



CITY OF SCOTTSBLUFF
Scottsbluff City Hall Council Chambers
2525 Circle Drive, Scottsbluff, NE 69361
PLANNING COMMISSION AGENDA

Regular Meeting
May 13, 2024
6:00 PM

1. **Roll Call**
2. **Nebraska open Meetings Act** (For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the south wall of the council chambers.)
3. **Notice of changes in the agenda by the City Manager** (Additions may not be made to this agenda less than 24 hours before the beginning of the meeting unless added under Item 4 of this agenda.)
4. **Citizens with business not scheduled on the agenda** (As required by state law, no matter may be considered under this item unless council determines that the matter requires emergency action.)
5. **Approval of the Planning Commission Minutes From**
 - A. March 11, 2024
6. **New Business**
 - A. Planning Commission to review and discuss Study Area #18, Blight & Substandard Determination Study, dated November 2023 by MC Schaff & Associates. Area #18 is generally described as properties and tracts of land within the general vicinity north of US Highway 26 and south of 40th Street, between 5th Avenue and Avenue D in the north—central portion of Scottsbluff, containing approximately 103.09 acres.
 - B. Planning Commission to review and discuss Study Area #19, Blight & Substandard Determination Study, dated November 2023 by MC Schaff & Associates. Area #19 is generally described properties within the vicinity east of 5th Avenue, west of Circle Drive, south of East 27th Street, and north of East 26th Street in the central portion of Scottsbluff, containing approximately 7.51 acres.
7. **Public Hearing**

- A. Planning Commission to consider the creation of an Agricultural Estate Dwelling Site situated on a tract of land situated in the Northwest Quarter of Section 20, Township 22 North, Range 55 West of the 6th PM, commonly identified as 180818 Highway 92.
- B. Planning Commission to conduct a public hearing for the purpose of reviewing and obtaining comment on the Redevelopment Plan for the ELEMENT Sports Summit Project

Planning Commission to review and take action on a Resolution recommending approval of the Redevelopment Plan for the ELEMENT Sports Summit Project

- C. Planning Commission to conduct a Public Hearing for the purpose of obtaining comment and making a recommendation to the City Council on the question of whether Area #18 should be declared as substandard and blighted according to the Nebraska Community Development Law.

Planning Commission to consider and act on Resolution No. 24-02 to recommend that the City Council declare Study Area #18 as substandard and blighted.

- D. Planning Commission to conduct a Public Hearing for the purpose of obtaining comment and making a recommendation to the City Council on the question of whether Area #19 should be declared as substandard and blighted according to the Nebraska Community Development Law.

Planning Commission to consider and act on Resolution No. 24-03 to recommend that the City Council declare Study Area #19 as substandard and blighted.

- E. Planning Commission to conduct a Public Hearing to consider an Ordinance Text Change regarding Land Use Fees

8. **Staff Reports**

- A. Staff to update Planning Commission on Comprehensive Plan

9. **Schedule a Meeting**

- A. June 10, 2024

10. **Adjournment**

City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 5.A

March 11, 2024

Staff Contact: Zachary Glaubius

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
March 11, 2024
SCOTTSBLUFF, NEBRASKA

The Planning Commission for the City of Scottsbluff met in regular scheduled meeting on Monday, March 11, 2024 at 6:00 PM in the Scottsbluff City Council Chambers at 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting was published in the Star-Herald, a newspaper of general circulation in the city, on February 29, 2023. The notice stated the date, time, and location of the meeting, that the meeting was open to the public, and that anyone with a disability desiring reasonable accommodation to attend should contact the Development Services office. An agenda was kept current and available for public inspection at the Development Services office, provided the Planning Commission can modify the agenda at the meeting if it is determined that an emergency so required. A copy of the agenda packet was delivered to each Planning Commission member

- 1 Chair Becky Estrada called the meeting to order at 6:00 PM. Roll call consisted of the following members being present, Becky Estrada, Jerry Stricker, Callan Wayman, Kendall Palu, Henry Huber, Linda Redfern "Absent": Dana Weber, Angie Aguallo, Jim Zitterkopf, Dave Gompert. City Officials present were Zachary Glaubius, Development Services Director, Gary Batt, Code Administrator II, Tom Schingle, Fire Chief, and Chris Perales, Fire Prevention.
- 2 Estrada informed those present of the Nebraska Open Meetings Act and that a copy was located on the south wall of the Council Chambers.
- 3 Acknowledgement of any changes in the agenda: None.
- 4 Business not on the agenda: None.
- 5 The minutes from the January 8, 2024 meeting were reviewed. **Conclusion:** a motion was made by Stricker and seconded by Palu to approve the minutes from January 8, 2024 meeting. "Yeas:" Becky Estrada, Jerry Stricker, Callan Wayman, Kendall Palu, Henry Huber, Linda Redfern "Nays": None. The motion carried.
- 6 Estrada moved Item 6A, the annexation request by Daniel Raymond for Lots 1-2, Block 1, Seth Raymond Subdivision, to Item 7D due to the permitting software being inflexible with the order of agenda items.
- 7 Estrada introduced Item 7A, a Public Hearing to consider the vacation request of the Agricultural Estate Dwelling Site at 210570 W. 42nd Street. Estrada opened the public hearing at 6:01. Glaubius stated the owner of the AEDS requested the AEDS be vacated in order to plat the property into two lots. Glaubius stated the vacation was necessary to approve the preliminary and final plats. Glaubius stated staff recommends approval of the vacation request. Daniel Raymond, property owner, inquired about the requirement to tie his house into city sewer as required by code, and stated he was concerned about the costs. Glaubius stated this topic would be covered under the next item 6B regarding the preliminary plat. Glaubius stated that Mr. Raymond will be required to connect to city sewer after annexation by ordinance. Raymond stated the houses around him will have similar problems with connecting to city sewer due to the length of the service lines. Stricker asked Glaubius if the Planning Commission was just considering Item 7A or all items pertaining to the Seth Raymond Subdivision. Glaubius stated only 7A is being considered. Wayman stated the Planning Commission was discussing the entire project with the property owner. Stricker agreed and stated he wanted clarification. Huber asked where the subject property was. Raymond stated it was directly north of the Regional West Medical Center. Raymond stated he wanted to bring attention to the city that the houses

east of his property will face a similar expensive situation when they are annexed due to the distance between the houses and the sewer main along 42nd Street. Raymond stated he will have to build a 1/16 mile sewer service line. Stricker stated he read in the staff report that the City is recommending to grant a time extension of 5 years or when Raymond's septic system fails before having to connect to the sewer main. Stricker informed Raymond that the other properties have no bearing on this agenda item. Raymond stated he understood, and just wanted to bring it the City's attention. Wayman stated that even though code requires Raymond to connect to city sewer within a year of annexation, the City was proposing to extend the time to 5 years. Wayman stated he thought a service line of that distance would be expensive. Raymond concurred. Redfern asked if a sewer district could be created. Glaubius stated that both lots already are served by a city sewer main, so a district would not be an option. Glaubius stated due to lots being large, longer private service lines are required. Stricker stated there are nice things about having a large lot, and also not nice things. Huber asked what the connect fee would be. Glaubius and Batt stated they would have to ask the Public Works Department. Wayman stated the decision to move forward is Raymond's, and in order to subdivide the land, Raymond will have to install a sewer service line within 5 years of annexation. Motion made by Stricker. Wayman asked if Raymond found the answers sufficient. Raymond asked if the property owner of Lot 2 will be required to connect to city utilities. Glaubius stated that both properties must connect to city utilities. Raymond stated he was already connected to city water, but the city sewer will be excessively expensive. Gregg Schilz, surveyor for the property owner, stated the sewer service line was estimated to cost \$20,000. Stricker stated asked what was included in the estimate. Schilz stated it included the pipe and install, and stated a stub from the existing sewer main already exists. Wayman asked Raymond if he is okay with the project moving forward. Raymond stated he is and reiterated his concern about the costs of extending water and sewer for him and his neighbors. Raymond asked how to defer the connection to 5 years instead of 1 year. Glaubius stated the Planning Commission will make a recommendation on the 5 year period to City Council who will can approve it. Glaubius stated he will send out written notification following approval by the City Council. Estrada closed the public hearing at 6:15.

- 8 **Conclusion:** Motion by Stricker to make a positive recommendation to the city council to approve the vacation request of the agricultural estate dwelling site at 210570 W. 42nd Street, and seconded by Wayman. "Yeas:" Becky Estrada, Jerry Stricker, Callan Wayman, Kendall Palu, Henry Huber, Linda Redfern "Nays": None. The motion carried.
- 9 Estrada introduced Item 7B, a Public Hearing to consider the preliminary and final plats of Lots 1-2, Block 1, Seth Raymond Subdivision, a tract of unplatted land located in Section 11, Township 22 North, Range 55 West of the 6th PM, Scotts Bluff County, Nebraska. Estrada opened the public hearing at 6:16. Glaubius stated the proposed subdivision will be two lots. One lot will be located along 42nd Street and the second lot will be a flag lot. Glaubius stated the current zoning is Agricultural, which will be rezoned to R-1 due to the neighboring R-1 properties. Glaubius stated access to the subdivision will be via 42nd Street. Glaubius stated both lots will utilize the same curb cut as the city will not grant another access on 42nd Street due to it being an arterial street. Glaubius stated the flagpole on Lot 1 is an access easement. Glaubius stated as this subdivision is located along a quarter section line, city code requires special right-of-way lines and building setbacks. Glaubius stated the City does not have an intention to place a street along the quarter section at this time. Glaubius stated Raymond, the Development Services Department, and Public Works Department agreed to the five year extension to connect to sewer. Glaubius stated the findings of fact and stated staff recommend the Planning Commission make a positive recommendation to City Council to approve the preliminary plat

and final plat for Lots 1 & 2, Block 1, Seth Raymond Subdivision on the condition the City Council approves the extension for Lot 1 to connect to City sewer. Stricker asked if Avenue B is aligned with the special right-of-way. Glaubius stated the current alignment for Avenue B lines up further west than the quarter section line due to a past street vacation. Estrada closed the public hearing at 6:22.

