

**CHRISTENSEN LUMBER
STUDY OF
BLIGHT AND SUBSTANDARD
CONDITIONS**

**PREPARED FEBRUARY 3, 2003
FOR THE CITY OF
FREMONT, NEBRASKA**

**PREPARED BY:
CHARLES BUNGER
ATTORNEY AT LAW
OMAHA, NE.**

STUDY OF BLIGHT AND SUBSTANDARD CONDITIONS

City of Fremont

February 6, 2003

This report documents the existence of blighted and substandard conditions at a property in Fremont, Nebraska currently occupied by a lumberyard business and vacant unimproved ground. This property is proposed for redevelopment as a lumberyard, millworking and distribution facility. This study is intended to review the property for eligibility as blighted and substandard pursuant to Section 18-2103 of Nebraska Revised Statutes.

Legal Description

The subject parcel is described as all of Tax Lots 521, 562 and 554 in the City of Fremont, in Dodge County, Nebraska, including adjacent portions of rail and public rights of way.

Justification for Blighted and Substandard Area Designation

■ Objective Criteria

Section 18-2103 establishes a series of five quantitative, or "objective" criteria. "Blighted" areas must meet at least **one** of these initial criteria:

- *Unemployment.* The qualifying condition is an unemployment rate in the designated area that is at least 120% of the state or national average.
- *Average age of residential or commercial units in the area.* The qualifying condition is an average age that is at least forty (40) years old.
- *Per capita income.* The qualifying condition is a per capita income for the area that is lower than the average per capita income of the municipality in which the area is designated.
- *Population.* The qualifying condition is that the area has had either stable or decreasing population based on the last two decennial censuses.
- *Unimproved land.* The qualifying condition is that more than half of the platted or subdivided property in the area is unimproved and has been within the city for at least 40 years.

■ Subjective Criteria

If an area meets **one** of the objective blight qualifying requirements, it is then subject to further review under the subjective criteria of the statute. The subjective criteria include the following:

- A substantial number of deteriorated or deteriorating structures,
- The existence of defective or inadequate street layout,
- Faulty lot layout in relation to size, adequacy, accessibility or usefulness,

- Unsanitary or unsafe conditions,
- Deterioration of site or other improvements,
- Diversity of ownership,
- Tax or special delinquency exceeding the fair value of the land,
- Defective or unusual conditions of title,
- Improper subdivision or obsolete platting,
- The existence of conditions which endanger life or property by fire and other causes, or
- Any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals or welfare in its present condition and use.

Analysis of Subject Site

■ Subject Site: Objective Criteria

The subject property is located within an area proposed as satisfying the objective criteria for designation as a blighted and substandard area by The Fremont Plan, a comprehensive development plan for the City of Fremont, dated May, 1999. A map locating the subject property in this area is attached. The larger area proposed for blighted declaration by the comprehensive plan displays the presence of three of the criteria required for designation:

- *Unemployment is over 120% of the state average.* Unemployment within the larger area for 1990 (the most recent year for which area-specific data was available until release of Census 2000 data scheduled for late 2002) was 5.8%, compared with a statewide unemployment rate of 3.7%. The local area rate is 157% of the statewide average for 1990.
- *The average age of residential structures is at least 40 years.* Within the larger area, 55% of all residential structures were built before 1960.
- *The per capita income of the area is lower than that of Fremont as a whole.* In 1990, the per capita income of the larger area was \$10,317, compared to a citywide per capita income of \$11,504.

In addition, the subject property individually meets two criteria, specifically:

- The per capita income of the Census Tract 9842 (in which the subject property is located) is lower than that of Fremont as a whole. In 2000, the per capita income of this census tract was \$14,529, compared to a citywide per capita income of \$18,006.
- The site has had no population in either 1990 and 2000. Therefore, the study area has displayed a stable or declining population during the last two decennial censuses.

