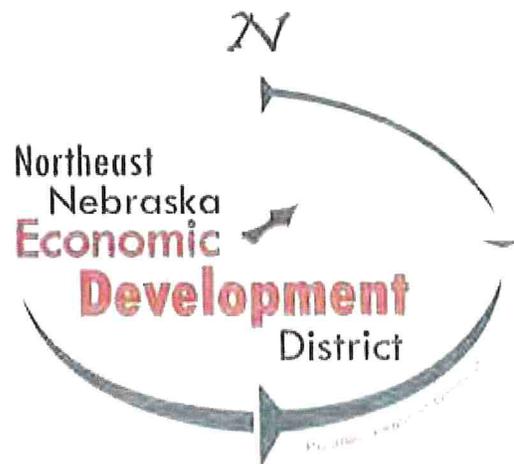


Approved 6/16/2014
Planning Commission

Fremont

Blight and Substandard Determination
Study for Area Referred to as
Morningside

May 25, 2012



STAFF REPORT

TO: Mayor and City Council

FROM: Justin Zetterman, City Engineer / Interim Planning Director

DATE: 20 June 2014

SUBJECT: Council public hearing on the designation of blighted and substandard conditions along Morningside Business Park.

Recommendation: 1) Open public hearing; 2) receive public testimony; 3) Close public hearing

Background: This blight study is for an area that encompasses the area along Morningside Road from Bell Street west to US Highway 275.

This blight study is being brought back in front of the City Council due to the request of the City Council to have the Planning Commission reconsider the blight study with specific reference to the legality of blighting and area outside of the city limits. It was their determination that blighting an area outside of the city limits is permissible when necessary to blight an area adjoining that is within the city limits.

The blight study looked at a number of factors as outlined in state statutes, more particularly the Community Development Act. The study meets at least one of the criteria established in state statutes for blighted conditions, along with a number of supporting criteria that contribute to blighted and substandard conditions in the area. The study was initiated by the Greater Fremont Development Council, and has been submitted to the City for review.

Declaring the study area blighted and substandard will allow areas that are already within the municipal boundary to be eligible for redevelopment projects using Tax Increment Financing.

The planning commission recommended approval of this item at their June 16, 2014 meeting.

The blight and substandard study is within conformance with the comprehensive plan as well as state statutes.

Morningside Blight & Substandard Study

Fremont, Nebraska

Table of Contents:

▪ Executive Summary	1
▪ Study Area	4
▪ Findings	
1) Documentation of Qualifying Conditions – Objective Criteria	4
2) Documentation of Qualifying Conditions – Subjective Criteria	6
▪ Conclusion	11
▪ Exhibits	
1) Maps	
2) Property and Dates of Construction Table	
3) Photos	

Executive Summary

The purpose of this Study is to determine if all or part of the designated study area has deteriorated and become substandard and blighted according to the Community Development Law established in Nebraska Statute 18-2102.

Community Development Law

18-2102, Community Development Law; purpose. It is hereby found and declared that there exist in cities of all classes and villages of this state areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable lands uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of municipalities, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination.

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

18-2103(11). Blighted area shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe condition, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions; (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

Objective Criteria

State statute establishes a series of five quantitative or "objective" criteria. An area must meet at least one of these initial criteria.

- *Underemployment.* The qualifying condition is an unemployment rate in the designated area that is at least 120% of the state or national average. Block group data from the 2000 Census, as well as subsequent geographic area studies available through the Nebraska Department of Labor, were utilized to determine qualifying areas under this standard.
- *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. Block group data from the 2000 Census was utilized to indicate the presence of this criterion.
- *Population.* The qualifying condition is that the area has had either stable or decreasing population based on the last two decennial censuses. Block group data from 2000 and 2010 was examined to indicate the presence of this criterion.

- *Unimproved land.* Compliance with this standard involved examining the corporate limits and defining areas within those limits which remain unimproved. The qualification is if more than half of the plotted and subdivided property in the area has been within the city for forty years and has remained unimproved during that time.

Subjective Criteria

If an area met one of the objective qualifying requirements, it would then be subject to further review under the "Subjective Criteria" section of the statute. If one or more of these qualifiers was met, the area in question was determined to be "blighted and substandard." 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.

Study Area:

The findings of this blight study are based on analysis conducted for a location referred to as the "Morningside", a track of land described as follows: From the Point of Beginning at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123; thence east along the south edge of the Union Pacific Rail Road right of way to the north west corner of Missouri Valley Land Company Lot 11 Section 24 Township 17 Range 8; thence south to the southwest corner of Missouri Valley Land Company Lot 11, Section 24 Township 17 Range 8; thence east along a line parallel to Morningside Road to South Johnson Road; thence north on South Johnson Road to the northwest corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17 Range 9; thence northeast along south edge of the Union Pacific Railroad right of way to the northeast corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17, Range 9; thence south along the west right of way of Nebraska Department of Roads Highway 275 right of way to the Morningside Road right of way; thence west along Morningside Road to the intersection of Old Highway 8 and Morningside Road; thence southeast to the southeast corner of Tax Lot 21 Section 25 Township 17 Range 8; thence west along a line parallel to Morningside Road to Jones Street; thence south along Jones Street to the southeast corner of Rail Road Subdivision Part Lots 1 & 2 Tax Lot 77 Section 25 Township 17 Range 8; thence northwest along the Highway 275 right of way; concluding at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123.

See Exhibit 1 for map.

Findings

Documentation of Qualifying Conditions – Objective Criteria

1) Unemployment.

Dodge County had an unemployment rate of 5.1% in February 2012, the most recent release data. NE had an unemployment rate of 4.6% and the U.S. A. had a rate of 8.3%.

The Study Area does not meet the criteria of at least 120% of the state or national average

2) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least (40) years old

There are 32 building structures within the redevelopment area which have dates of construction listed at the County Assessors' offices. The majority (56.3%) of the properties are over 40 years of age and the median age for the properties in the area is 50.41 years. There are also 37 building structures in the area that did not have dates of construction listed including commercial properties, with no verifiable date of construction is on file. Those dates were not listed in developing the average age of 50.41 years. There were also 13 parcels of land which had no buildings also not included in this portion of the study, and were not used to meet the overall blight and substandard requirement. See Exhibit 2 for table.

The Study Area does meet the qualifying condition for average age.

3) Per capita income.

Per capita income data by 2001 Census block group not available for this specific area.

The Study Area does not meet the per capita income qualification.

4) Population.

Population has increased over the past two decennial censuses for the City of Fremont. However, the Study Area does not line up with a block group to show a smaller area.

- *Fremont*
 - 1990 Census: community: 23,680
 - 2000 Census: community: 25,174
 - 2010 Census: community: 26,397
- Study Area

The Study Area does not meet the criteria of decreasing population.

5) Unimproved land

A majority of the Study Area is currently outside of the City limits. A portion of the study area was incorporated into City within the past 40 years and is undeveloped with the exception of City Utility Department facilities and the Dodge County Humane Society Building.