- 10 **Conclusion:** Motion by Wayman to make a positive recommendation to the city council to approve the preliminary plat and final plat of Lots 1-2, Block 1, Seth Raymond Subdivision on the condition the City Council approves the 5 year time extension to connect to City sewer. "Yeas:" Becky Estrada, Jerry Stricker, Callan Wayman, Kendall Palu, Henry Huber, Linda Redfern "Nays": None. The motion carried.
- 11 Estrada introduced Item 7C, a Public Hearing to consider the rezone of Lots 1-2, Block 1, Seth Raymond Subdivision from A – Agricultural to R-1 Single-Family Residential. Estrada opened the public hearing at 6:23. Glaubius stated the property is currently zoned Agricultural which has a minimum lot size of 20 acres. Glaubius stated the rezone to R-1 is necessary to subdivide the property, and the R-1 district is located adjacent to the property to the west. Glaubius stated the R-1 district is located nearby to the east of as well. Glaubius stated staff recommends a positive recommendation. Raymond asked for a summary of the item. Glaubius stated the above again. Estrada closed the public hearing at 6:25
- 12 **Conclusion:** Motion by Stricker to make a positive recommendation to the city council to approve the rezone of Lots 1-2, Block 1, Seth Raymond Subdivision from A Agricultural to R-1 Single-Family Residential and seconded by Wayman. "Yeas:" Becky Estrada, Jerry Stricker, Callan Wayman, Kendall Palu, Henry Huber, Linda Redfern "Nays": None. The motion carried.
- 13 Estrada introduced the original Item 6A as Item 7D, regarding the Planning Commission make a recommendation on the annexation request by Daniel Raymond for Lots 1-2, Block 1, Seth Raymond subdivision. Glaubius stated Raymond and the City agreed to annexation as the property is adjacent to the corporate limits and already connected to city water. Glaubius stated the changes Raymond will see are fire protection services, law enforcement jurisdiction, and water/sewer/stormwater/sanitation services.
- 14 **Conclusion:** Motion by Huber to make a positive recommendation on accepting the annexation request from Daniel Raymond, and seconded by Stricker. "Yeas:" Becky Estrada, Jerry Stricker, Callan Wayman, Kendall Palu, Henry Huber, Linda Redfern "Nays": None. The motion carried.
- 15 Estrada introduced item 8, staff reports. Glaubius stated the City will be implementing new agenda management software at the next Planning Commission meeting. Stricker asked if the City had received any responses to the Comprehensive Plan RFP. Glaubius stated he would have to check with the City Clerk. Glaubius stated the RFP was advertised on the American Planning Association website, and Glaubius reached out to several regional firms.
- 16 Planning Commission confirmed the next meeting date of April 8, 2024.
- 17 Item 9: Adjournment
- 18 Adjournment: Motion by Wayman to adjourn the meeting at 6:31 and seconded by Redfern. "Yeas:" Becky Estrada, Jerry Stricker, Callan Wayman, Kendall Palu, Henry Huber, Linda Redfern "Nays": None. The motion carried.

Becky Estrada, Chairperson

Zachary Glaubius, Secretary

City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 6.A

Planning Commission to review and discuss Study Area #18, Blight & Substandard Determination Study, dated November 2023 by MC Schaff & Associates. Area #18 is generally described as properties and tracts of land within the general vicinity north of US Highway 26 and south of 40th Street, between 5th Avenue and Avenue D in the north—central portion of Scottsbluff, containing approximately 103.09 acres.

Staff Contact: Zachary Glaubius, Sharaya Toof



STUDY AREA #18

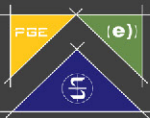
BLIGHT & SUBSTANDARD DETERMINATION STUDY City of Scottsbluff, NE



PRESENTED TO
City of Scottsbluff
Community Redevelopment

PREPARED BY
MC Schaff & Associates, Inc.
818 South Beltline Highway East
Scottsbluff, NE 69361

PROJECT
RM230254-00
November 2023



MCS
FAMILY OF COMPANIES



Purpose of this Analysis

The Blighted and Substandard designation opens the door for stimulating new development and allowing developers, in fact all citizens, the ability to make significant public improvements related to their project. The mechanism allows property owners the use of real estate property taxes (normally paid to other government agencies) for improvements including land acquisition and site preparation. Tax money can be used up to 15 years for this purpose.

This designation allows use of most of the new taxes generated by way of redevelopment. An owner pays the property tax but it is “refunded” for the purpose of land acquisition, site preparation and placing public improvements on the site. The program has worked well for Scottsbluff’s downtown and more recently, the Reganis Auto Dealership, hotel adjoining the dealership, and the Monument Mall. So, while the term may seem objectionable, the results can be very positive for the entire community.

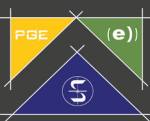
The Nebraska Unicameral enacted legislation which addressed the existence of areas within communities that needed incentives to redevelop. These areas tended to be older and out of date. Often spotty improvements had been made but the general condition was not attracting expansion of existing business nor new development and investment. On its face, this appeared to be true of the Study Area shown in **Figure 1** on page 4, so a decision was made to give the area a closer look.

The purpose of this analysis is to identify and determine if an area within the City of Scottsbluff, Nebraska should be considered blighted and substandard under the criteria for such areas as set forth in the Nebraska Community Development Law, Section §18-2103. This Scottsbluff Blight and Substandard Study is intended to provide the Scottsbluff City Council the basis for determining the existence of blighted and substandard conditions within Scottsbluff’s corporate limits. Through this process, the City attempts to eliminate economic and/or social concerns that are detrimental to the future public health, safety, morals, and general welfare of the entire community. This study examines conditions relating to buildings, land use, and infrastructure within the Study Area to determine areas eligible for redevelopment under Nebraska Community Development Law.

Like other areas designated as Blighted and Substandard, much of the Study Area has not kept pace with overall community standards while other areas in the community have seen steady growth and development. The Community Development Law enables cities to take steps to address these forms of decline through acquisition, clearance, and disposition of property for redevelopment or through the conservation and rehabilitation of property.

This study examines existing conditions of land use, buildings, infrastructure, development patterns and general health, safety welfare aspects within the designated Study Area in the City of Scottsbluff. This has been done in an effort to determine its eligibility for redevelopment activities. The proposed Study Area #18 analyzed in this report is generally described as being in the vicinity of Avenue B north of US Hwy 26. A number of opportunities for redevelopment exist to allow the community to overcome some of the challenges in the Proposed Study Area #18.

Generally, the Avenue B arterial has some long-standing successful businesses, a skilled nursing facility, and numerous medical and health related facilities as well as single family and multi-family residential uses. However, reinvestment in much of the Study Area is falling behind and is not on par with the overall community growth and level of private investment. Many properties in the Study Area have remained undeveloped while others have been allowed to rapidly decline due to a number of challenges. The Study Area is adjacent to corridors to the west and south that have been previously designated as blighted and substandard. Study Area #18 appears to be an excellent opportunity to provide incentives triggering new activity where adequate market forces are not present to move development in a positive direction.





Nebraska Revised State Statutes

Nebraska's Community Development Law clearly provides guidelines for communities to address concerns and develop strategies for the rehabilitation and redevelopment of deteriorating areas as well as the prevention and elimination of substandard and blighted areas. This tool is provided in Neb Rev Stat §§18-2101 to 18-2154.

Nebraska Revised Statute §18-2104 enables a municipality to declare that blight and substandard conditions exist. The statute reads,

"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements."

The statutes provide a means for the governing body of a municipality to address and develop strategies for rehabilitation and redevelopment of the community.

Nebraska Revised Statute §18-2105 grants authority to the governing body to formulate a redevelopment program. The statute reads,

"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."

The law states that there are a number of reasons an area goes beyond remedy and control solely by the regulatory process and cannot be dealt with effectively by ordinary police powers or ordinary operation of private enterprise without aid. Such things as overcrowding, unsafe, unsanitary conditions, inadequate planning, lack of proper

light, air and open space, defective design and arrangement of buildings, faulty street layout and economically undesirable land uses are among the reasons.

The law goes on to provide the city with the ability to declare an area blighted and substandard followed by creating a workable program to utilize private and public resources to address specific conditions to be improved. The statute provides a means for the governing body to address and develop strategies for rehabilitation and redevelopment of the community. The main substance of a workable program is an adopted redevelopment plan for the defined area based in part on an adopted comprehensive plan.

