

ORDINANCE NO. 8277A

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA, AMENDING ORDINANCE NO. 8277, RELATING TO THE LEVY OF A GENERAL BUSINESS OCCUPATION TAX; PROVIDING FOR THE ADMINISTRATION, IMPOSITION AND COLLECTION OF SUCH OCCUPATION TAX; AND SPECIFYING THE USE OF SUCH OCCUPATION TAX REVENUE.

WHEREAS, on July 10, 2018, the Mayor and City Council of the City of Kearney, Nebraska (the "City"), approved and adopted a plan for redevelopment of areas previously designated blighted and substandard and in need of redevelopment (the "Redevelopment Plan"); and

WHEREAS, pursuant to the Nebraska Community Development Law, Nebraska Revised Statutes sections 18-2101 et seq., as amended (the "Act"), the Redevelopment Plan and the City's adoption thereof set forth the designation of an enhanced employment area (the "Enhanced Employment Area") to fund certain eligible costs of a redevelopment project set forth in the Redevelopment Plan; and

WHEREAS, pursuant to section 18-2142.02 of the Act and the "General Business Occupation Tax Agreement" entered into between the City, CRA, and Redeveloper, the Mayor and City Council of the City levied a general business occupation tax upon all non-exempt businesses and users of space within the Enhanced Employment Area, via the adoption of Ordinance No. 8277 on August 14, 2018; and

WHEREAS, subsequently, the Mayor and City Council of the City adopted amendments to both the Redevelopment Plan and General Business Occupation Tax Agreement revising the boundaries of the Enhanced Employment Area; and

WHEREAS, in consideration of the foregoing, the Mayor and City Council of the City wish to amend Ordinance No. 8277 to reflect the revised boundaries of the Enhanced Employment Area.

WHEREAS, except as explicitly amended hereby, the terms of Ordinance No. 8277 shall remain in full force and effect and are incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. The description of the Enhanced Employment Area set forth on Exhibit "A" of Ordinance No. 8277 shall be amended and replaced in its entirety by Exhibit "1", attached hereto and incorporated herein.

Section 2. Except as modified hereby, Ordinance No. 8277 shall remain in full legal force and effect.

Section 3. This Ordinance shall take effect upon its passage and publication in the manner provided by law.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, the validity of the remainder hereof shall not be affected thereby.

DATED: August 22, 2023

CITY OF KEARNEY, NEBRASKA

By: Stanley G. House

Mayor

ATTEST:

By: Peggy Emedich
Clerk

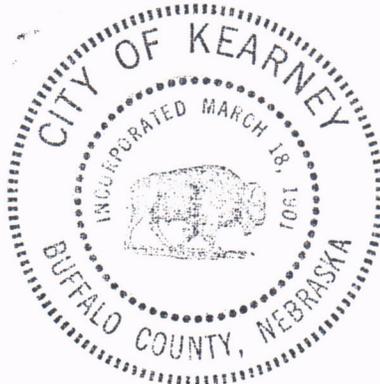


EXHIBIT "1"
Amendment to Exhibit "A" of Ordinance No. 8277

(See Attached)

Enhanced Employment Area

Legal Description:

An area of land being all of Younes Center Addition, an addition to the City of Kearney, all of Younes Center Third Addition, an addition to the City of Kearney, all of Younes Center Fourth Addition, an addition to the City of Kearney, all of Younes Center Fifth Addition, an addition to the City of Kearney, all of Gealy's Addition, a subdivision being part of Government Lot 6 and accretions, all of Lot E Interstate Subdivision, a Subdivision to the City of Kearney, all of Lot 1, Block Two, Interstate Third Subdivision, a Subdivision to the City of Kearney, and part of Government Lots 6, 7, and 9, and accretions thereto, all in Section Eleven (11), and part of the Northeast Quarter (NE 1/4) of Section Fourteen (14), all in Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. And more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, Younes Center Fifth Addition, an addition to the City of Kearney, thence East to the Northwest Corner of DANCO KN Addition, an addition to the City of Kearney; thence South on the West line of said DANCO KN Addition, and the North line of Lot E Interstate Subdivision, a Subdivision to the City of Kearney to the Southwest corner of said DANCO KN Addition; thence East on the South line of said DANCO KN Addition, and continuing on the North line of Lot E Interstate Subdivision to the Southeast corner of said DANCO KN Addition, and the Northeast corner of said Lot E, Interstate Subdivision; thence Southerly on the East line of said Lot E to the Southeast corner of said Lot E, and the Northeast corner of Lot 1, Block Two, Interstate Third Subdivision, a Subdivision to the City of Kearney; thence Southwesterly on the Southerly line of said Lot 1, Block Two, Interstate Third Subdivision to the Southwest corner of said Lot 1, Block Two, and the Southeast corner of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney; thence Westerly on the South line of said Lot 6, Younes Center Fifth Addition to the Southwest corner of said Lot 6; thence North on the West line of said Lot 6 and its Northerly extension also being the East line of Government Lot 7 of Section 11 to the North line of Talmadge Street in the City of Kearney; thence Westerly on the Westerly extension of the North line of said Talmadge Street a distance of 150.00 feet; thence North parallel with the East line of said Government Lot 7 a distance of 290 feet to an existing fence line as referenced in Warranty Deed recorded as Instrument 2014-04739, in the Buffalo County Register of Deeds Office; thence Westerly on said existing fence line a distance of 498.71 feet and west line of Area 8 CRA boundary; thence North parallel with the East line of said Government Lot 7 and Government Lot 9 of said section 11 and on the west line of Area 8 CRA boundary to the North line of the concrete walking trail along the South side of the North Channel of the Platte River; thence meandering Easterly along said North line of the concrete trail to the Southerly extension of the West line of Lot 8, Block 4, Centennial Subdivision, a subdivision to the City of Kearney; thence North on said Southerly extension of the West line of Lot 8, Block 4, Centennial Subdivision to the centerline of said North Channel of the Platte River; thence meandering Easterly along said centerline of said North Channel of the Platte River to the Northerly extension of the West line of Younes Center fourth Addition, an addition to the City of Kearney; thence South on said Northerly extension of the West line of Younes Center Fourth Addition to the South high bank of said North Channel of the Platte River and the Northwest corner