The Study Area does not meet the criteria of 50% unimproved land.

As a result of meeting at least one of the objective criteria, the Redevelopment Area is subject to further review under the "Subjective Criteria" section of the statute.

Documentation of Qualifying Conditions – Subjective Criteria

- 1) A substantial number of deteriorated or deteriorating structures.

The results of the Study conclude there are a substantial number of deteriorating structures in the Redevelopment Area. The inadequate provisions for ventilation, light, or sanitation are evidenced in Exhibit 3, pictures.

Field analysis conducted on April 4, 2012 and April 11, 2012 determined that notable parcels within the Redevelopment Area have significant combination of deteriorating factors present. The field survey included a detailed evaluation of the exterior structure. Seven of the buildings surveyed demonstrated severe effects of deterioration, including dilapidated roofing, windows, siding, foundations and porches. Twenty-eight additional properties were deteriorating and rated as poor. Most of the buildings were in a fair condition with slight deterioration.

During analysis, the buildings were giving a condition rating. The building conditions ratings were based on the following criteria:

Dilapidated: In need of more than one major repair, for example, to the roof, foundation, windows, and/or siding, etc. Severe visible damage to the foundation automatically leads to a classification of dilapidated. These structures are usually considered to be beyond rehabilitation.

Poor: Had visible signs of deterioration, especially to the windows, siding, roof, and porch. Asbestos shingles/siding automatically leads to a classification of poor. Includes visual damage such as rust and dents to pre-fabricated metal buildings. These structures could be rehabilitated, but substantial cost would be involved.

Fair: Usually had one sign visible of deterioration to the windows, siding, roof, etc. Not a significant amount of damage, but some work would be required to list the building for top dollar.

Good: Building had no substantial signs of deterioration. However, cosmetic flaws were visible, such as outdated fixtures or very minor paint damage. These structures would require very little to no cost to sell the home for top dollar.

Excellent: Home shows absolutely no signs of deterioration. No cosmetic flaws were visible. Only a very small percentage of any community will fall into this category.

Building Condition	Excellent	Good	Fair	Poor	Dilapidated	Vacant lots
Total: 70 Buildings	2	16	25	23	4	12
4 of 70 buildings (5.71%) rated "Dilapidated"						
23 of 70 buildings (32.86%) rated "Poor"						
27 of 70 buildings (38.57%) rated "Poor" or "Dilapidated"						

Of the total properties (buildings) assessed, 27 of the 70 were given ratings of poor or dilapidated. This accounts for 38.57% of the total properties in the redevelopment area. There were an additional 12 lots which did not have a building and those were not counted in the total count of 70 buildings.

The Study Area does meet the criteria of a substantial number of deteriorated or deteriorating structures.

- 2) The existence of defective or inadequate street layout.

The Study Area consists of a rectilinear street grid. The streets on the eastern 1/2 of the study area are on a larger scale, but are still rectilinear layout. The northern boundary along the railroad tract does not have road access.

The Study area does not meet the existence of defective or inadequate street layout criteria of blighted.

- 3) Faulty lot layout in relation to size, adequacy, accessibility or usefulness.

Zoning and use is also a challenge. Out of the forty-one properties only nineteen have the same current land use and zoning classifications. Eleven are single family use and are zoned as industrial or agricultural. The last is the most obvious barrier and can pose a barrier to the homeowner if they ever want to rebuild. This also shows that out of the forty-one properties, nine are not currently zoned for any specific zoning category. These properties must be zoned to enable future development of the area.

Current Land Use						
Current Zoning Classification		Industrial	Single Family	Agricultural	Commercial	Exempt (Agricultural Land)
	Industrial	11	<u>6*</u>	<u>1*</u>	<u>1*</u>	
	Single Family		6			
	Agricultural		<u>5*</u>	2		
	Commercial					
	Not Zoned					<u>9*</u>

*Incompatible current land use and zoning classification.

The Study Area does meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria of blighted.

4) Unsanitary or unsafe conditions.

The Study Area inspection revealed that unsafe conditions exist. Due to the ages of the structures in question, health and safety issues are present that pose a threat to individuals that utilize the area.

- Based simply on the age of the properties in the Study Area, structural integrity, out-of-date wiring, ineffectual plumbing, outdated bathroom facilities, deficient air and heating capabilities, and improper exits/entrances (i.e., window/door escapes) are present.
- Inadequate and aging structures in the Study Area contain foundation, floor structure; doors/windows/fire escapes (egress/ingress) flaws. These basic building elements constitute an economic or social liability and are detrimental to public health, safety and welfare in their present condition.
- The age of the properties is also indicative of having lead based paint present. The very young, in particular, are very susceptible to the safety issues caused by lead based paint.

In addition to inadequate structures are deteriorated streets throughout the study area. The study area does not have sidewalks along any streets and the streets are without curb and gutter.

Miscellaneous areas of tall weed growth, unsafe vacant lots and the outdoor storage of junk and chemicals also exist and pose harmful risks for residents and development of the study area. Five of the seventeen residential lots in the area had significant amounts of accumulated debris, old barrels, wood piles, and abandoned vehicles. Seven of twelve business lots had significant accumulations of tires, old barrels, and abandoned vehicles. The study also identified items such as tires which left out can hold water which creates mosquito breeding grounds.

The heavy soil types and flat topography of the area contributes to surface water drainage in the study area. The land slope is often less than 0.4% and contributes to water standing in fields, parking lots, and drainage ditches. The drainage ditch on the northeast side of 1st Street often contains standing water due to sedimentation from storm-water runoff from croplands and unpaved parking lots. Inadequate drainage can cause stagnant water which creates mosquito breeding grounds.

Vehicle and pedestrian traffic has access to only two crossing over the rail road tracks, which are lacking up to date warning lights and cross arms. Old Highway 8 and South Downing Street end at the rail road right of way with very minimal street barriers and warning signs.

The Study Area does meet the unsanitary or unsafe conditions criteria.

5) Deterioration of site or other improvements.

The field survey evaluated the condition of site improvements, including streets, road shoulders, curbs and gutters, sidewalks, off street parking, fences and site drainage. Many of the properties in the Study Area have inadequate sidewalks. There are no sidewalks, curbs, or gutters in the study area. The paved roads which lack an adequate shoulder for the large semi-truck traffic. There was evidence of trucks tires leaving the paved surface while turning at intersections, curves, and business entrances. Gravel roads account of 31% of paved roads in poor condition for 4.15% area's transportation infrastructure.

	paved-good	paved-poor	gravel
Morningside	10000		
Luther	1360		
Old Hwy 8 (south)	360		
Old Hwy 8 (north)		750	
Downing			750
South 1st St			3020
Johnson Rd			1850
18090	11720	750	5620
	64.79%	4.15%	31.07%

The recent annexation and extension of utilities to a commercial development to the south-east of the study area has improved access to water, sewer, natural gas, and electricity to the areas adjacent to Morningside Road and First Street.