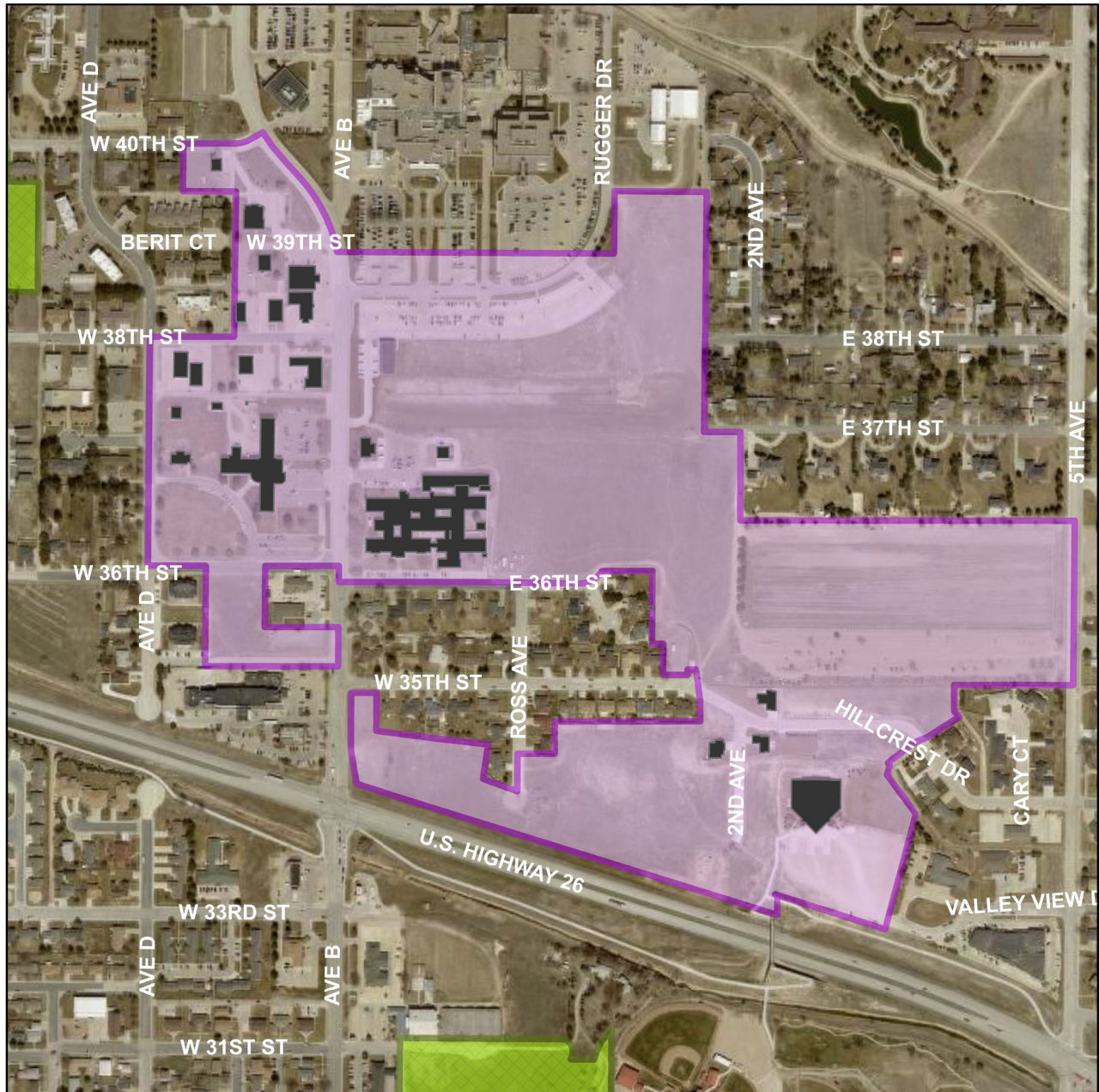
Implementing this strategy for a Designated Study Area is intended to give the Community Redevelopment Authority and City Council a basis for determining the existence of blight and substandard conditions within the delineated Study Area. The general area considered for inclusion in the Study Area is shown in **Figure 1. Study Area #18** on page 4 of this report, with the area boundary described on pages 5-8. Parcel numbers with legal descriptions are provided in **Table 2**, located in **Appendix A**. The Study Area can generally be described to include the following areas: 1) the office and professional area west of Avenue B, south of Berit Court and 40th Street, east of Avenue D, north of 35th; 2) east of Avenue B, south of Regional West Medical Center, west of 2nd Avenue, and north of 36th Street; 3) west of 5th Avenue, south of 36th Street, east of 2nd Avenue, North of Hillcrest; and an area 4) north of Highway 26, and south of Hillcrest, between Avenue B and the east side of Grace Chapel.

The study looks at existing land-uses, platting, structures and infrastructure systems to determine whether Study Area #18 or a part of it meets the statutory requirements for the designation as a Blighted and Substandard Area. With the growing interest and use of this valuable tool the State has taken an increased interest in assuring all using the tool use it in accordance with the statutes. For this reason, it is imperative the City of Scottsbluff closely adhere to the provisions set forth in the Nebraska Revised State Statutes.

The findings of this study will serve to guide the general redevelopment. The previously approved 2016 Comprehensive Plan and this Blighted and Substandard Study will present appropriate land uses, strategies for improved traffic circulation, economic development activities, and utilities and other improvement in accordance with the law.

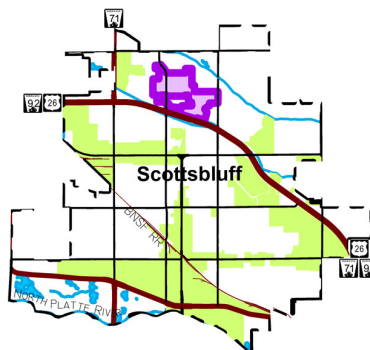


Examples of Structural Conditions within the Study Area



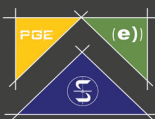
- Study Area #18
- Existing Redevelopment Areas
- Corporate Limits

Data Source:
Aerial: Scotts Bluff County, 2023



Study Area #18

City of Scottsbluff
Scotts Bluff County, NE



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Headquarters
818 South Beltline Highway East, Scottsbluff, Nebraska 69361
Phone (308) 635-1926 Fax (308) 635-7807 www.MCSfamilyofcompanies.com

Blight Study | City of Scottsbluff, NE

page 4

Redevelopment Study Area (Site 18): The redevelopment Study Area consists of properties and tracts of land within the general vicinity north of US Hwy 26 and south of 40th Street, between 5th Avenue and Avenue D in the north-central portion of the community. The site contains approximately 103.09 acres and is more particularly described as:

Situated in the center of Section 14, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows;

***Beginning** at, the southeast corner of Block 10, Northern Heights Addition by Foos, said point also being the southeast corner of Parcel #010343709 and located on the northern US Hwy 26 right-of-way;*

Thence, northwesterly along the northern ROW of US Hwy 26 to the easterly ROW of Avenue B, said point also being on the west line of Lot 7A, Block 1, Northern Heights Addition by Foos Replat (Parcel #010322469);

Thence, northerly on the easterly ROW of Avenue B to the northwest corner of Block 1, Northern Heights Addition by Foos Replat;

Thence, easterly on the north line of said Block 1, Northern Heights Addition by Foos Replat to the northwest corner of Lot 2, Block 1, Northern Heights Addition by Foos (Parcel #010322175);

Thence southerly on the west line of said Parcel #010322175 to the southwest corner of said Parcel #010322175;

Thence easterly on the south line of said Parcel #010322175, also known as Lot 2, Block 1, Northern Heights Addition by Foos, and continuing easterly on the south line of Lots 3 and 4 to the southeast corner of Lot 4, Block 1, Northern Heights Addition by Foos, said point also being on the north line of Lot 7A, Block 1, Northern Heights Addition by Foos Replat (Parcel #010322469);

Thence continuing easterly on the north line of said Parcel #010322469 to the northeast corner of said Parcel #010322469, said corner also being the northwest corner of Parcel #010237070 (unplatted lands);

Thence continuing easterly on the north line of parcel #010322469 to its intersection with the northwest corner of Lot 2, Block 5, Northern Heights Addition by Foos (Parcel #010362274);

Thence southerly on the west line of said Parcel #010362274 to the southwest corner of said Parcel #010362274, said point also being on the northern ROW of 34th Street;

Thence easterly on the northern ROW of 34th Street to its intersection with the centerline of Ross Avenue;

Thence northerly on the centerline of Ross Avenue to its intersection with the westerly extension of the northern line of Lots 1 & 2, Block 2, Northern Heights Addition by Foos (Parcel #010362282);

Thence easterly on said westerly extension of the northern line of Parcel #010632282 to the northwest corner of said Parcel #010632282;

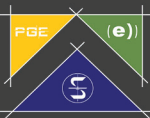
Thence continuing easterly on the north line of said Parcel #010632282 to the northeast corner of said Parcel #010632282, and its intersection with Parcel #010237070;

Thence northerly on the west line of said Parcel #010237070 to its intersection with the westerly extension of the south line of Lot 6, Block 2, Northern Heights Addition by Foos;

Thence easterly to the southwest corner of said Lot 6, Block 2, Northern Heights Addition by Foos;

Thence continuing easterly on the south line of Block 2, Northern Heights Addition by Foos to the southeast corner of Lot 11, Block 2, Northern Heights Addition by Foos;

Thence continuing easterly on an easterly extension of said Lot 11, Block 2, Northern Heights Addition by



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Foos, to its intersection with the north/south centerline of the alley between Lots 12 & 13, Block 2, Northern Heights Addition by Foos;

Thence, northerly on said alley centerline to its intersection with the southern ROW of East 35th Street;

Thence, northwesterly to the intersection of the centerline of 2nd Avenue with the south line of Parcel #010237054 (unplatted lands);

Thence westerly on south line of said Parcel #010237054 to its intersection with the west ROW of 2nd Avenue;

Thence southerly on the west ROW line of 2nd Avenue to its intersection with the north ROW of East 35th Street;

Thence westerly on the north ROW of East 35th Street to the southeast corner of Block 3, Sitzman Sub;

Thence northerly on the east line of Block 3, Sitzman Sub to its intersection with the north line of Block 3, Sitzman Sub;

Thence westerly on the north line of said Block 3, Sitzman Sub to its intersection with the east line of Lot A, Block 3, Sitzman Sub Replat of 9A & Lots 9 & 11;

Thence northerly on the east line of said Block 3, Sitzman Sub Replat of 9A & Lots 9 & 11 to the northeast corner of said (Parcel #010263055), said point also being the southeast corner of Lot 12, Block 3, Sitzman Sub;

Thence continuing northerly on the east line of Block 3 Sitzman Sub to the northeast corner of Block 3, Sitzman Sub;

Thence westerly on the north line of Block 3, Sitzman Sub and continuing on a westerly extension of said north line of Block 3 to its intersection with the east-west centerline of West 36th Street;

Thence westerly on the centerline of West 36th Street to its intersection with the north-south centerline of Avenue B;

Thence northerly on the centerline of Avenue B to its intersection with the east-west centerline of West 36th Street;

Thence westerly on the centerline of West 36th Street to its intersection with the northerly extension of the east line of Lot 1B, Block 1, Henry Gritzfeld Addition Sub of Block 1 (Parcel #010346430);

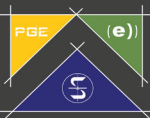
Thence southerly on said northerly extension of the east line of said Parcel #010346430 and continuing southerly on said east line to the southeast corner of said Parcel #010346430, said point also being the northeast corner of Lot 1C, Block 1, Henry Gritzfeld Addition Sub of Block 1 (Parcel #010346449);

Thence southerly on the east line of said Parcel #010346449 to its intersection with the southwest corner of Lot 1F, Block 1, Henry Gritzfeld Addition Sub of Block 1 (Parcel #010346473);

Thence easterly on the south line of said Parcel #010346473 to the southeast corner of said Parcel #010346473 to the west ROW of Avenue B;

Thence southerly on the west ROW of Avenue B to the northeast corner of Lot 2A, Block 1, Henry Gritzfeld Addition, Replat of Lots 2 & 3 (Parcel #010350581);

Thence westerly on the north line of said Parcel #010350581 to the southeast corner of Lot 1A, Block 1, Henry Gritzfeld Addition Sub of Block 1 (Parcel #010233229);