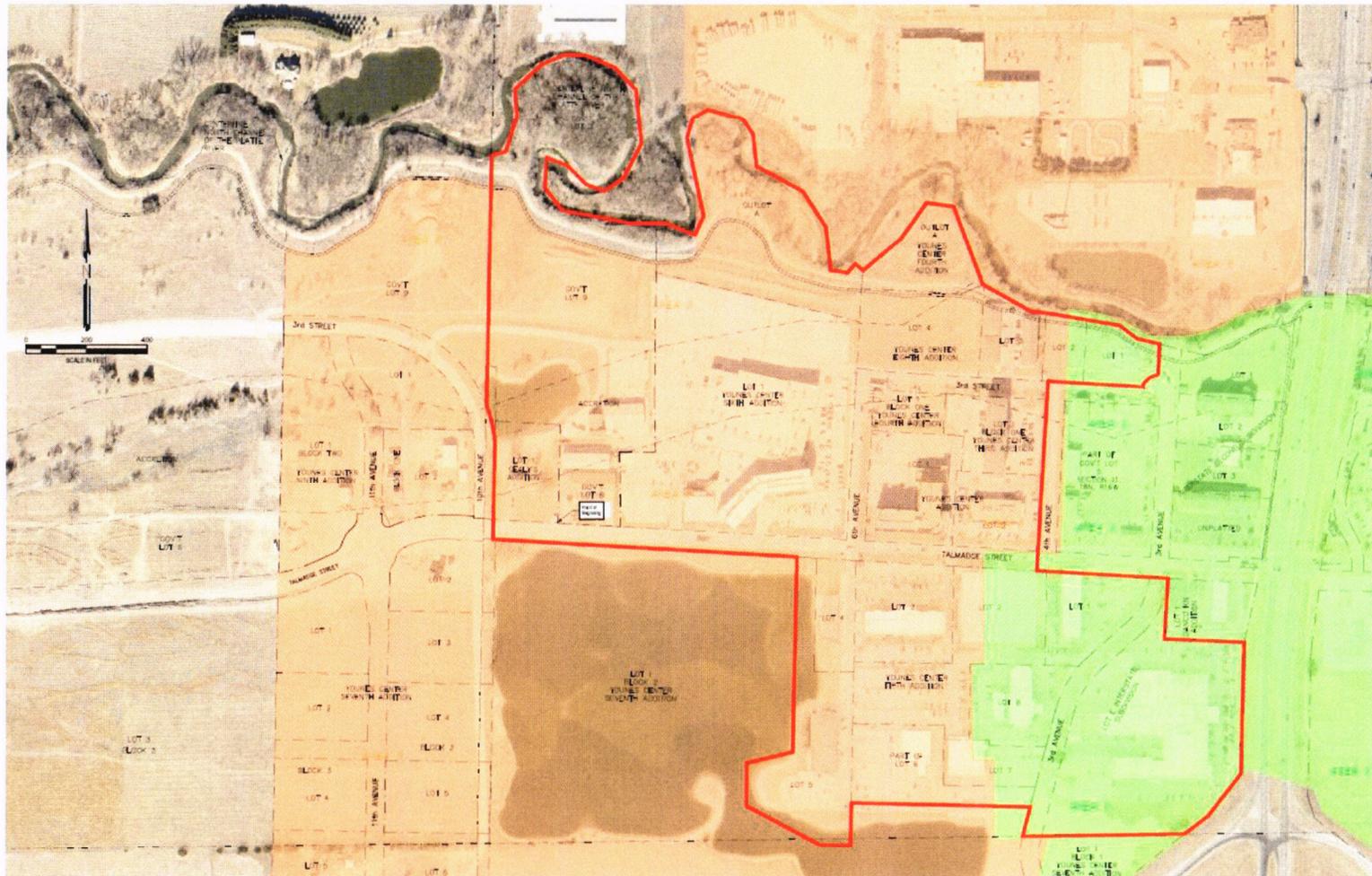
of said Younes Center Fourth Addition; thence Easterly on the North line of said Younes Center Fourth Addition, and the North line of Younes Center Third Addition to the Northeast corner of Lot 2, Block Two of said Younes Center Third Addition; thence South on the East line of said Lot 2, Block Two of Younes Center Third Addition to the Southeast corner of said Lot 2 and the North line of 3rd Street, as platted in the City of Kearney; thence West on the North line of Third Street and the South line of said Lot 2 and the South line Lot 1 of said Younes Center Third Addition to the Northerly extension of the West line of 4th Avenue; thence South on said Northerly extension and the West line of 4th Avenue and its Southerly extension to the South line of said Talmadge Street and the North line of said Younes Center Fifth Addition; thence East on said South line of Talmadge Street and the North line of Younes Center Fifth Addition to the Point of Beginning.