The Study Area does meet the deterioration of site or other improvements criteria.

6) Diversity of ownership.

Based on available property records, land in the Study Area is owned by numerous individuals or entities. Records show 28 different property owners. In addition, two of these owners live out of town, one (1) of those out of State. Based on the difficulty of assembling multiple ownerships for contemporary development, the high number of property owners in the study area is seen as a detriment to new development.

The Study Area does meet the diversity of ownership criteria.

- 7) Tax or special delinquency exceeding the fair value of the land.

The Dodge County records did not reveal any excessive tax or special assessment.

The Study Area does not meet the tax or special delinquency criteria.

- 8) Defective or unusual conditions of title.

No defective or unusual conditions of title were identified.

The Study Area does not meet the defective or unusual conditions of title criteria.

- 9) Improper subdivision or obsolete platting.

The configuration of lots not being platted or zoned correctly can inhibit development in the Study Area.

Out of the properties, one (1) property has a use of commercial and are zoned as industrial, five (5) are single family use and are zoned as agricultural, and six (5) are single family use and zoned as industrial. The last is the most obvious barrier and can pose a barrier to the homeowner if s/he ever wants to rebuild. This also show that out of the forty-one (41) properties, thirteen (13) are used for purposed other than their listed zoning and nine (9) are not zoned, which can also pose a barrier to redevelopment of the site.

The Study Area does meet the faulty lot layout in relation to size, adequacy, accessibility and/or usefulness criteria.

- 10) The existence of conditions that endanger life or property by fire and other causes.

The average age of the structures in the Redevelopment Area is 50.41 years old. The existence of aged flammable materials, deteriorating electrical systems, and faulty heating systems increases the potential threat of fire. Inadequate roofing and old wiring can also provide for dangerous conditions.

The field survey also identified various amounts of combustible items stored within sight of public right-of-ways, near or against walls of the primary or secondary structures creating a substantial fire hazard. The study also identified items such as tires which left out can hold water which creates mosquito breeding grounds.

Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and is detrimental to the public health, safety morals or welfare.

The Study Area does meet the existence of conditions that endanger life or property by fire and other causes criteria.

Conclusion

The purpose of this study is to determine if all or part of the designated Study Area is substandard and blighted. In order to make the determination of substandard and blighted, State statute establishes a series of five quantitative or "objective" criteria that the area must meet at least one of these initial criteria. In this instance, it has been determined that the "objective" criteria of the following have been met:

- Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least (40) years old.

If an area met one of the objective qualifying requirements, it would then be subject to further review under the "Subjective Criteria" section of the statute. In this instance, it has been determined that the "subjective criteria" of the following have been met:

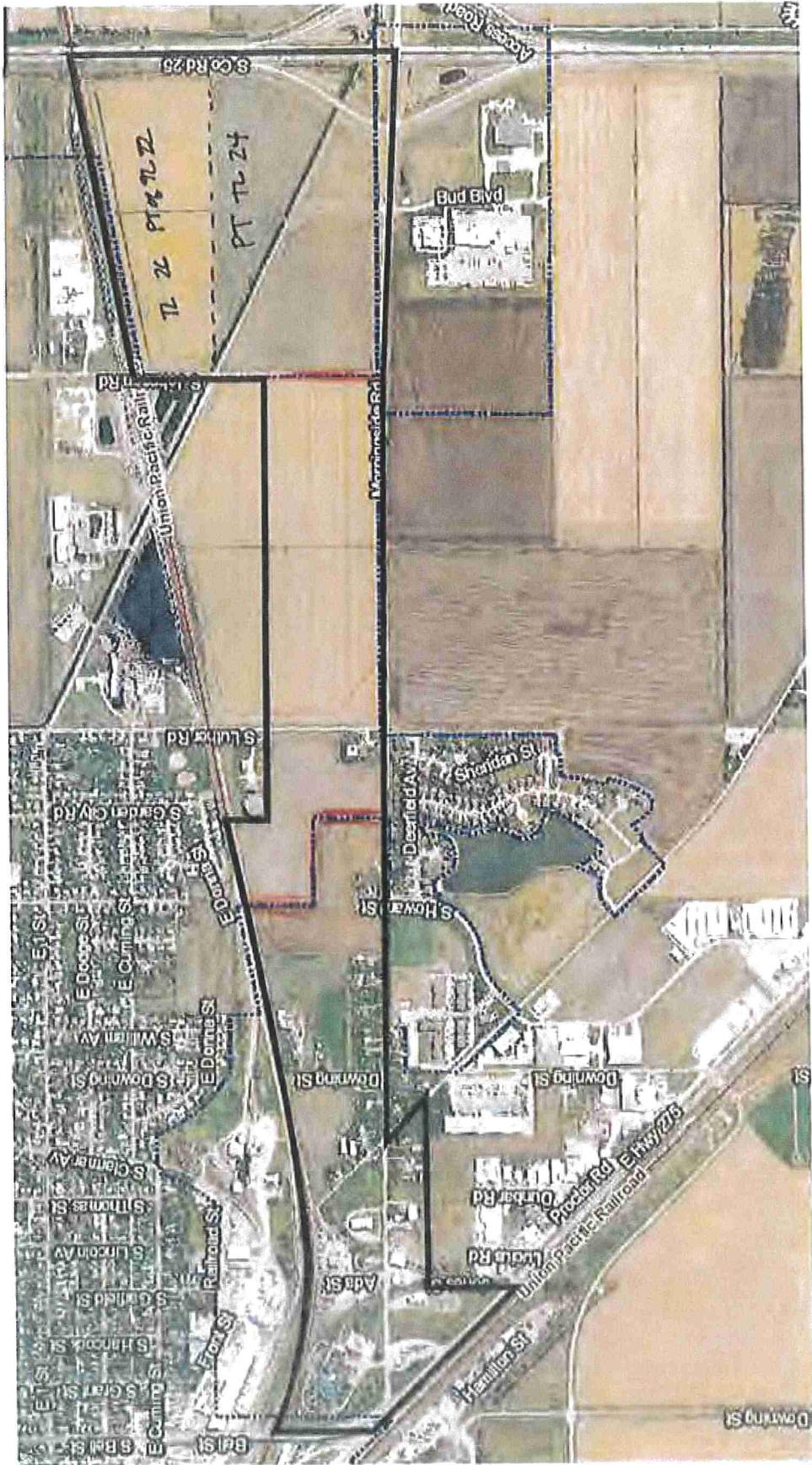
- A substantial number of deteriorated or deteriorating structures.
- Faulty lot layout in relation to size, adequacy, accessibility or usefulness.
- Unsanitary or unsafe conditions
- Deterioration of site or other improvements.
- Diversity of ownership.
- Improper subdivision or obsolete platting.
- The existence of conditions that endanger life or property by fire and other causes.

