created pursuant to Neb. Rev. Stat. Section 18-2101.01 by Ordinance No. 1167 adopted by the City of La Vista, a Nebraska municipal corporation in Sarpy County, Nebraska, on February 12, 2012 ("CDA"), and La Vista City Centre LLC, a Nebraska limited liability company (the "Redeveloper").

WHEREAS, the parties entered into that certain Redevelopment Agreement, dated November 29, 2016 and recorded on December 2, 2016 as Instrument No. 2016-31245 with the Register of Deeds of Sarpy County, Nebraska (the "Redevelopment Agreement"), which provides for mixed use redevelopment and tax increment financing ("TIF") for the Mixed Use Redevelopment Project Area and generally located at the intersection of 84th Street and Brentwood Drive, as more particularly described in the Redevelopment Agreement (the "Redevelopment Property").

WHEREAS, pursuant to the Redevelopment Agreement, the parties entered into that certain Subdivision Agreement (as defined in the Redevelopment Agreement), which provides for the construction and completion of the public offstreet parking facility.

WHEREAS, in order to further eliminate and prevent recurrence of the substandard and blighted 84th Street Redevelopment Area it is beneficial to have residential occupants of the Redevelopment Area and the parties desire to promote such residential occupancy in part by providing certain preferences to the public offstreet parking facility for individuals residing within the Redevelopment Area.

WHEREAS, to accomplish this public purpose, the parties desire to amend the Redevelopment Agreement to specify the benefits within the Redevelopment Area to individuals residing within the Redevelopment Area.

NOW, THEREFORE, in consideration of the foregoing recitals, the terms, provisions, agreements and covenants contained in this Amendment and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto and intending to be legally bound hereby, the parties agree as follows:

1. **Definitions.** Unless otherwise defined in this Amendment, capitalized terms used herein will have the same meaning in this Amendment as set forth in the Redevelopment Agreement.
2. **Initial Parking Facility.** The parking spaces in the Initial Public Offstreet Parking Garage (as defined in the Subdivision Agreement) to be constructed, operated, managed, and maintained by the City of La Vista pursuant to the terms of the Subdivision Agreement will be available to the public on a first come first served basis. After substantial completion of the Improvements, individuals residing on a lot any portion of which is located within 200 feet of the perimeter of the Initial Public Offstreet Parking Garage (as defined in the

Subdivision Agreement) and within the Redevelopment Area shall have first priority to acquire parking permits in the Initial Public Offstreet Parking Garage.

If there are no parking permits available when requested by such an individual, the City shall place any such unfilled request at the head of the waiting list to be compiled by the City or its agent operating the Initial Public Offstreet Parking Garage. Notwithstanding the above, City has no duty or obligation to terminate any existing parking permits or leases to accommodate an individual's request for parking.

3. Miscellaneous.

A. Except as specifically amended pursuant to the terms of this Amendment, the terms and conditions of the Redevelopment Agreement shall remain unmodified and in full force and effect. In the event of any inconsistencies between the terms of this Amendment and any terms of the Redevelopment Agreement, the terms of this Amendment shall govern and prevail.

B. This Amendment and the agreements and understandings herein constitute covenants running with the land and shall be binding upon the parties and their respective successors, heirs and assigns, lenders, mortgagees, tenants, transferees or any other person or entity gaining or claiming any interest or lien within the Mixed Use Redevelopment Project Area.

C. Headings are for convenience only and shall not be used in construing meaning.

D. This Amendment may be executed in any number of counterparts, each of which shall be an original; but such counterparts shall together constitute but one and the same instrument.

**[Remainder of Page Intentionally Left Blank.
Signature Page to Follow.]**

Executed this ____ day of _____, 2017.

LA VISTA COMMUNITY DEVELOPMENT AGENCY:

Douglas Kindig, Mayor
City of La Vista

ATTEST:

Pamela A. Buethe, City Clerk, CMC

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

On this ____ day of _____, 2017, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista and authorized to act on behalf of the La Vista Community Development Agency, and the identical persons whose names are affixed to the foregoing Amendment, and acknowledged the execution thereof on behalf of the Agency to be their voluntary act and deed and the voluntary act and deed of said Agency.

[Seal]

Notary Public

REDEVELOPER:

La Vista City Centre, LLC, a Nebraska limited liability company

By: _____
Name: Christopher L. Erickson
Its Manager

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

The foregoing Amendment was acknowledged before me this ____ day of
_____, 2017, by Chris Erickson, Manager of La Vista City Centre, LLC, a
Nebraska limited liability company, on behalf of said limited liability company.

[Seal]

Notary Public