Thence northerly on the east line of said Parcel #010233229 to the northeast corner of said Parcel #010233229 and continuing on a northerly extension of said east line of Parcel #010233229 to its intersection with the east-west centerline of West 36th Street;

Thence westerly on the centerline of West 36th Street to its intersection with the north-south centerline of Avenue D;

Thence northerly on the centerline of Avenue D to its intersection with the east-west centerline of West 38th Street;

Thence easterly on the centerline of West 38th Street to its intersection with the southerly extension of the west line of Lot 18A, Sub of Lots 2 & 18, Block 2, George Baltes Addition (Parcel #010219412);

Thence northerly on said southerly extension of the west line of Parcel #010219412 to the southwest corner of said Parcel #010219412, said point being on the east ROW of the north-south alley bisecting Block 2, George Baltes Addition;

Thence northerly on the east ROW line of said north-south alley bisecting Block 2, George Baltes Addition to the southwest corner of Lot 1, Block 3, Coppom Sub Replat (Parcel #010122338);

Thence westerly on a westerly extension of the south line of said Parcel #010122338 to the southeast corner of Lot 3, Block 2, George Baltes Addition (Parcel #010225803);

Thence westerly on the south line of Lots 3 and 4, Block 2, George Baltes Addition, to the southwest corner of Lot 4, Block 2, George Baltes Addition (Parcel #010234551);

Thence northerly on the west line of said Parcel #010234551 and a northerly extension thereof to its intersection with the centerline of West 40th Street;

Thence easterly on the centerline of West 40th Street to its intersection with the centerline of Avenue B;

Thence southerly on the centerline of Avenue B to its intersection with a westerly extension of the northern line of Lot 2, Block 1, Ruggers Hospital Addition, Subdivision of Block 1 (Parcel #010279075);

Thence easterly on the north line of said Parcel #010279075 to its intersection with the west line of Block 3, Ruggers Hospital Addition (Parcel #010327797);

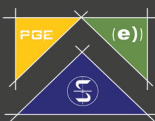
Thence northerly an approximate distance of 223.5 feet on the west line of said Parcel #010327797, to the south edge of the Regional West Medical Center's unpaved helicopter hangar and storage access road;

Thence easterly to a point on the west line of Lot 5, Block 2, Timberline Sub (Parcel #010238263), said point being approximately 39 feet south of the northwest corner of said Parcel #010238263, and said point also being on the east line of Block 3, Ruggers Hospital Addition;

Thence southerly on the east line of Block 3, Ruggers Hospital Addition to its intersection with the south ROW line of 37th Street;

Thence easterly on the south ROW line of 37th Street, said line also being the northern line of Parcel #010237054 (unplatted lands in part of the south 1/2 of the northeast quarter of Section 14, Township 22 North, Range 55 West), to the northeast corner of said Parcel #010237054;

Thence southerly on the east line of said Parcel #010237054, said line also being the centerline of a north-south alley to its intersection with a westerly extension of the north line of Parcel #010237062 (part of the east 25 acres of the south 909.5' of the south half of the northeast quarter of Section 14, Township 22 North, Range 55 West);



Thence easterly on said westerly extension of the north line of said Parcel #010237062, said line also being on the south ROW of the east-west alley, continuing easterly on the east-west alley's south ROW line and the northern line of said Parcel #010237062 to the northeast corner of said Parcel #010237062;

Thence continuing easterly on an easterly extension of the north line of said Parcel #010237062 to its intersection with the north-south centerline of 5th Avenue;

Thence southerly on the centerline of 5th Avenue to its intersection with the easterly extension of the southern line of Parcel #010237062;

Thence westerly on said easterly extension of the southern line of said Parcel #010237062 to the southeast corner of said Parcel #010237062 and continuing westerly on the south line of said Parcel #010237062 to the midpoint between the northwest corner of Lot 14, Block 6, Replat of Lots 6-8, Northern Heights Addition by Foos (Parcel #010357157) and the northeast corner of Lot 6, Block 8, Northern Heights Addition (Parcel #010000078), said point being on the centerline of a north-south ROW between said Parcel #010357157 and said Parcel #010000078;

Thence southerly on said north-south ROW centerline between said Parcel #010357157 and said Parcel #010000078, to its intersection with the centerline of the northwesterly-southeasterly alley ROW between the northeast line of Parcel #010324968 (Lot 3, Blk 6, Northern Heights Add by Foos Replat) and the west line of Lot 13, Block 6, Replat of Lots 6-8, Northern Heights Addition by Foos (Parcel #010324992);

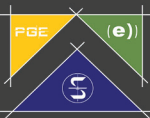
Thence southeasterly on said alley centerline to its intersection with the northeasterly-southwesterly centerline of 20 ft. wide ROW between the southeast line of Lot 6, Block 8, Northern Heights Addition (Parcel #010000078) and the northwest line of Parcel #010324968 (Lot 3, Blk 6, Northern Heights Add by Foos Replat);

Thence southwesterly on the centerline of 20 ft. ROW between said Parcel #010000078 and Parcel #010324968 to its intersection with the northeast ROW line of Hillcrest Drive;

Thence southwesterly to the intersection of the southwest ROW line of Hillcrest Drive and the centerline of the 20 ft. wide alley ROW between the southeast line of Lot 3, Block 9, Northern Heights Addition (Parcel #010000079) and the northwest line of Lot 1A, Block 7, Northern Heights Addition by Foos Replat (Parcel #010325085);

Thence southwesterly on the centerline of said 20 ft. wide alley ROW between said Parcel #010000079 and Parcel #010325085 to its intersection with Block 10, Northern Heights Addition by Foos (Parcel #010343709);

*Thence southeasterly, southwesterly, southeasterly, and southwesterly on the east line of said Block 10, Northern Heights Addition by Foos, to the southeast corner of said Parcel #010343709, and said point being the Point of Beginning—said redevelopment Study Area containing an area of **103.09 acres**, more or less.*



The requirements for detailed planning beyond the Comprehensive Plan treatment include but should not be limited to:

1. Boundaries of the area, existing land use and condition of improvements
2. A land-use plan
3. A map showing population density, land coverage and building concentrations
4. An outline of proposed changes in ordinance, layout or other related ordinances
5. A site plan of the area
6. A statement outlining any additional public facilities or utilities required to support new land uses after redevelopment.

The Blighted and Substandard study highlights locations and opportunities for improvement and revitalization. Once the area is designated, the City can guide future development in this area and provide financial incentive for development. Using the Nebraska Community Development Law, the City can reduce or eliminate factors impeding redevelopment and implement programs or projects to improve conditions and minimize the negative impacts of blight and substandard conditions.

Substandard and Blight Eligibility Analysis

Substandard and Blight Definitions and Explanation

Substandard areas are defined by State Statute **§18-2103(31)**, as the following:

“Substandard areas means 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, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;”

Blighted areas are defined by State Statute **§18-2103(3)**, as the following:

“Blighted area means 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, insanitary or unsafe conditions, 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 constitutes 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;

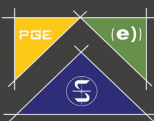
(ii) the average age of the residential or commercial units in the area is at least forty years;

(iii) more than half of the plotted 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) 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 percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;”



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The following are the specific definitions of “substandard” and “blighted” according to Nebraska State Law. These definitions serve to be the basis of this entire analysis and each portion of the definitions are examined individually throughout this document.

Substandard Area Definition

By statute a substandard area means one where a predominance of building or improvements (residential or nonresidential) having one or more of the following characteristics:

1. Dilapidating or deteriorated

a. Unacceptable standard for walls, foundation, roof, gutters, roof surface, chimney, fire escapes, weatherizing, steps, exterior paint and site conditions. Chipping, cracks, loose components, missing pieces, sags and other signs of substandard condition all qualify for this condition.

2. Age (obsolescence)

a. A 40 years or more criteria was used for estimate.

3. Inadequate ventilation, light, air, sanitation, or open spaces

a. Things like junked cars and other accumulated debris, antiquated infrastructure, unpaved parking, outdoor storage

4. Other conditions

a. High density population or overcrowding (census)

b. Other conditions which could be unsafe or unsanitary endangering life or property.

c. Any combination of factors conducive to poor health, disease, mortality, delinquency or crime. Any combination that is detrimental to public health, safety, morals or welfare. This may include inadequate infrastructure as well as statistical data.

Structural conditions were evaluated using the U.S. Department of Housing and Urban Development standard definitions:

No Problem

- No structural or aesthetic problems are visible

Adequate Condition

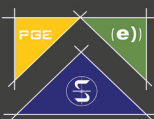
- Slight damage to porches, steps, roofs
- Slight wearing of mortar between bricks/stone/block
- Small cracks in walls or chimneys
- Cracked windows
- Lack of paint
- Slight wear on steps, doors and frames

Deteriorating Conditions

- Holes, open cracks, rotted, loose, or missing material in parts of the foundation, walls (1/2 of the wall) or roof (1/4 of the roof)
- Shaky, broken, or missing steps or railings
- Numerous missing and cracked window panes
- Rotted or loose windows or doors no longer water-proof

Dilapidated Condition

- Holes, open cracks, rotted, loose or missing material over a large area of the foundation, on wall or on roof
- Substantial sagging of roof, floors, or walls
- Extensive fire, flood, or storm damage
- Inadequate original construction such as building elements made of scrap materials or conversion of structures not adequate for housing.



Blighted Area Definition

The blighted area designation is based on a number of criteria or indicators of substandard conditions. These are specified in the law and outlined below.