Having met both objective and subjective criteria of substandard and blighted as defined by section 18-2103 (10) and 18-2103 (11) of the Nebraska Community Development Law, this study has determined that the Study Area is both substandard and blighted under the provisions identified and the general plan as required.

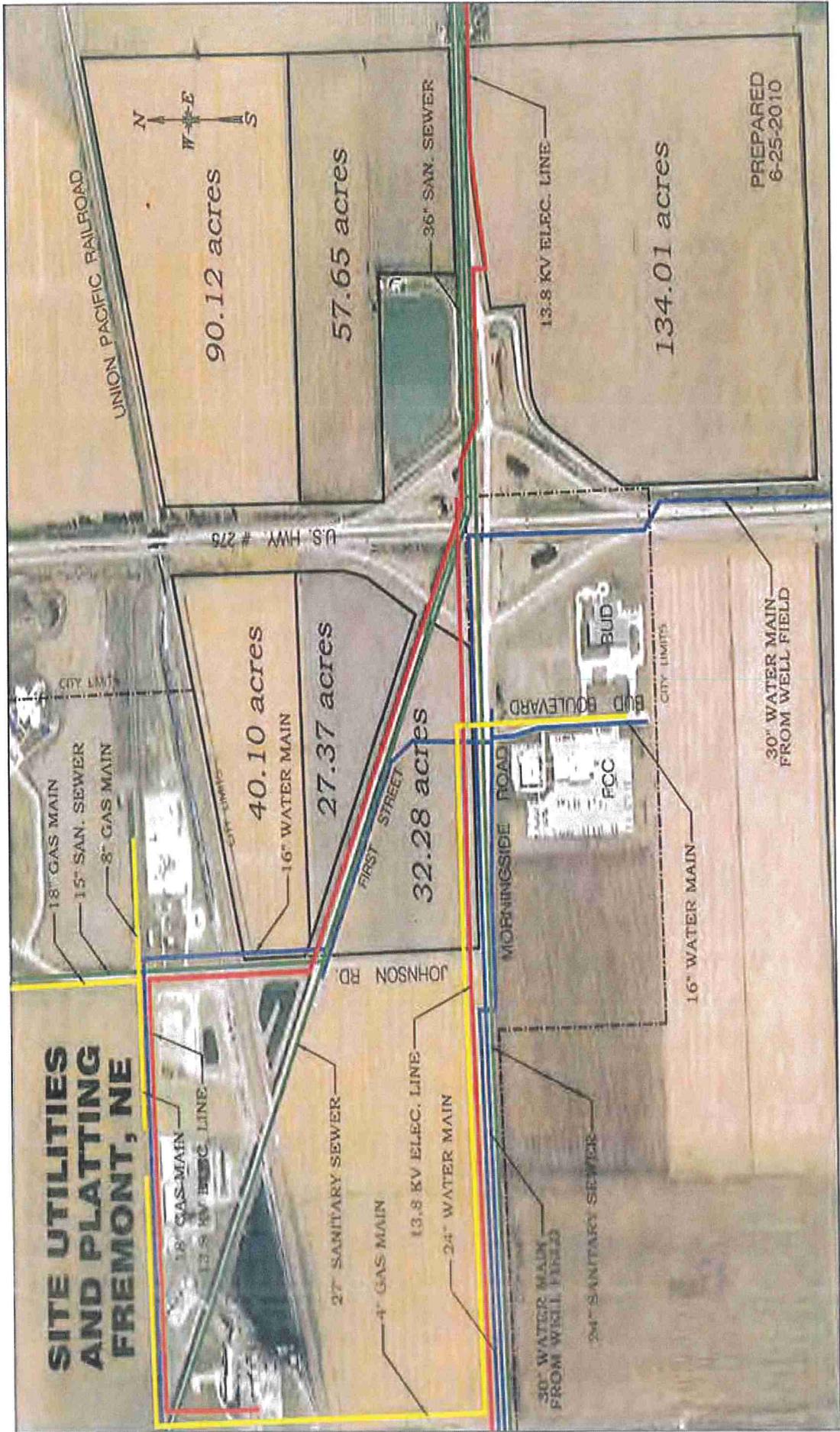
Exhibit 1

Maps

Morningside Blight & Substandard Area



SITE UTILITIES AND PLATTING FREMONT, NE



PREPARED
6-25-2010

Exhibit 2
Property And
Dates of Construction

South Area - Morningside

Physical Address	Physical Occupant	Mailing Address	City/State/Zip	Owner	Owners Address	Year Built	Age	Use	Zoning	Legal Description	Parcel Number
757 S Luther Road	Dodge County Humane Society	400 E Military	Fremont, NE 68025	City of Fremont	same			11 Exempt	07 Other	Missouri Valley Land Co Sub Lot 1d 7.85A 24 17 8	270044303
1720 Old Highway 8	Nathan Thornton/rental house Detached garage	P O Box 676	Fremont, NE 68026-0576	Donald J & Connie R Maht	980 Co Rd W W 5-121 Fremont, NE 68025	1950	62	01 Single Family	04 Industrial	Iowa RR Land Co TL 78 1A	270103803
1749 Old Highway 8	Richard Waage	1749 Old Highway 8	Fremont, NE 68025-8609	Richard Waage	same	1950	62	01 Single Family	04 Industrial	Iowa RR Land Co TL 102 .13A 24 17 8	270103817
1804 Old Highway 8	Colt Weltkol/house	1804 Old Highway 8	Fremont, NE 68025-8608	Donald Maht	980 Co Rd W W 5-121 Fremont, NE 68025	1910	102	01 Single Family	01 Single Family	Iowa RR Land Co TL 77, 138 & 139 7.45A 24 17 8	270137734
1886 Old Highway 8	Thomas/Virginia Wells	1886 Old Hwy 8	Fremont, NE 68025	Thomas/Virginia Wells	same	1952	60	01 Single Family	04 Industrial	TL 61 .88A 25 17 8	270102641
586 S Downing	Frank Vecchi	588 S Downing	Fremont, NE 68025	Charlene Vecchi	Same	1910	102	SFR	05 Agricultural	Iowa RR Land Co Lot 14, Pt Lot 13 & TL 128 & 129 6.47A 24	27010381
618 S Downing	Amanda J Edwards	980 Co Rd W Lot S-121	Fremont, NE 68025	Donald Maht	same	1928	84	01 Single Family	01 Single Family	Iowa RR Land Co TL 137 .23A 24 17 8	270137733
634 S Downing	Mike & Crystal Godin	634 S Downing	Fremont, NE 68025	Michael R. & Crystal Godin	same	1908	104	SFR	05 Agricultural	Iowa RR Land Co Lot 15 3.56A 24 17 8	270103845