■ Subject Site: Subjective Criteria

The subject site displays the presence of the following blighted and substandard conditions:

1. *Presence of deteriorating site conditions.* The existing portion of the site to be developed is vacant. The continuing underuse of the property could lead to conditions of deterioration and the consequent emergence of conditions that constitute an economic liability, which endanger property and that are detrimental to the public welfare.
2. *Faulty lot layout.* The current condition of the unplatted site will be cured by the contiguous development of the site and its abutting infrastructure by a single major redevelopment.
3. *Factors which arrest the sound growth of the community.* Continued development in existing the urban area is a key priority of The Fremont Plan, A Comprehensive Development Plan for the City of Fremont, May of 1999. It identifies a need for additional urban manufacturing/commercial development and the improvement of infrastructure. It improves the faulty truck/rail traffic conflicts and supports the retention and growth of a major regional business in the city's urban core.

Conclusion

Based on this analysis, the property is located in an area that meets subjective criteria and displays the presence of three of the objective criteria for blight declaration:

1. Unemployment is over 120% of the state average.
2. The average age of residential structures is at least 40 years.
3. The per capita income of the area is lower than that of Fremont as a whole.

On the specific project site, two of the objective criteria are satisfied:

1. The per capita income of the area is lower than that of Fremont as a whole.
2. The population of the site has remained stable or declined during the last two decennial censuses.

Conformance with the Comprehensive Plan

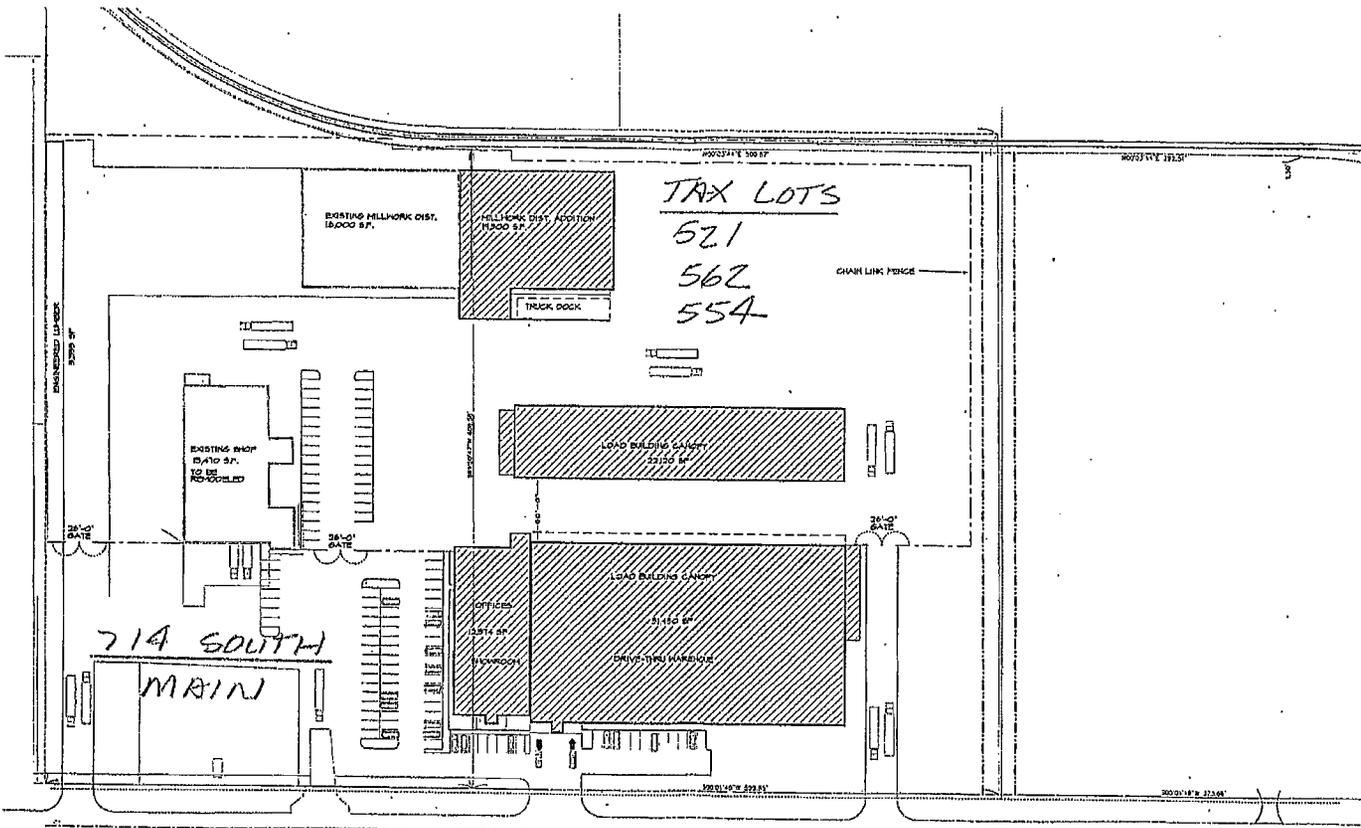
A declaration of blight and substandard conditions on the subject site conforms with the Fremont Comprehensive Plan because it:

- Is located in an area designated as eligible for a blight declaration. (*The Fremont Plan*, pages 266-269).
- Supports the Main Street Fremont downtown district by keeping the employment base supporting commercial activity in the nearby South Main industrial district. (*The Fremont Plan*, pages 62-63).

- Is located along existing minor arterials. The City should discourage commercial/manufacturing development in areas not served by existing or programmed infrastructure. (*The Fremont Plan*, pages 40-51).
- Provides for the relocation of a significant truck traffic generator away from developing retail and residential redevelopment, and improves existing conflicts with rail line crossing by truck traffic. (*The Fremont Plan*, pages 78-79).
- Provides for the development of an existing industrial/commercial district and expansion of rail loading and unloading capacity. (*The Fremont Plan*, page 65).

Blighted and Substandard Area Declaration

By virtue of the findings of this study, the subject site is hereby declared blighted and substandard, pursuant to the requirements of the Nebraska Community Development Law.



TAX LOTS
521
562
554

SITE PLAN
SCALE: 1/4" = 1'-0"
REBULLED

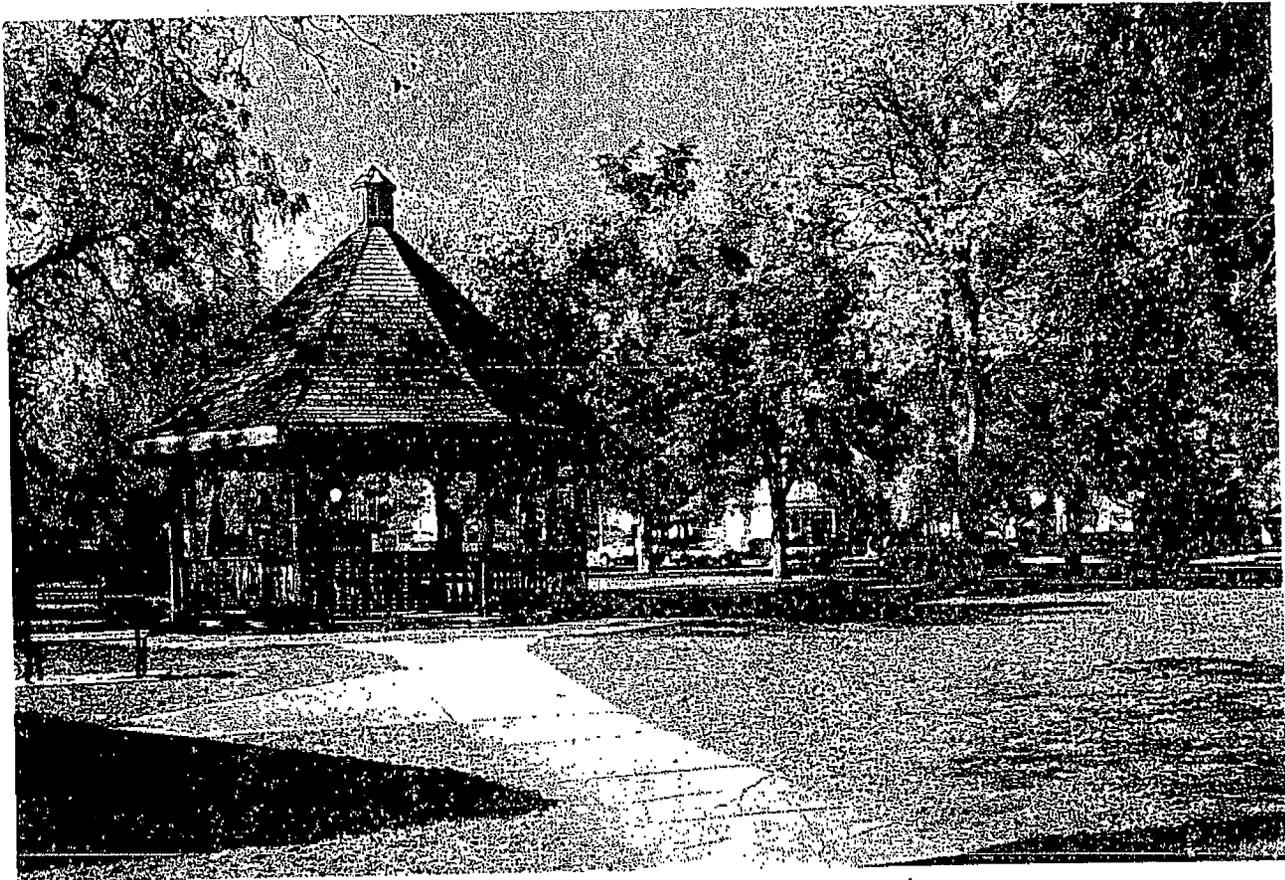


Exhibit "C"