1. The presence of a substantial number of deteriorated or deteriorating structures. This takes the form of structural problems, exterior paint, cracks, chimney, site conditions, roof and similar problems with the building.
2. Existence of a defective or inadequate street layout. This includes dead ends, railroad crossings, linear downtown, narrow alleys and blind crossings, as well as poor vehicular access and/or internal circulation, substandard parking definition and parking layout (lack of curb cuts, awkward entrance/exit points), offset or irregular intersections, substandard or nonexistent pedestrian circulation.
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness. Such things as landlocked parcels, odd shaped lots, undersized lots, and poor accessibility.
4. Unsanitary or unsafe conditions. Examples here include age and physical condition of structures, buildings located within the flood plain, lack of public infrastructure, unsanitary conditions and ventilation. Additional examples include graffiti or other forms of vandalism or vagrant activity, poorly lit and unlit areas, the existence of trash or debris or weeds, abandoned vehicles, uneven grading or steep slopes, environmental contamination, cracked or uneven sidewalks, a high incidence of reported crime.
5. Deterioration of site or other improvements. Such things as off-street parking, poor storm drainage, junk cars, dilapidated structures, neglected properties, debris, on-site storage, unscreened trash or mechanical storage areas, deterioration of parking surfaces, lack of landscaping, general site maintenance problems are examples.
6. Diversity of ownership. This condition exists when numerous lots are needed to develop to up to date standards. Assemblage is difficult without some form of public assistance.
7. Tax or special assessment delinquency exceeding the fair value of the land.
8. Defective or unusual conditions of title. Liens, improper filings are examples.
9. Improper subdivision or obsolete platting. Examples include undersized lots, improper zoning, lot configuration, easements and accessibility are problems that often are present.
10. The existence of conditions which endanger life or property by fire or other causes. Such things as inoperative infrastructure, site access, on-site storage, secluded areas for pests to thrive, poor surface drainage, poor street and poor sidewalk condition are examples.
11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability. Here incompatible land uses, obsolescence and inability for a property to compete in the market place.
12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:
 - a. Unemployment in the area at least 100% of state or national average census data
 - b. The average age of residential and commercial units is over 40 years as determined by field observations
 - c. More than half of the plotted/subdivided property has been unimproved for 40 years using public record
 - d. Per capita income of the area is lower than the average of the city from census data.
 - e. The area has a stable or declining population based on the last two decennial censuses.



Analysis Approach

The approach and methodology utilized by M.C. Schaff & Associates, Inc. in conducting the Blighted and Substandard Area Determination Analysis included an assessment of all factors listed in the Nebraska Community Development Law as factors that indicate or contribute to making an area blighted and substandard. Data relating to factors such as building condition, building age, site conditions, adequacy of building sites, condition of public improvements, and unsanitary or unsafe conditions were developed through detailed exterior structural field surveys on a structure by structure basis and through collection of data on a unit by unit basis available from public records at the Scotts Bluff County Courthouse and via their online databases. Data relating to other factors such as the adequateness of street layouts, lot layouts and overall subdivision design were investigated on an area-wide basis.

Assessment of potential blighting factors stemming from diversity of ownership and tax or special assessment delinquencies were conducted through evaluation of courthouse and online county records for all property within the analysis area, referred to as the Study Area. The valuation, tax amount and any delinquent amount was examined for each of the properties, and public records were examined to determine the number of property owners in the Study Area.

Additional Public Intervention Necessary

Although the presence of one or more of these substandard or blighting conditions may make it appropriate to declare an area substandard and blighted under the Statue, this analysis was conducted on the basis that additional public intervention over and above the exercise of the police power is necessary to overcome the problems that exist in any substandard and blighted area.

Analysis of the Study Area

Scottsbluff Designated Study Area #18

The City selected the Designated Study Area for evaluation to be within the corporate limits. The area is made up of semi-public uses, office & professional, single family residential, multi-family residential, farming, recreational uses (pathway) and many vacant/undeveloped properties. Single family residential surrounds much of the Study Area. This particular area was selected for several reasons.

1. The predominance of vacant and/or undeveloped parcels.
2. There is the presence of blighted and substandard characteristics within the area.
3. There is obvious economic decline and functionally obsolete uses within the area.
4. There is a need to improve infrastructure due to substandard existing conditions.
5. A need is apparent for public intervention to stimulate the development and redevelopment of vital infrastructure systems to support private redevelopment efforts.
6. The near proximity of the Study Area to two other blighted and substandard areas (#16 and #8).

The City is in a position to remove negative factors and implement programs and projects to improve conditions thereby removing the blighted and substandard conditions. This not only benefits the corridor/Study Area but the entire community through private reinvestment and enhanced quality of life.

The field survey of the Study Area within the City was conducted in October/November 2023 to determine whether this area, in fact, has experienced structure and/or site deterioration or if the area is experiencing other negative influences that decrease the potential for redevelopment or new development. The following information describes this Study Area in detail, as well as, specifying the methods and procedures used to determine if this Study Area should be declared blighted and substandard under the Nebraska Community Development Law.

The Study Area's northwest corner is just east of an existing Blighted and Substandard area (Study Area #8 located on the southeast corner of West 42nd Street and Avenue I). An additional blighted and substandard area is located in the along Avenue B to the south, between West 31st and West 27th Streets.

The total acreage within the City of Scottsbluff corporate limits is approximately **4274.93 acres**. Currently, the city has approximately **1177.2 acres** designated as "Blighted and Substandard", approximately **27.5%** of the City's total acreage. The proposed additional "Blighted and Substandard" area consists of **103.1 acres**. This proposed area, if designated as "Blighted and Substandard", will add **2.4%** of the corporate limits to the total Blighted and Substandard area bringing it to **1280 acres** or **29.9%** of the total area of the City of Scottsbluff. This remains well within the allowed **35%** providing future opportunity to add more.

Existing Land Use

The land uses that now exist within the Study Area are depicted on **Figure 2. Existing Land Use** (page 14), and can be placed in six (6) categories, including:

- Office & Professional
- Residential (Single Family / Multi-Family)
- Public/Semi-Public
- Public Streets and Alleys
- Parking (Private, Commercial, Public, Semi-Public)
- Vacant / Undeveloped / Agricultural



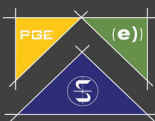
0 125 250 500 750 1,000 Feet

- Study Area
- Vacant / Undeveloped
- Streets & Alleys
- Semi-Public
- Semi-Public Parking
- Office & Professional
- Private Parking Lot
- Residential
- Multi-Family Residential
- Road/Utility ROW

Existing Land Use

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Land Use: MCS Field Survey, 2023
Parcels: Scotts Bluff County, 2021
Aerial: Scotts Bluff County, 2023



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page 14

The land uses in Study Area #18, shown in **Figure 2** on the previous page, are analyzed further in Table 1 (below), which provides the breakdown of land uses, acreages, and the total acreage within this Study Area.

The largest land use in Study Area #18 is that of vacant and undeveloped land. This use comprises a total of over 62.11 acres, or 61% of the Study Area.

Public streets and alleys are the second largest land use covering 12% of the Study Area, totaling 12.4 acres.

The third largest land use in this Study Area is that occupied by parking lots, including semi-public (2.48 acres), and commercial parking lots (1.38 acres), comprising a total of 10.61 acres or 10%.

Semi-Public uses are the fourth largest land use, occupying 7.89 acres, 8% of the Study Area.

Table 1

Existing Land use - Scottsbluff Blight Study Area #18
Scottsbluff, Nebraska

Land Use Category	Blight Study Area 18	
	Area (Acres)	Percent of Total Area
Office & Professional	3.94	4%
Residential	1.54	2%
Multi-Family Residential	4.07	4%
Public / Semi Public	7.89	8%
Public Streets & Alleys	12.40	12%
Parking Lot	10.61	10%
Vacant / Undeveloped Land	62.11	61%
	102.55	

Residential uses, single family and multi-family, combine as the fifth largest land use, 6% of the Study Area, occupying 4.07 acres for multi-family uses and 1.54 acres for single family residential.

Finally, 3.94 acres of Office and Professional properties comprise the remaining 4% of the Study Area.

Source: M.C. Schaff & Associates, Inc., Field Survey, December 2023



Examples of Site and Structural Conditions within the Study Area



Examples of Site Conditions within the Study Area



Examples of Structure and Site Conditions within the Study Area

Findings and Contributing Factors

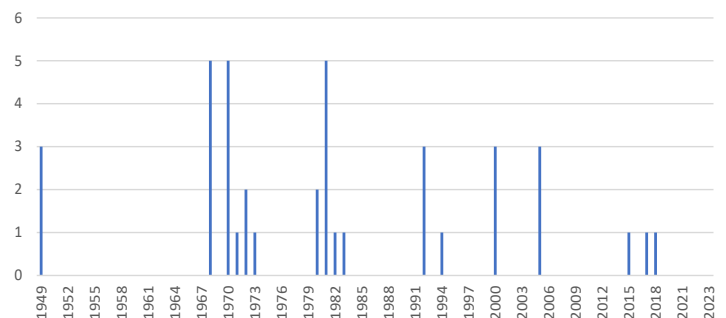
The intent of this study is to determine whether the subject area has experienced structural and site deterioration and whether there are other negative factors that are decreasing the area's potential to develop. The field survey work was completed in October/November 2023, and strongly supports initial impressions that the area has in general declined below community standards. What follows are the factors evaluated to determine whether there is a reasonable presence of blight and substandard conditions within the designated Study Area #18. This section reviews the building and structure conditions, infrastructure and land use found in the area based on statutory definitions, and observations and explains the identified contributing factors.

As set forth in Nebraska legislation, a blighted area means an area determined by reason of the presence of:

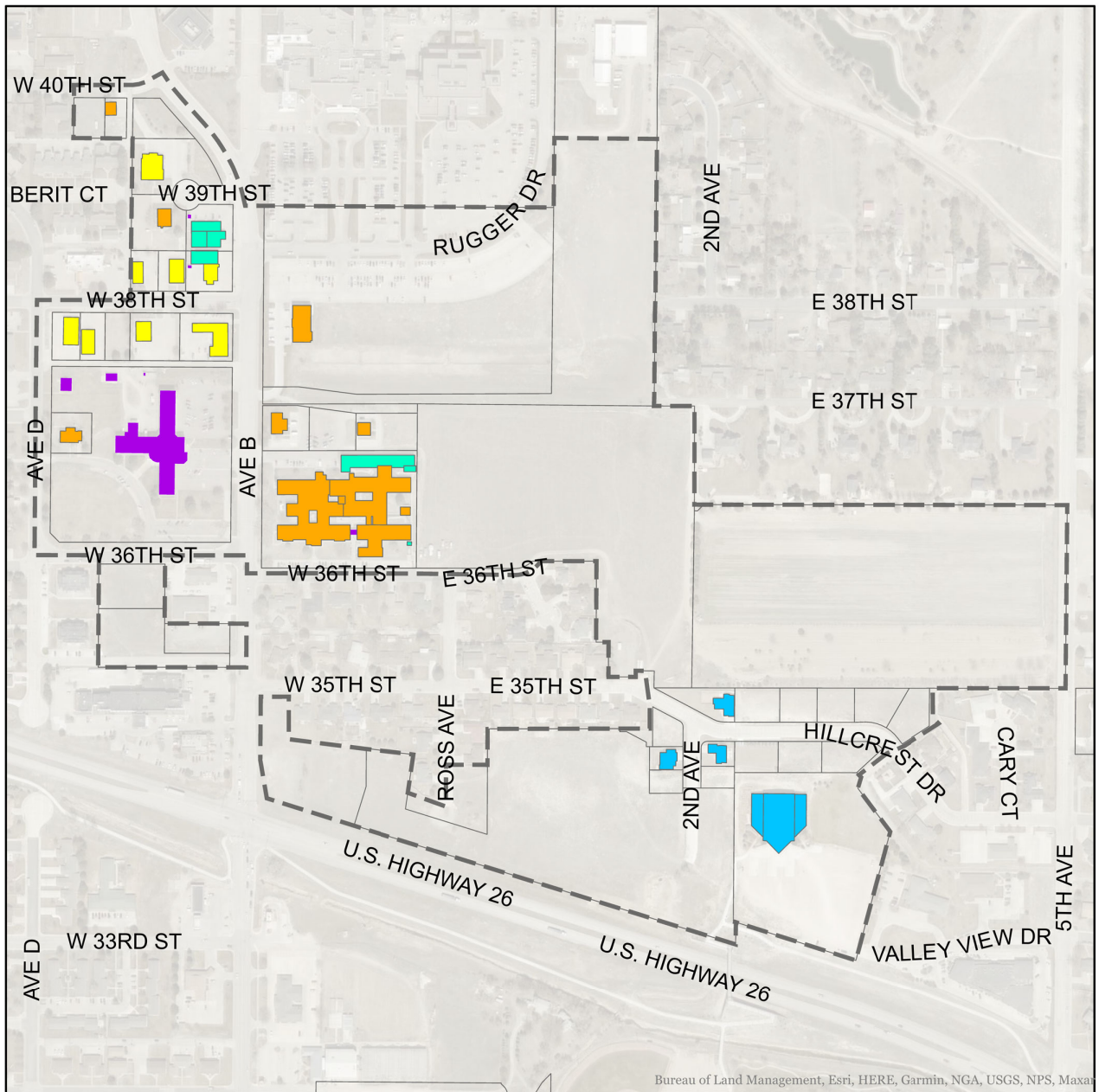
1. Deteriorated or Deteriorating Structures —Exterior Inspection of Buildings

A total of 39 structures were evaluated using the Blighted and Substandard criteria as described on pages 9-11 of this report. Only the primary structures were evaluated under the Blighted and Substandard definition. Any outbuildings/ other structures that were present were not included in the survey. The boundary for the Blighted and Substandard designation includes 39 buildings of known age according to the Scotts Bluff County Assessor's data, with a combined average age of 42.2 years. For structure age see chart below, as well as **Figure 3** (page 18), and **Table 3 (Appendix B)**. Structure condition is summarized in **Figure 4** (page 19). Field surveys confirming Scotts Bluff County Assessor's data concluded that 8% are good, 79% deteriorating (55% are average, 24% are fair), and 13% worn out.

Structures Built Per Year - Scottsbluff Blight Study Area #18

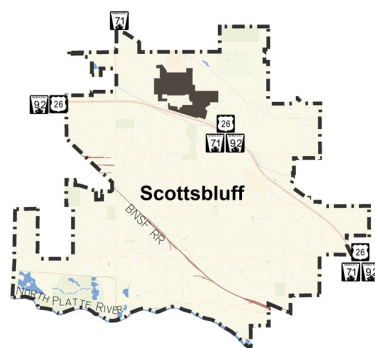


Source: Scotts Bluff County Assessor online database, verified by M.C. Schaff & Associates, Inc., Field Survey, Oct.-Nov. 2023



Structure Age (Year Built)

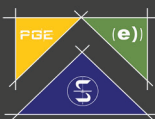
- Before 1964
- 1965 - 1974
- 1975 - 1984
- 1985 - 2004
- 2005 - 2024
- Corporate Limits
- Study Area Parcel
- Study Area #18



Structure Age

City of Scottsbluff
Scotts Bluff County, NE

Structure age obtained from
Scotts Bluff County Assessor
online data sheets, Oct 2023.

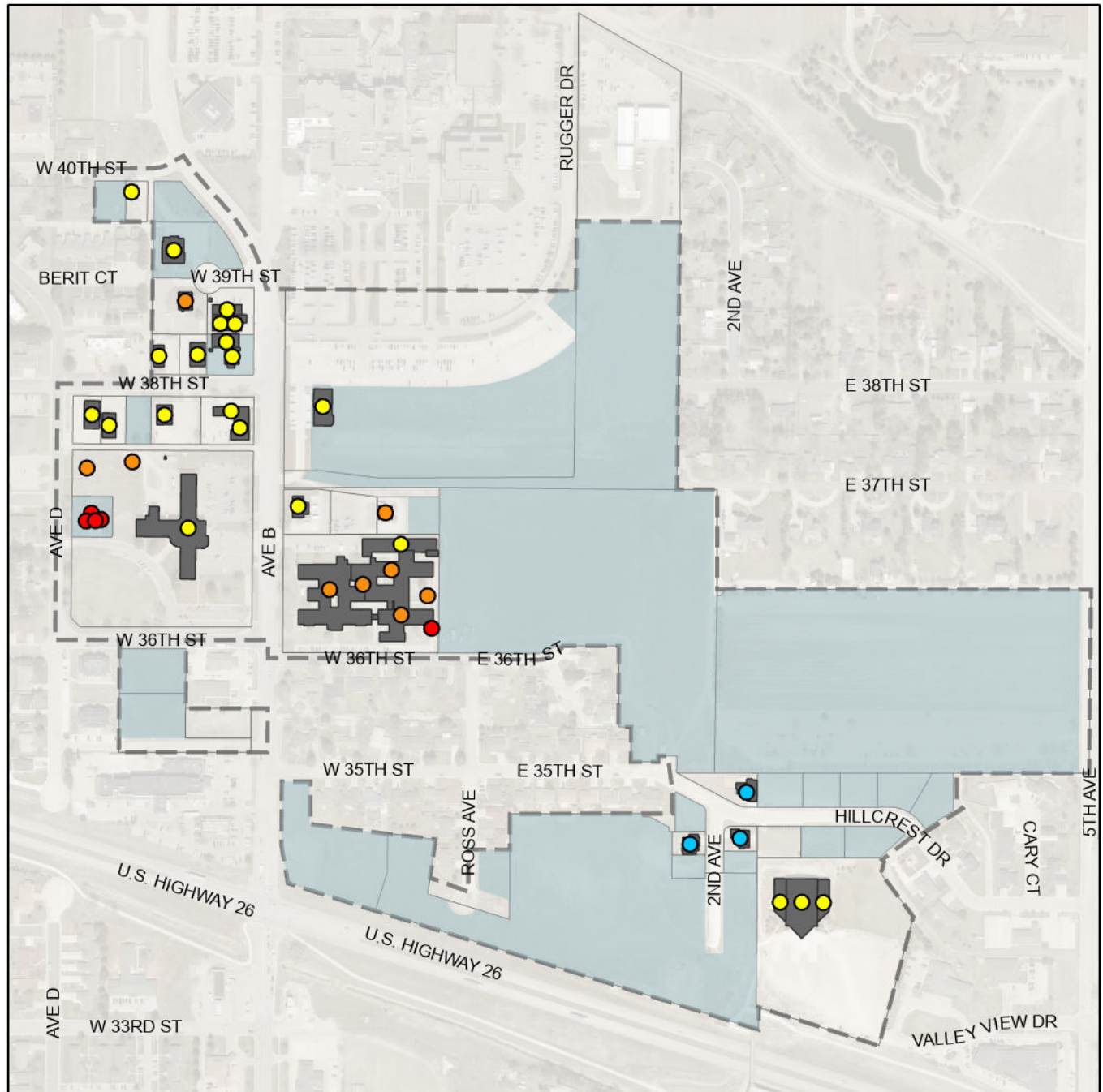


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page 18

**Structure Rating**

- Sound (3)
- Minor Deficiencies (21)
- Major Deficiencies (9)
- Substandard (5)
- Dilapidated (0)

- Structure Footprint
- Vacant / Undeveloped Parcel
- Study Area Boundary

Structure Condition**City of Scottsbluff, NE**

Structure condition obtained from Scotts Bluff County Assessor online data sheets, and adjusted following field verification, Nov. 2023.