Physical Address	Physical Occupant	Mailing Address	City/State/Zip	Owner	Owners Address	Year Built	Use	Zoning	Legal Description	Parcel Number
1300 E Morningside	Magnus, LLC	P O Box 1029	Fremont, NE 68026-1029	Magnus, LLC	same	1989	23 04 Industrial	04 Industrial	Iowa RR Land Co TL 122 & 123	270103824
1305 E Morningside	Fuel Express	1305 E Morningside	Fremont, NE 68025	Amoco Fuel Express LLC	same	1994	18 03 Commercial	04 Industrial	Road Rail Sub Pt Lots 1 & 2 (TL 76) 24 17 8	270104608
						1994				
						1994				
1451 E Morningside	LeFebvre Companies	10895 171st Ave NW	Elk River, MN 55330-6324	LeFebvre Properties, LLC	same	2005	7 04 Industrial	04 Industrial	Road Rail Sub Pt Lots 1 & 2 (TL 77) 24 17 8	270138211
1501 E Morningside	Fremont Truck Wash	PO Box 691	Fremont, NE 68026-0691	Remmer/Steven A & Star J	same	1961	51 04 Industrial	04 Industrial	Road Rail Sub Blk 3 .5A 25 17 8	270104615
						1975				
						1991				
1520 E Morningside	Bernard Parolek	1917 E 1st St	Fremont, NE 68025-5821	Bernard Parolek	same	1960	52 04 Industrial	04 Industrial	Road Rail Sub Lot 1 Blk 1	270104580
1525 E Morningside	Dan Veskema	442 S Ridge Rd #23	Fremont, NE 68025	Dan Veskema/Eagle Dev. LLC	same	1977	35 04 Industrial	04 Industrial	Veskema Business Park Lot 1R 3.65A 25 17 8	270138964

Physical Address	Physical Occupant	Mailing Address	City/State/Zip	Owner	Owners Address	Year Built	Use	Zoning	Legal Description	Parcel Number
300 400 Morningside	Hanson Tire	949 W 46th	Fremont, NE 68025-8671	Eric E & Brenda L Hanson	same	1975	37 04 Industrial	04 Industrial	Road Rail Sub Lot 2 Blk 1	270104594
1600 E Morningside	Platte Valley Truck & Repair	PO Box 594	Fremont, NE 68026-0594	Yeager/James C & Linda L	same	1970	42 04 Industrial	04 Industrial	Road Rail Sub Pt Lot 1 Blk 1	270104587
1520 E Morningside	Cynthia Hald	17868 Island Cir	Bennington, NE 68007-5721	Cynthia Hald	same	1969	43 04 Industrial	04 Industrial	Iowa RR Land Co TL 103 4,21A	270103810
1537 E Morningside	Greenfield Painting & Repair	442 S Ridge Rd #33	Fremont, NE 68025-8671	GPR/Eagle Dev. LLC	same	2006	6 04 Industrial	04 Industrial	Veskema Business Park Lot 2R .99A 25	270138965
1539 E Morningside	J & N Machine	1435 E Morningside	Fremont, NE 68025-8671	J & N Machine/James Sindelar	1435 N Lincoln Ave Fremont	1994	18 04 Industrial	04 Industrial	TL 72 .19A 25 17 8	270102704
1449 E Morningside	Jacqui Roberts	1535 E Morningside	Fremont, NE 68025-8671	Jacqui Roberts/Daniel Veskema Trustee	same	1937	75 01 Single Family	04 Industrial	TL 23 .36A 25 17 8	270102690
1761 E Morningside	Virginia Sobczak	1761 E Morningside	Fremont, NE 68025-8600	Virginia Sobczak	same	1927	85 01 Single Family	04 Industrial	TL 22 5A 25 17 8	270102683
1775 E Morningside	Larry Patterson	1775 E Morningside	Fremont, NE 68025-8600	Larry Patterson	same	1927	85 01 Single Family	04 Industrial	TL 21 1.65A 25 17 8	270102676
1650 E Morningside	Jason & Stephanie Voelck	P O Box 676	Fremont, NE 68026-0676	Don Marht	same	1920	92 01 Single Family	01 Single Family	Iowa RR Land Co TL 135 .38A 74 17 8	270137340
1910 E Morningside	Dano Sanchez	1910 E Morningside	Fremont, NE 68025	Dano Sanchez	2825 Brentwood Fremont, NE	1987	25 04 Industrial	04 Industrial	Iowa RR Land Co TL 109, PT Lot 10 .94A	270103796

Physical Address	Physical Occupant	Mailing Address	City/State/Zip	Owner	Owners Address	Year Built	Use	Zoning	Legal Description	Parcel Number
1-880 E Morningside Rd	Gary L White	1980 Morningside Rd	Fremont, NE 68025	Gary L White	same	1998	14 01 Single Family	01 Single Family	Iowa RR Land Co W300' Lot 16 24 17.8	270121082
2070 E Morningside Rd	Harold/Cheryl Dewispelare	2070 E Morningside Rd	Fremont, NE 68025	Cheryl & Harold Dewispelare	same	1990	22 01 Single Family	01 Single Family	Iowa RR Land Co Lot 16 Exc W300' 1.85A 24 17.8	270103852
2130 E Morningside Rd	Jantzen Veskema	2130 E Morningside Rd	Fremont, NE 68025	Jantzen Veskema	same	1975	37 01 Single Family	05 Agricultural	Iowa RR Land Co PT Lot 17 1.43A 24 17.8	270103866
2160 E Morningside Rd	Magdalene Sixta	2160 E Morningside Rd	Fremont, NE 68025	Magdalene Sixta	same	1950	62 01 Single Family	05 Agricultural	Iowa RR Land Co Pt Lot 17 1.43A 24 18.8	270103859
2284 E Morningside Rd	Lilyan Scheinost	2284 E Morningside Rd	Fremont, NE 68025	Lilyan Scheinost	same	1923	89 01 Single Family	05 Agricultural	Iowa RR Land Co PT Lots 13 7.59A	270104335
2284 E Morningside Rd	Lilyan Scheinost (land)	2284 E Morningside Rd	Fremont, NE 68025	Lilyan Scheinost	same	land	01 Single Family	05 Agricultural	Iowa RR Land Co PT Lots 13 & 17 TL 130 24 17.8	270103838