EXCEPT AND EXCLUDING THE FOLLOWING:

An area of land being Lot 1, Block 1, and Lot 1, Block 2, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, all Lot 1 and part of Lot 2, and part of Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and part of Government Lot 6, 7, and 9, and accretions thereto, all in Section Eleven (11), and part of the Northeast Quarter (NE1/4) of Section Fourteen (14), all in Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Block 1, Younes Center Seventh Addition; thence Southwesterly on the South line of said Younes Center Seventh Addition to the West line of said Government Lot 6; thence Northerly on said West line to the intersection of said West line and the North line of Talmadge Street; thence Westerly on the Westerly extension of the North line of Talmadge Street a distance of 150.00 feet; thence North parallel with the East line of said Government Lot 7 a distance of 290.00 feet to an existing fence line as referenced in Warranty Deed recorded as Instrument 2014-04739, in the Buffalo County Register of Deeds Office; thence Westerly on said existing fence line a distance of 498.71 feet and west line of Area 8 CRA boundary; thence North parallel with the East line of said Government Lot 7 and Government Lot 9 of said Section 11 and on the West line of Area 8 CRA boundary to the North line of the concrete walking trail along the South side of the North Channel of the Platte River; thence meandering Easterly along said North line of the concrete trail to the East line of said Government Lot 9; thence Southerly on the Southerly extension of said Government Lot 9 and accretions to the Northerly right-of-way line of 10th Avenue; thence Southeasterly on said Northerly right-of-way on a 453.00 foot radius curve to the Right a distance of 125.99 feet to the West line of Gealey's Addition, a subdivision being part of Government Lot 6 and accretions; thence Southerly on the West line of Gealey's Addition and its extension to the South line of Talmadge Street; thence Easterly on the South line Talmadge Street and the North line of Lot 1, Block 2, in said Younes Center Seventh Addition; thence Southerly and Easterly on the East and North line of Lot 1, Block 2 in said Younes Center Seventh Addition to the West line of 3rd Avenue; thence Southerly on said West line of 3rd Avenue to the Westerly extension of the North line of Lot 1, Block 1 in said Younes Center Seventh Addition; thence Easterly on the North line of said Lot 1, Block 1, Younes Center Seventh Addition to the Point of Beginning.