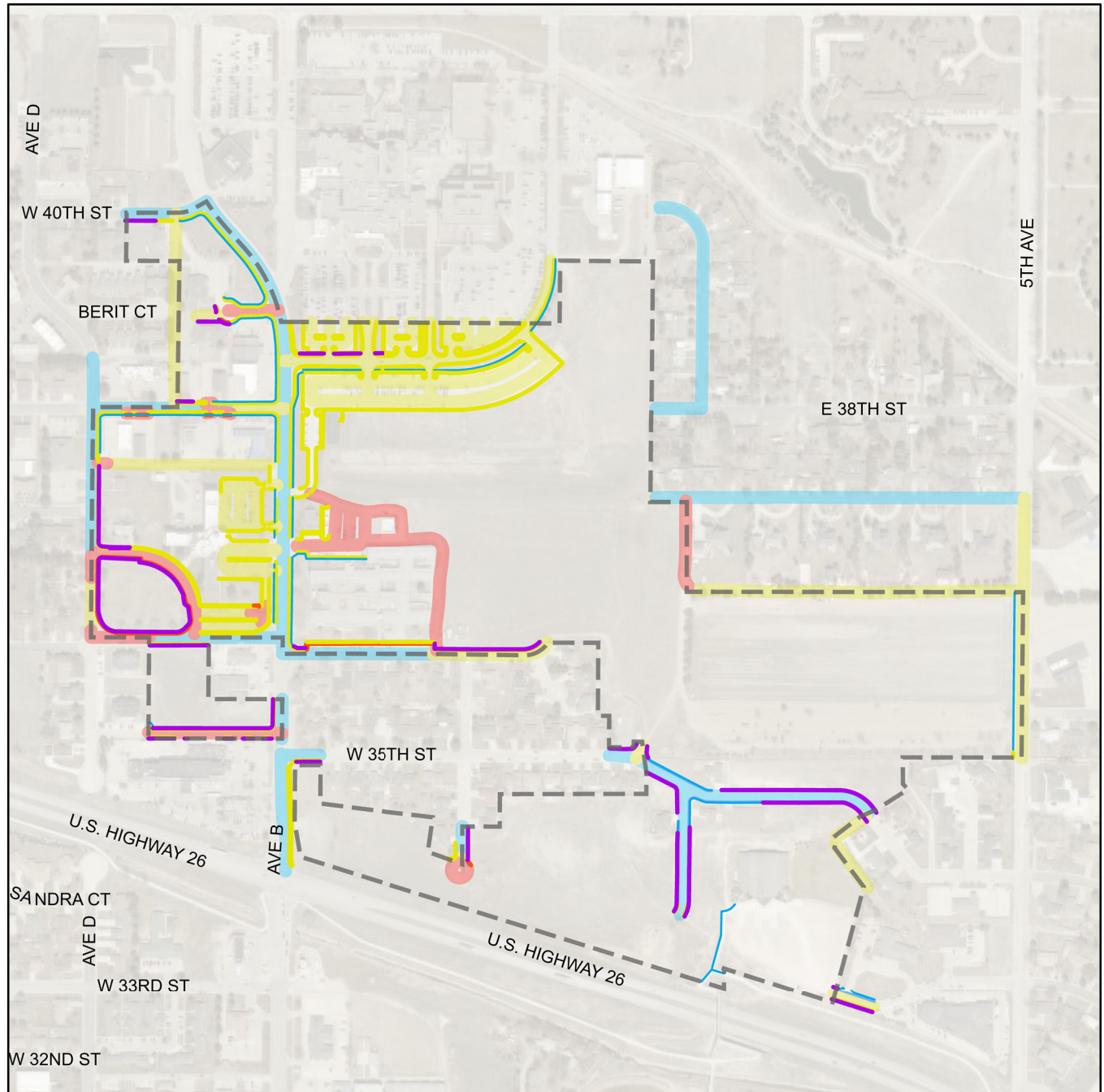
2. Defective or Inadequate Street Layout—Street Conditions and Accessibility

Inadequate infrastructure, street conditions and accessibility as well as inability to safely move traffic through an area is a contributing factor to the blight and substandard conditions. The surface condition of public roads, curb & gutter, and sidewalks in the Study Area, displayed in **Figure 5** (page 25), is fair to good. While many the road surfaces have been maintained to community standards, some alleys and some curb/gutter and sidewalk are deteriorating/dilapidated. The Study Area lacks some alleys, has dead-end alleys in some blocks (alley ROW is incomplete—the alley surface crosses private lots). There is a lack of sidewalks dispersed throughout the Study Area. Following are some exhibited traffic safety and pedestrian experience issues that need be addressed.

- a. While redevelopment will add to traffic counts, consideration should be given to enhancing the pedestrian experience with landscaping. When comparing successive years of aerial photographs, trees planted improperly and subsequently removed has contributed a decline in landscaping.
- b. One property is land locked, not accessible from public roads or streets, served only by non-public unpaved access driveways.
- c. The alley ROW south of Hillcrest accessed from Hillcrest and 5th Avenue is not continuous and crosses private and semi-public property. The platted alley west of 2nd Avenue and south of Hillcrest appears obsolete and inadequate as platted and does not conform to the built properties.
- d. The Study Area contains seven dead ends.
- e. Public sidewalks are provided only partially throughout the Study Area, and some existing sidewalk is in poor condition and in need of replacement. Crosswalk paint is badly worn. One designated crosswalk leads the pedestrian to a curb without a sidewalk. Traffic congestion and lane configuration with lack of pedestrian island or adequate sidewalk/crosswalk contributes to pedestrian challenges for pedestrians attempting to cross Avenue B and or 39th/Rugger in the vicinity of this intersection.
- f. Street, sidewalk, and curb and gutter condition was observed and noted as part of this study.
- g. Unsafe items include aging stop signs, poles constructed in the middle of the sidewalk in at least three separate locations, and infrastructure trip hazards.



Examples of Curb, Gutter, Sidewalk Conditions within the Study Area



0 125 250 500 750 1,000 Feet

Transportation Surface Condition

Street Surface Condition

- Good
- Deteriorating
- Dilapidated
- None

Curb & Gutter Condition

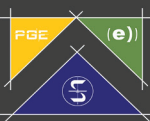
- Good
- Fair
- Poor
- None

Sidewalk Condition

- Good
- Fair
- Poor
- None
- Study Area Boundary

City of Scottsbluff
Scotts Bluff County, NE

Conditions observed during
MCS field survey, Nov. 2023.
Features shown include some
non-public travel ways.



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page 21



Examples of Site & Pavement Conditions within the Study Area

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

Faulty lot layout is seen in the following instances:

- Not technically landlocked but the only ROW access platted to Parcel 010108084 necks down to a 5-ft wide strip and serves as a utility ROW. The only accesses to this parcel are across non-public property via unpaved driveways.
- Platted alley appears obsolete as it does not match developed lots in the vicinity southwest of the 2nd Avenue and Hillcrest intersection. Platted alley dead-ends into lot lines to the west and south. No alley has been constructed to service developed lots in this vicinity.
- The platted alleys from both the east and south dead end between parcels 010343709 and 010325085 (south side of Hillcrest). Alley surface crosses these two properties as well as the east edge of parcel 010237054 and the north edge of 010237062.
- Seven developed streets are dead ended with no turnaround.
- An off street parking lot extends into the public street ROW with only a narrow sidewalk barrier, along the north side of 36th Street, west of Avenue B. Along the north side of West 36th Street east of Avenue B, off street parking was viewed to partially block sidewalk despite signage and deteriorated painted separation.

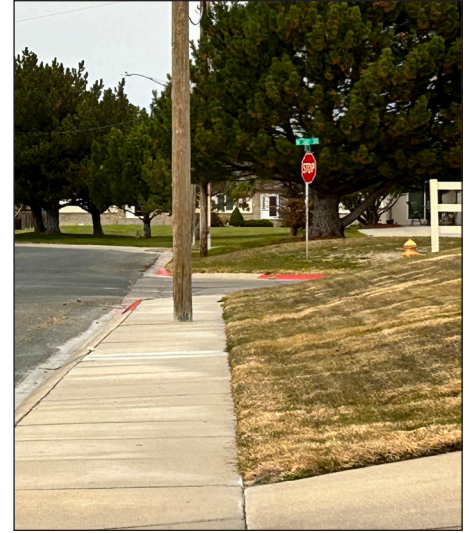
4. Unsanitary or Unsafe Conditions

Age of Structure is a contributing factor to the blighted and substandard conditions in the Study Area with 67% of the structures over 40 years of age. The statute allows the inclusion of this factor, regardless of structure condition, where there is a predominance of structures 40 years of age or older. See **Appendix B—Table 3** for a summary of structure ages. Evidence of pigeon droppings accumulating on and around vacant structures within the Study Area was documented during field survey. Pigeon droppings dirty spaces, do costly deterioration to buildings, and can spread life-threatening diseases, especially to those with immune deficiencies and the elderly. Additionally, two small burn circles, suggesting campfire or dumping of burned material, were identified in weedy vacant property near the dead end of a street in the Study Area.

5. Deterioration of Site or Other Improvements

Debris and Weeds

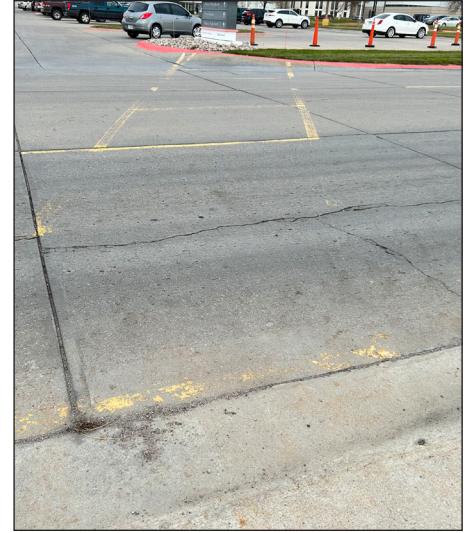
Debris primarily accumulates in open weedy fields, as well as yards, gutters and alleys and is found throughout the Study Area, concentrated around undeveloped and vacant properties. Several significant examples of debris were noted in field observation. This debris included everything from cardboard boxes, to clothing articles and discarded alcohol bottles as well as on-site storage (tires, wood, hay bales, mulch piles, junk) and numerous other items. Numerous (somewhat less severe) debris are present throughout the Study Area, suggesting the problem is growing.



Examples of Sidewalk Conditions within the Study Area



Examples of Parking Conditions within the Study Area



Examples of Alley and Parking Conditions within the Study Area



Examples of Street and Curb & Gutter Conditions within the Study Area



Dilapidated Structures

Structure conditions were examined both using Scotts Bluff County Assessor's online database of building appraisal and confirmed/adjusted through field evaluation. The data and rating system from the Scotts Bluff County Assessor's database was used to evaluate properties in the area, rating structures as either: Excellent, Good, Average, Fair, Badly Worn, and Worn Out. Rating terms are defined as follows:

Excellent: Typically newer construction or property that has been completely upgraded.

Good: Typically no major defects or aging conditions in field analysis.

Average: Typically minor defects showing up, 25% or less of the following—degrading roofing materials, masonry joints in need of tuck-pointing, or small cracks in foundation, broken glass, painted surfaces beginning to peel.

Fair: Similar to Average, conditions are worsening and cover a larger portion of structure.

Badly Worn: Structure is showing many of the conditions mentioned, and extent of aging and deterioration may require demolition to eliminate the conditions.

Worn Out: Aging, deterioration and conditions point toward demolition to eliminate the conditions.



Based on these ratings, it is assumed that Average condition and lower would constitute less than desirable conditions due to age and structure status. It is common for older structures to require considerable maintenance and upkeep to maintain good and excellent condition, while an Average structure can show signs of deterioration that can more quickly become a dilapidated structure if not addressed.



Findings of the study show 8% structures in good condition, 79% deteriorating (fair to average condition), while 13% of the structures are badly worn/dilapidated and pose a threat. Using the above assumptions, overall, 92% of the structures in the Study Area are Average condition or worse.