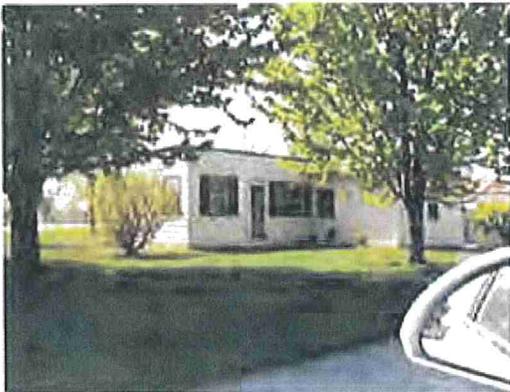
Physical Address	Physical Occupant	Mailing Address	City/State /Zip	Owner	Owners Address	Use	Zoning	Legal Description	Parcel Number
West of S Luther and South of Railroad ROW	Land	400 E Military Fremont, NE 68025		City of Fremont	Same	11 Exempt	08 None	MVALC Sub Lot 12 7.1A, 24 17 8	270044295
North of Morrisville Rd and between S Luther and Johnson Rd	Land					11 Exempt	08 None	MNBP Lot 1 Blk 1 6.86A	270139046
	Land					11 Exempt	08 None	MNBP Lot 2 Blk 1 6.64	270139047
	Land					11 Exempt	08 None	MNBP Lot 3 Blk 1 6.93	270139048
	Land					11 Exempt	08 None	MNBP Lot 4 Blk 1 6.93	270139049
	Land					11 Exempt	08 None	MNBP Lot 5 Blk 1 6.83 A	270139050
	Land					11 Exempt	08 None	MNBP Lot 6 Blk 1 7.53	270139051
	Land					11 Exempt	08 None	MNBP Lot 1 Blk 2 3.90A	270139052
East of S Johnson Rd & E 1st St	Land	1599 S Main #13	Fremont NE 68025	Enckson/ Eidean Family Partnership	Same	5 Agricultural	04 Industrial	PT TL 24 25.62A 19 17 9	270137818
East of S Johnson Rd & E 1st St	Land	801 Heathweed	Fremont NE 68025	Hammang/ Warren & Maria	Same	5 Agricultural	5 Agricultural	TL 43 & Pt TL 44 32.18 A 19 1 9	270237917
East of S Johnson Rd & E 1st St	Land	5001 Seven Cove	Austin Tx 78731	Koyen Farms Inc	Same	5 Agricultural	5 Agricultural	TL 25 & Pt TL 22 39.07A 19 17 9	270126259

Exhibit 3
Photos

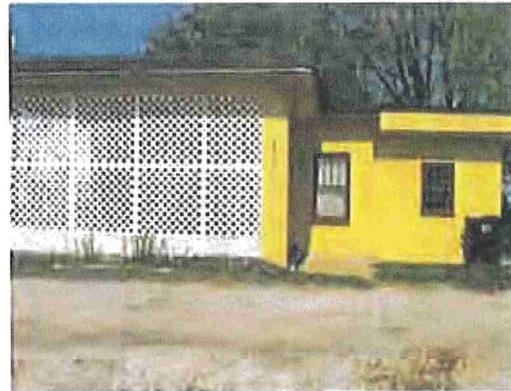
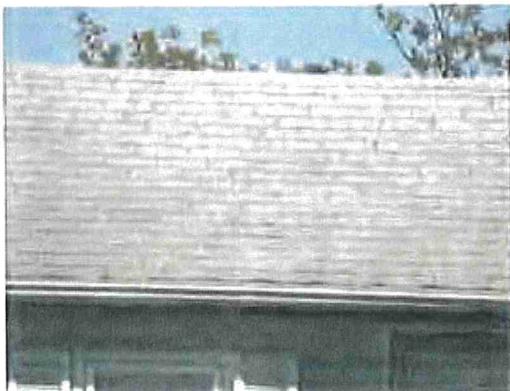
Morningside-Residential Area



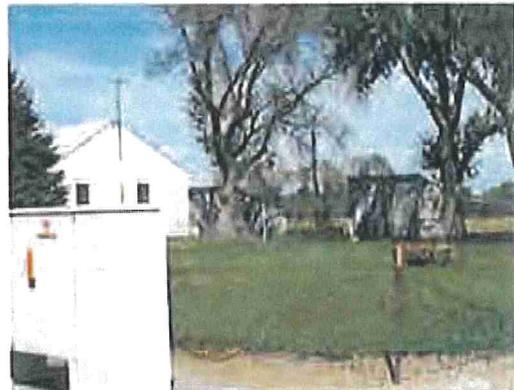
Deteriorating siding and roof.'



Older home with flat roof



Inadequate driveway and sidewalks.