PROJECT NUMBER	
2137	

NEW LUMBERYARD FACILITY
FOR CHRISTENSEN LUMBER, INC.
SOUTH MAIN STREET
FREMONT, NEBRASKA

SHEET NUMBER



THE FREMONT PLAN

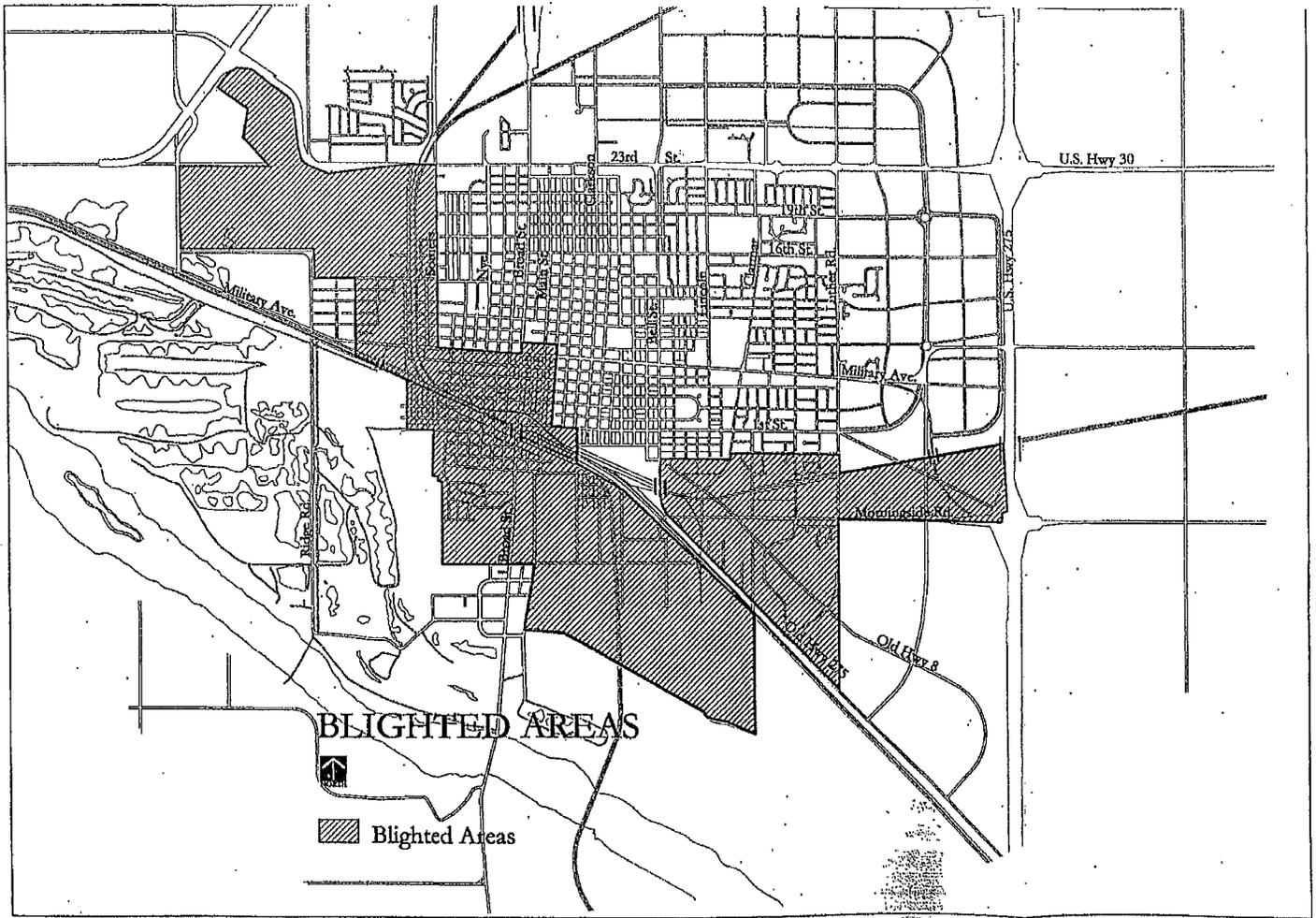
*A Comprehensive Development Plan
for the City Of Fremont*



*Prepared by
RDG Crose Gardner Shukert
in association with the
Northeast Nebraska Economic Development District*



May, 1999



**CITY OF FREMONT
PLANNING COMMISSION
FEBRUARY 17, 2003
7:00 P.M.**

RECOMMENDATIONS AND FINDINGS

Consider designation of blighted and substandard conditions for Tax Lots 521, 554 and 562, part of Section 23, Township 17 North, Range 8 East of the 6th P.M., Fremont, Dodge County, Nebraska – Christensen Lumber Company.

IT IS THE RECOMMENDATION OF THE PLANNING COMMISSION THAT THIS REQUEST BE:

APPROVED X
DENIED
CONTINUED
WITHDRAWN

VOTE:
 4 AYES
 NAYS
 1 ABSTAIN (Christensen)
 1 PASS (Gifford)

(Note: Dugan absent during this item)

REASONS/STIPULATIONS

Area recommended for designation is included in 1999 Comprehensive Plan as "Blighted and Substandard". Site has existing paved streets and utility infrastructure and currently is underdeveloped.



CITY OF FREMONT NEBRASKA

400 E. Military • P.O. Box 1266 • Fremont, NE 68026-1266 • (402) 727-2630 • FAX (402) 727-2667 • TDD (402) 727-2619

MEMO

TO: Dodge County, County Clerk
Educational Services Unit No. 2, Fremont
Dodge County Agriculture Society, Scribner
Metro Community College, Omaha
Lower Platte North N.R.D., Wahoo
Fremont Public Schools, Fremont

FROM: City of Fremont 

RE: Notice of "Blighted and Substandard Conditions"

DATE: February 28, 2003

Enclosed please find a Notice of Public Hearing for consideration of "Blighted and Substandard Conditions" scheduled for the City Council meeting of March 11, 2003 and a map of the proposed project area.