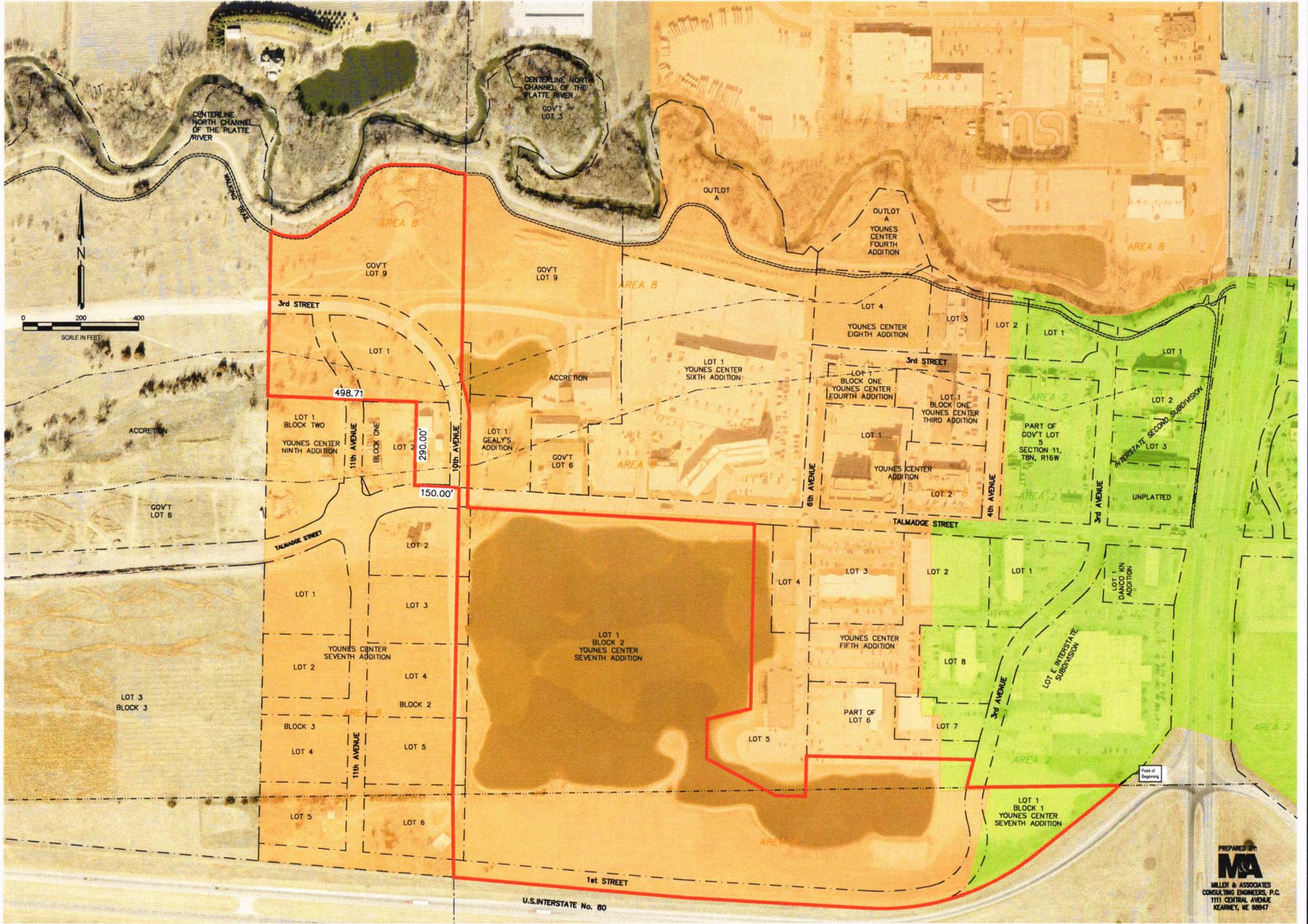
Depiction (outlined in red):



* Any discrepancies between the above legal description and depiction with respect to the boundaries of the Enhanced Employment Area shall be decided in favor of the depiction.

EXHIBIT "1"

EEA 1 BOUNDARY EXCEPTION



© Project:\30\130-PA\30-PA-P200 to P299\30-P200-04\EEA Boundary - 2023\2023-EEA-BASE.dwg
SAVED: 6/20/2023 6:11 PM
PLOTTED: 6/20/2023 6:15 PM

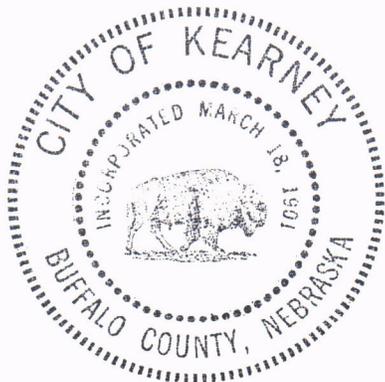
PREPARED BY:
MA
MILLER & ASSOCIATES
CONSULTING ENGINEERS, P.C.
1111 CENTRAL AVENUE
KANSAS, MO 66101

CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF BUFFALO) ss
CITY OF KEARNEY)

I, Peggy Eynetich, City Clerk of the City of Kearney, Buffalo County, Nebraska, hereby certify that the attached is a true and correct copy of Ordinance No. 8277A amending the legal description and map of the Enhanced Employment Area relating to the levy of a General Business Occupation Tax for a Redevelopment Project undertaken by Kearney Investment Corporation, which was passed and approved by the President and City Council on the 22nd Day of August, 2023 and ordered published in pamphlet form by the authority of the Council on August 23, 2023, with copies being made available to the public on such date at the Office of the City Clerk, the Police Department and the Public Library.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 23rd day of August, 2023.





PEGGY EYNETICH, CITY CLERK