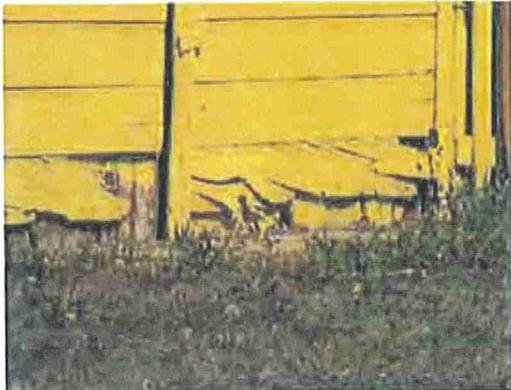




Dilapidated building structure



Many small older structures



Miscellaneous debris



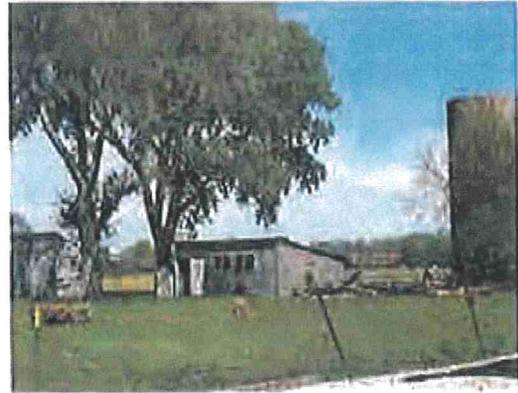
Miscellaneous debris



Miscellaneous debris and appliances



Miscellaneous debris and old equipment



Dilapidated structures and debris



Dilapidated fencing

Streets and Infrastructure



No end of road barrier by rail road tracks



Miscellaneous debris





Streets in need of repair



Damage to utility box



Trash and tree debris in drainage way

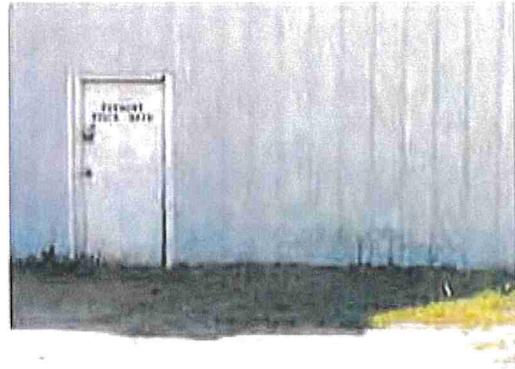


Gravel roads and inadequate street infrastructure



Gravel road and debris

Industrial and Commercial Areas



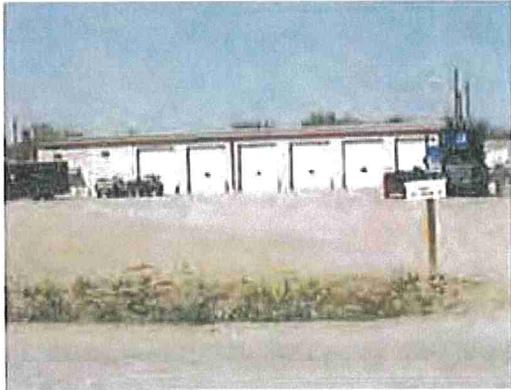
Damage to metal siding



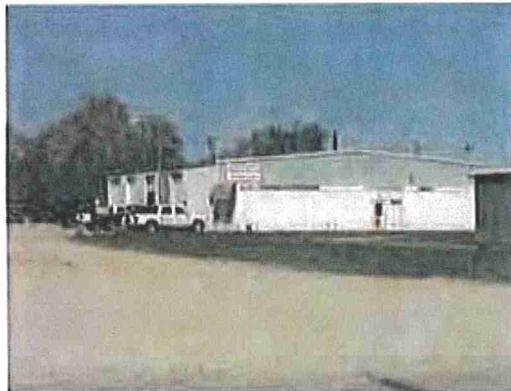
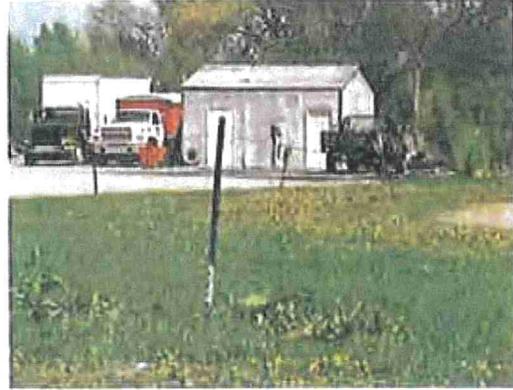
Deteriorating shingles and steel siding



Damage to steel siding



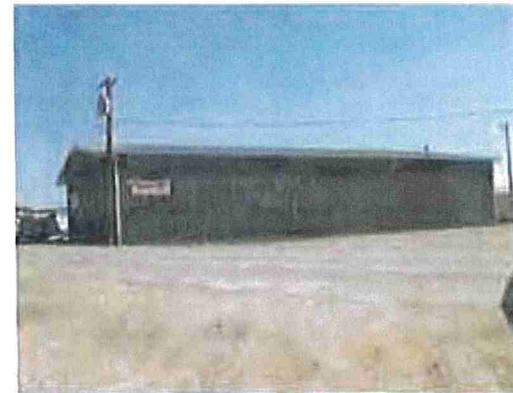
Gravel parking areas



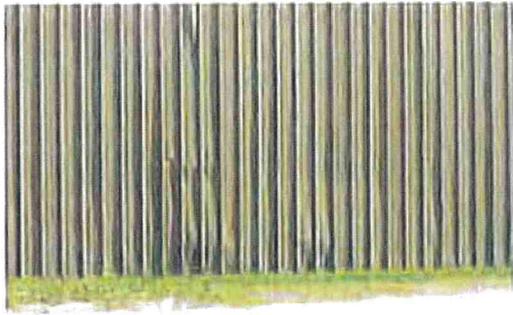
Old trailers used for storage



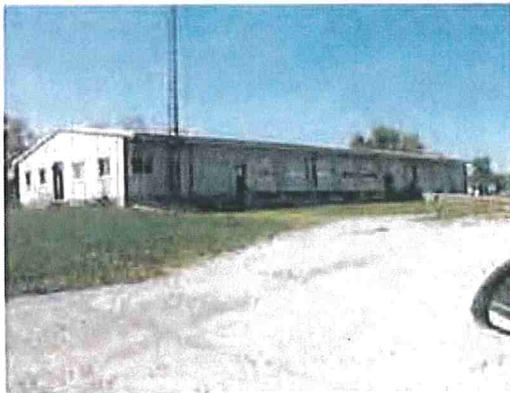
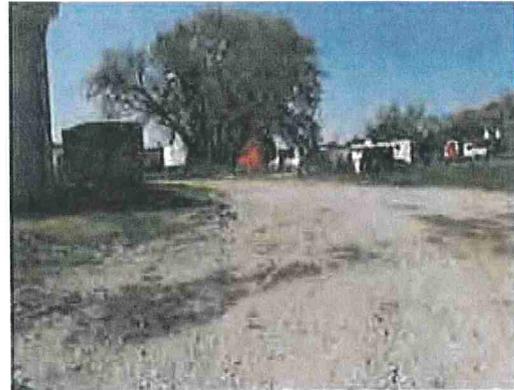
Aging structures



Damaged steel siding



Damaged steel siding



Vacant buildings



Debris

Debris and abandoned vehicles



Old trailers used for storage



Outdoor storage of tires and barrels



Metal roofing which is rusting

18-2123. Undeveloped vacant land; land outside city; acquisition, when.

Upon a determination, by resolution, of the governing body of the city in which such land is located, that the acquisition and development of undeveloped vacant land, not within a substandard or blighted area, is essential to the proper clearance or redevelopment of substandard or blighted areas or a necessary part of the general community redevelopment program of the city, or that the acquisition and development of land outside the city, but within a radius of three miles thereof, is necessary or convenient to the proper clearance or redevelopment of one or more substandard or blighted areas within the city or is a necessary adjunct to the general community redevelopment program of the city, the acquisition, planning, and preparation for development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in the foregoing sections.

Source:Laws 1951, c. 224, § 9, p. 810; R.R.S.1943, § 14-1623; Laws 1957, c. 52, § 13, p. 259; Laws 1961, c. 61, § 12, p. 238; R.R.S.1943, § 19-2623.

18-2123.01. Redevelopment project with property outside corporate limits; formerly used defense site; agreement with county authorized.

(1) Notwithstanding any other provisions of the Community Development Law to the contrary, a city may undertake a redevelopment project that includes real property located outside the corporate limits of such city if the following requirements have been met:

(a) The real property located outside the corporate limits of the city is a formerly used defense site;

(b) The formerly used defense site is located within the same county as the city approving such redevelopment project;

(c) The formerly used defense site is located within a sanitary and improvement district;

(d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and

(e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site.

(2) For purposes of this section, formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

(3) The inclusion of a formerly used defense site in any redevelopment project under this section shall not result in:

(a) Any change in the service area of any electric utility or natural gas utility unless such change has been agreed to by the electric utility or natural gas utility serving the formerly used defense site at the time of approval of such redevelopment project; or

(b) Any change in the service area of any communications company as defined in section 77-2734.04 unless (i) such change has been agreed to by the communications company serving the formerly used defense site at the time of approval of such redevelopment project or (ii) such change occurs pursuant to sections 86-135 to 86-138.

(4) A city approving a redevelopment project under this section and the county in which the formerly used defense site is located may enter into an agreement pursuant to the Interlocal Cooperation Act in which the county agrees to reimburse such city for any services the city provides to the formerly used defense site after approval of the redevelopment project.

Source:Laws 2013, LB66, § 3.