Should you have any questions concerning this notice, please contact Clark Boschult, City of Fremont, Director of Public Works at (402) 727-2636.

dp

Board of Equalization
March 11, 2003
7:00 P.M.

The Mayor led the meeting with the Pledge of Allegiance.

The meeting was called to order by Mayor Edwards. Roll call vote showed Council Members Bolton, Lemons, Benson, S-Marsh, Schaller, E-Vaughan, Mruz and Warner present - 8 present.

The City Clerk read a notice that this meeting was preceded by publicized notice in the Fremont Tribune and on Radio KHUB and the agenda displayed in the Municipal Building, Fremont Police Station and the Dodge County Courthouse and distributed to the Mayor and Council on March 7, 2003 and is open to the public. Moved by Council Member Lemons, seconded by Council Member Benson to approve the legality of the meeting. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The Mayor asked if anyone would care to speak regarding the consideration of the estimate of cost and schedule of assessment for Paving District No. 531 (29th Street - Clarkson East) and Street Improvement Unit No. 93 (29th Street - Irving to Platte). There being no discussion, moved by Council Member S-Marsh, seconded by Council Member E-Vaughan to adjourn the meeting. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

Meeting adjourned at 7:06 p.m.

City Council Meeting
March 11, 2003
7:00 P.M.

The meeting was called to order by Mayor Edwards. Roll call vote showed Council Members Bolton, Lemons, Benson, S-Marsh, Schaller, E-Vaughan, Mruz and Warner present, - 8 present.

The City Clerk read a notice that this meeting was preceded by publicized notice in the Fremont Tribune and on Radio KHUB and the agenda displayed in the Municipal Building, Fremont Police Station and the Dodge County Courthouse and distributed to the Mayor and Council on March 7, 2003 and is open to the public. Moved by Council Member Lemons, seconded by Council Member Benson to approve the legality of the meeting. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

Moved by Council Member Warner, seconded by Council Member S-Marsh to dispense with reading of minutes and approve of same. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The Mayor welcomed members of Boy Scout Troop #296 and North Bend American Government Class.

The City Clerk read a resolution, by title only, offered by Council Member E-Vaughan, seconded by Council Member Schaller to approve the requests to consume alcoholic beverages on City property as follows: Judy Brooks, Christensen Field Meeting Room, March 21, 2003; Nebraska Boxing, City Auditorium, May 3, 2003; Teri Rohloff, Moller Center, May 4, 2003; Matt Styskal, Moller Center, May 16, 2003; Mike Baker, Moller Center, May 17, 2003; John C. Fremont Days, Christensen Field Multi Purpose Building, July 11, 2003; John C. Fremont Days, Christensen Field Horse Arena, July 11 -12, 2003; John C. Fremont Days, Christensen Field West Campground Area, July 11-12, 2003; John C. Fremont Days, City Auditorium, July 12, 2003 and John C. Fremont Days, Wolz lot, 4th Street, Ilgenfritz Lot, July 12, 2003. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-047 approved.

Moved by Council Member Bolton, seconded by Council Member E-Vaughan to approve various street closings for John C. Fremont Days, July 11 - 13, 2003. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution, by title only, offered by Council Member Mruz, seconded by Council Member Warner to approve the following Special Designated Permits: Little Chief Inc., St. Patrick's Auditorium, March 27, 2003; John C. Fremont Days, Christensen Field Horse Arena, July 11-12, 2003; John C. Fremont Days, Christensen Field Multi Purpose Building, July 11, 2003; John C. Fremont Days, Christensen Field West Campground Area, July 12, 2003; John C. Fremont Days, City Auditorium, July 12, 2003 and John C. Fremont Days, Wolz Lot, 4th Street, Ilgenfritz Lot, July 12, 2003. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-048 approved.

Moved by Council Member S-Marsh, seconded by Council Member Schaller to refer the vehicle damage claim of Jess Boss, 1315 North Madison, to the insurance carrier and City Attorney. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

Moved by Council Member Schaller, seconded by Council Member Mruz to refer the injury claim of Heather Parker, 162 North Drive, to the insurance carrier and City Attorney. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk gave the first reading, by title only, of an ordinance creating Paving District No. 540, Laverna Street 28th to 32nd. The second reading will be at the next regular meeting.

With Development and Improvement Committee recommendation, moved by Council Member Warner, seconded by Council Member S-Marsh to approve a temporary waiver of public sidewalk for new construction at 519 East 29th Circle. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution, by title only, offered by Council Member Warner, seconded by Council Member Schaller to approve removal of parking restrictions on 11th Street and south side of 10th street between Clarkson and Union Streets at Clarkson School (Midland College). Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-049 approved.

With Resources Committee recommendation, moved by Council Member Mruz, seconded by Council Member E-Vaughan to approve the claims for February 2003 and authorize checks to be drawn on the proper accounts. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution, by title only, offered by Council Member Schaller, seconded by Council Member E-Vaughan awarding training and proficiency increase, Phase I, to firefighter Curtis Pokorny. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-050 approved.

The City Clerk read a resolution, by title only, offered by Council Member Schaller, seconded by Council Member E-Vaughan to designate as blighted and substandard Tax Lots 521, 554 and 562. Tom Christensen gave an overview of the planned expansion of Christensen Lumber. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-051 approved.

The City Clerk gave the second reading, by title only, of an ordinance amending Zoning Ordinance No. 3939 pertaining to Article Ten, Sign Regulations. The third reading will be at the next regular council meeting.

The City Clerk gave the second reading, by title only, of an ordinance amending Electrical Ordinance No. 4016. Moved by Council Member S-Marsh, seconded by Council Member E-Vaughan to suspend the rules of reading. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried. Roll call vote on the ordinance showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Ordinance No. 4031 passed.

The City Clerk read a resolution, by title only, offered by Council Member Schaller, seconded by Council Member E-Vaughan to approve the following project payment: a) Pay Request No. 1 and final to American Ramp Co. for Skate Park Equipment for Miller Park in the amount of \$70,959.67. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-052.

The City Clerk read a resolution, by title only, offered by Council Member Bolton, seconded by Council Member Benson to levy assessments for Paving District No. 531 (29th - Clarkson East). Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-053 approved.

The City Clerk read a resolution, by title only, offered by Council Member Benson, seconded by Council Member S-Marsh to levy assessments for Street Improvement Unit No. 93 (29th - Irving to Platte). Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-054 approved.

The City Clerk read a resolution, by title only, offered by Council Member Mruz, seconded by Council Member S-Marsh to approve specifications, estimate of cost and grant permission to advertise for bids for 2003 Sanitary Sewer Replacement for an estimated cost of \$256,800. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-055 approved.

Moved by Council Member E-Vaughan, seconded by Council Member Schaller to continue the requests to remove debris at 2048 North "D" - owner: Charles Folsom; 420 West Washington - owner: LaVern Rudolf; 715 West Jensen - owner: Richard Bales; 404 North Pebble - owner: Cheryl Swanda; 324 South "K" - owner: Raymond Rohn; 405 South "K" - owner: Jonathan Boothe; 650 West Washington - owner: Rodney & Sara Frost; 351 East 3rd - owner: Leslie Foster; 345 North Crosby - owner: LeRoy Stodola and 335 North Crosby - owner: Richard Bales. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

Moved by Council Member E-Vaughan, seconded by Council Member Lemons to remove from the agenda the request to remove debris at 1606 North Main - owner: Kim & Doug Divis. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The City Clerk read a resolution, by title only, offered by Council Member S-Marsh, seconded by Council Member Schaller to approve liquor license renewals from May 1, 2003 - May 1, 2004. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared Resolution No. 2003-056 approved.