Cross References

Interlocal Cooperation Act, see section 13-801

RESOLUTION NO. 2014-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, MAKING RECOMMENDATIONS WITH RESPECT TO THE BLIGHT AND SUBSTANDARD STUDY FOR THE MORNINGSIDE BUSINESS PARK PROJECT PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

WHEREAS, the Mayor and City Council of the City of Fremont, Nebraska (the "City") by its Ordinance created the Community Development Agency of the City of Fremont, Nebraska (the "Agency") pursuant to Section 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, the City has received a study to determine whether an area within the city should be declared blighted and substandard under the Act for purposes of review and recommendation pursuant to Section 18-2109 of the Act;

WHEREAS, the City has attached a legal description of the area, which is included in the study;

WHEREAS, On June 16, 2014 the Planning Commission has reviewed and recommends the area be declared blighted and substandard pursuant to the provisions of Section 18-2109 of the Act;

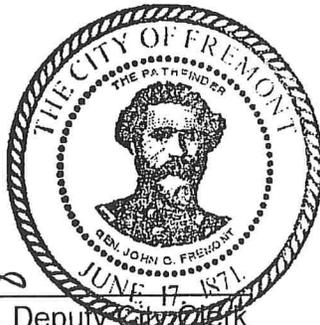
WHEREAS, The City has determined that multiple factors exist that allow the area to be declared blighted and substandard under the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, AS FOLLOWS:

RESOLVED, that the City Council hereby makes the following findings with respect to the Morningside Business Park Project Area Study with regard to a declaration of Blight and Substandard Conditions:

1. The City Council has reviewed the Study as to its conformity with the general plan for the development of the City as a whole; and
2. The City Council confirms that the area proposed in the Study meets the definition of blighted and substandard as set forth in the Act.

PASSED AND APPROVED THIS 15th DAY OF JULY, 2014





Scott Getzschman, Mayor

ATTEST:



Lynne McIntosh, CMC, Deputy City Clerk

SPECIAL CITY COUNCIL MEETING

July 15, 2014

5:00 P.M.

The Mayor called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Council Members Stange, Bixby, Navarrette, Hoppe, Kuhns, Eairleywine, Anderson and Johnson present – 8 present, 0 absent.

Moved by Council Member Johnson, seconded by Council Member Navarrette to open the Public Hearing on blight and substandard designation for 23rd and Bell Street Redevelopment project. Roll call vote: 8 ayes. Motion carried.

David Mitchell, representing the former Clarion hotel and Fountain Hills property located in the redevelopment area, stated the owners asked him to simply express thanks for moving ahead with this particular study as this is an important step in the redevelopment of the area and believes it will be good for the City of Fremont in the long run.

There being no further testimony, moved by Council Member Bixby, seconded by Council Member Anderson to close the public hearing on blight and substandard designation for 23rd and Bell Street Redevelopment project. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Kuhns, seconded by Council Member Johnson to approve Resolution No. 2014-124 declaring area blighted and substandard for 23rd and Bell Street Redevelopment project. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Eairleywine, seconded by Council Member Stange to open the Public Hearing on blight and substandard designation for Morningside Business Park project. Roll call vote: 8 ayes. Motion carried.

Mayor Getzschman stated the item was originally continued to verify that the area could be designated as blighted and substandard when half of the area is located in Dodge County and that it was verified as eligible.

There being no testimony, moved by Council Anderson, seconded by Council Member Stange to close the Public Hearing on blight and substandard designation for Morningside Business Park project. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Bixby, second by Council Member Navarrette to approve Resolution No. 2014-125 declaring area blighted and substandard for Morningside Business Park project. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Anderson, seconded by Council Member Kuhns to approve the consent agenda. Roll call vote: 8 ayes. Motion carried.

- Dispense with reading of and approve June 24 and July 8, 2014 minutes
- June 25 – July 8, 2014 claims

- Report of the Treasury
- Resolution No. 2014-126 approving stop signs to be placed at Jones Drive and Wyoming Avenue
- Resolution No. 2014-127 approving Dan Varilek request for extra width drive approach at 520 West South Street
- Resolution No. 2014-128 approving consumption of alcohol on city property for Bob Diers, Christensen Field, October 9, 2014, dinner
- Resolution No. 2014-129 approving Special Designated Permit applications for Burtonian Enterprises, 1682 East 23rd Avenue North, July 18-20, 2014 and August 8-10, 2014, beer garden; DeSauce Developments, 925 North Broad, July 26, 2014, reception
- Resolution No. 2014-131 approving Don Halladay request for firework display on September 6, 2014 at Christensen Field for wedding reception
- Resolution No. 2014-132 approving agreement with Department of Motor Vehicles to use Memorial Parking lot for motorcycle driver testing
- Resolution No. 2014-133 approving agreement with IMA Inc for brokers services for health, life disability and Section 125 coverage
- Resolution No. 2014-134 approving agreement with Northern Natural Gas for crossing of gas mains by storm sewer pipes for the West Military Avenue widening project
- Tort claim of National Subrogation Services as agent for Homesite and Clayton Ingersoll, 3015 Laverna Street
- Tort claim of Carson and Alice Day, NW ¼ 28-17-9
- Resolution No. 2014-135 approving agreement to participate in Centralized Police Testing Program with Morrow and Associates

Moved by Council Member Johnson, seconded by Council Member Navarrette to approve Resolution No. 2014-133 renewing agreement with CB Richard Ellis/MEGA for marketing of the Fremont Technology Park/Data Center. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Hoppe, seconded by Council Member Anderson to reconsider Ordinance No. 5310 amending Fremont Municipal Code, Chapter 3, Departments; Chapter 5 Snow routes, Handicap permits, Parking Meters; Chapter 10, Alcoholic Beverages. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Bixby, seconded by Council Member Hoppe to amend Ordinance No. 5310 by changing Sunday liquor sales from 12:00 noon to 9:00 a.m. Roll call vote: 8 ayes. Motion carried.

The Deputy City Clerk gave the first reading, by title only, as reconsidered and amended, of Ordinance 5310 amending various chapters of the Fremont Municipal Code. The second reading will be at the next regular Council meeting.

Moved by Council Member Johnson, seconded by Council Member Hoppe to approve Resolution No. 2014-136 purchasing easements from Victory Lake Marine in the amount of \$65,000 for 2013 West Military Improvements, Ridge Road to Pierce Street project. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Kuhns, seconded by Council Member Bixby to approve Change Order No. 1 for Sawyer Construction in the amount of \$8040 for 2013 Street Patching, Yager Road project. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Navarrette, seconded by Council Member Anderson to introduce an Ordinance annexing part of NW ¼ 7-17-9 (Ritz Lake – Phase I). Roll call vote: 8 ayes. Motion carried.

The Deputy City Clerk gave the first reading, by title only, of an Ordinance annexing part of NW ¼ 7-17-9 (Ritz Lake – Phase I) The second reading will be at the next regular Council meeting.

The Mayor announced the next meeting would be July 29, 2014 at 7:00 p.m.

Moved by Council Member Bixby, seconded by Council Member Stange to adjourn the meeting. Roll call vote: 8 ayes. Motion carried. Meeting adjourned at 5:15 p.m.

I, Kimberly Volk, 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 agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda 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 the 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 meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Kimberly Volk, MMC, City Clerk