Moved by Council Member S-Marsh, seconded by Council Member Lemons to go into executive session at 7:25 p.m. to consider settlement agreement with EPA on Sludge disposal. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

Moved by Council Member Bolton, seconded by Council Member Schaller to come out of executive session at 7:40 p.m. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

Moved by Council Member E-Vaughan, seconded by Council Member Mruz to authorize the Mayor to accept and sign the settlement agreement with EPA on Sludge Disposal. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried.

The Mayor announced the next regular City Council meeting will be March 25, 2003 at 7:00 p.m.

Moved by Council Member Bolton, seconded by Council Member Schaller to adjourn the meeting. Roll call vote showed all Council Members voting aye - 8 ayes. Thereupon the Mayor declared the motion carried. Meeting adjourned at 7:42 p.m.

Donald B. Edwards, Mayor

ATTEST:
Kimberly Volk, City Clerk

I, the undersigned City Clerk hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Kimberly Volk, CMC, City Clerk

RESOLUTION NO. 2003-051

A Resolution of the City Council of Fremont, Nebraska approving designation of blighted and substandard conditions for Tax Lots 521, 554 and 562, located in Section 23, Township 17 North, Range 8 East of the 6th P.M., Fremont, Dodge County, Nebraska.

BE IT RESOLVED by the Mayor and City Council of the City of Fremont, Nebraska, as follows:

Section 1. The Mayor and City Council have previously referred to the City's Planning Commission the Christensen Lumber Site Blight and Substandard Conditions Study dated February 3, 2003, prepared by Charles Bunger, Attorney at Law, which makes certain determinations concerning the following area proposed to be declared blighted and substandard:

The Christensen Lumber property located on Tax Lots 521, 554 and 562, located in Section 23, Township 17 North, Range 8 East of the 6th P.M., Fremont, Dodge County, Nebraska, more particularly described in the attached Exhibit "A".

Section 2. The City Planning Commission has recommended that the study be approved and adopted and that the area is an area which meets the criteria for designation as blighted and substandard in need of redevelopment

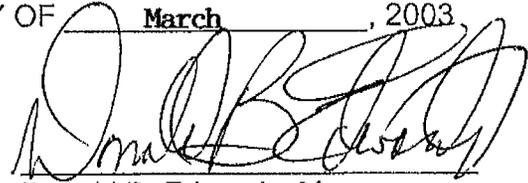
Section 3. Based upon the study, the recommendation of the Planning Commission and analysis and review of the conditions of property located within the area, the Mayor and Council hereby find, determine and declare that the area is an area which meets the criteria for designation as blighted and substandard in need of redevelopment under the terms of Section 18-2103 (10) and (11) and Section 18-2109, R.R.S. Neb. 1997, as amended, in that such real estate is affected by conditions as set forth in the study.

Section 4. Upon the reference by the City's redevelopment agency (authority) of any plan or plan modifications with respect to the area, the City Clerk is hereby authorized to set a hearing and publish and mail notice of such hearing as required by law.

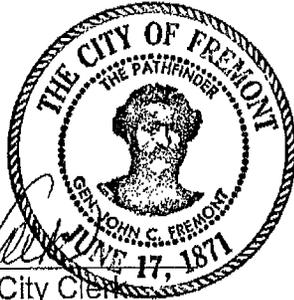
Council Member Scott Schalk offers this Resolution and moves its adoption,

seconded by Council Member J. H. Emanuel Vaughan

PASSED AND APPROVED THIS 11th DAY OF March, 2003.



Donald B. Edwards, Mayor



ATTEST:



Kimberly Volk, CMC, City Clerk