Sixty-seven (67%) of the primary structures in the Study Area are in excess of 40 years—structures in the Study Area range in age from 6 to 75 years. Thus, structure age and obsolescence *within the Study Area* **is** a contributing condition of blight and substandard.



6. Diversity of Ownership—43 properties with 24 owners.

7. Tax or Special Assessment Delinquency—None identified.

8. Defective or Unusual Conditions of Title—Ownership was identified for all parcels in the *Nebraska Taxes for Scotts Bluff County* online database.

9. Improper Subdivision or Obsolete Platting—Two separate alleys, one with fences built differently than platted parcel lines, and another non-continuous alley, as well as one land locked parcel (only private access) are identified within this factor. These features alone are not substantial, but do contribute to the blighting factor. See **Appendix d—Figure 9** for a current zoning map of the area.



10. The Existence of Conditions That Endanger Life or Property by Fire or Other Causes

Figure 6, on the following page, provides an overview of the blighted and substandard conditions located and photographed during field observations.

Poor Sidewalk and Street Conditions

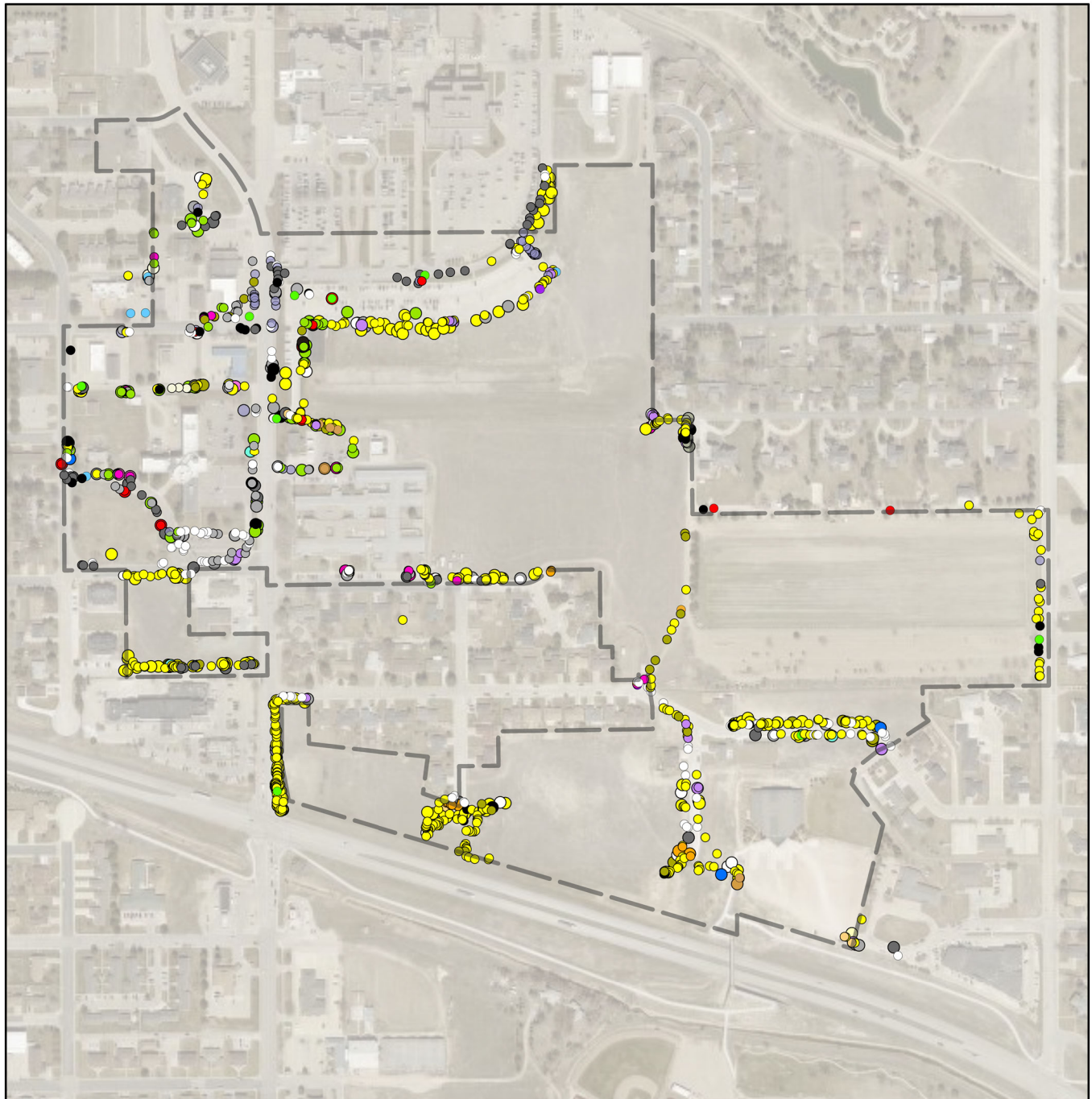
A portion of the Study Area is not serviced with sidewalks. Existing sidewalks vary in condition from excellent to poor. Various parking lot and driveway entrances display prevalent cracking. The condition of the street paving ranges from good to showing signs of age with cracks, gaps and missing pieces. Bituminous street surfaces on West 36th, West 38th, West 40th, and Ave D were chip sealed in 2020. However, many concrete surfaces are aging with substantial cracking found throughout the Study Area. Some street curbs and gutters show signs of aging with settling, cracks and missing pieces in some areas. Otherwise good curb, gutter, and sidewalk pavement along undeveloped neglected properties are being engulfed with weeds and debris. Paved alleys range from minor cracking to patched dilapidated surfaces. These conditions are found in various locations throughout the Study Area.



Poor Surface Drainage

Storm water drainage problems exist in dilapidated and unpaved parking lots and in the vicinity of some dead ends. During field analysis, several areas of standing water were noted as poor drainage exists in localized areas and alleys. Parking lots were noted lacking proper drainage at various locations throughout the Study Area.

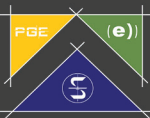




- | | | | | | |
|---------------|-------------|------------------------|------------------|----------------------------|-----------|
| ○ Alley | ● Electric | ● Junk | ● Pests | ● Tires; Tire Next to Bldg | ● Unsafe |
| ● Building | ○ Fence | ● Junk Car | ● Old Sign | ● Dumpsters | ● Vagrant |
| ● Curb/Gutter | ● Flammable | ○ Sidewalk/No Sidewalk | ○ Steps | ● Trash; Debris | ● Weeds |
| ● Dead End | ● Fuel Tank | ● On Site Storage | ● Street | ● Unkempt/Broken | |
| ● Drainage | ● Haybales | ● Parking | ● Street Unpaved | ● Unpaved Parking | |

Conditions observed during
MCS field survey, Nov. 2023

Blighted and Substandard Conditions Locations City of Scottsbluff, NE



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page 29



On-Site Storage

The Study Area has sites of outdoor storage, including hay bales, overhead fuel storage tank, tractor tires, (including one stored beside an unoccupied residential home), large piles of mulch near single family dwelling, a potentially abandoned vehicle parked at a dead end. These findings point to an impediment for development or upgrades in the neighborhood and should be evaluated for removal. Some neighborhoods that lack alleys have dumpsters located on the street pavement and/or next to the curb where there is no available sidewalk. Several dumpsters including recycling containers situated in and adjacent to public streets were over capacity and would-be contents littered the surrounding residential neighborhoods.

11. Any Combination of Such Factors—The combination of all blight and substandard conditions found within the Study Area could be considered a factor in substantially arresting sound growth in the area and obsolescence contributes toward an inability of property within the area to compete in the market place.

12. Detrimental to Public Health, Safety, Morals, Welfare in Present Condition

A minimum of at least one of the following factors is required for this condition to be met.

a. Unemployment Rate At Least 100% of State or National Average—could be considered a factor but was not researched beyond determining that the unemployment rate in Scotts Bluff County, NE was 2.6% in 2022—greater than the state of Nebraska average of 2.3%, while the US had an unemployment average of 3.6% for the year.

b. Average Residential and Commercial Structure Age Over 40 Years—is a factor. The median age of the 39 primary non-public structures in the area is **42.2** years. Age of the structures within the Designated Study Area is provided through the Scotts Bluff County Assessor's online database and field verification. Only those structures built before 1984 qualify for the 40 years and older structures designation in the State of Nebraska laws. The Study Area contains 39 structures (**67%**) built before 1984.



c. Subdivided/Platted Property Unimproved for 40 Years—While a majority of the Study Area is unimproved, subdivision of unimproved property took place as early as the late 1990s, and is therefore not considered as a factor.

d. Per Capita Income Level—Per capita income for Scottsbluff in 2022 dollars (2018-2022) is \$31,372. Per Capita Income Level is unknown for the Study Area, which includes a large sized 160-bed nursing facility (with a daily average of 79 residents) and 5 occupied single family homes.

e. Decreasing Population—is a factor. The Study Area contains residential properties, and is located in census tracts all of which the census data reports population from the previous two decennial census. Map **Figures 7-8** provided in **Appendix C** illustrate the 2010 and 2020 decennial census. Based on the data illustrated on the maps, the Study Area and adjacent populated areas display a stable or decreasing population based on the last two decennial census for census blocks covering the Study Area.

Conclusion of Blighted and Substandard Analysis

Based on this analysis, the Study Area meets the criteria of both blighted and substandard conditions. The area displays the presence of criteria required for a finding of a blighted and substandard condition as defined by the State of Nebraska Legislature.

The primary conditions leading to this conclusion include the following Blighted and Substandard Conditions:

- The Study Area has some inadequacies in the form of traffic movement capabilities and real property access. Numerous off-street paved parking areas exist, along with a few interior private drives. While some off-street parking areas and drives are well maintained, several parking areas, driveways and entrances crossing sidewalk travel ways are deteriorating or dilapidated pavement, gravel surfaced or unimproved. Defective or inadequate street layout thus may be considered a factor contributing to blighted conditions in this Study Area.
- The field survey also included an evaluation of the condition of site improvements including street surface conditions, curbs and gutters, street width adequacy, sidewalks, driveways, and off-street parking facilities, sanitary sewer facilities, and drainage facilities, and review of the city's GIS database pertaining to water



distribution, hydrants, and storm water conveyance. In 2016 and 2020, the City undertook citywide chip seal projects to resurface bituminous streets. However, the concrete portions and intersections of side streets and concrete alleys as well as curb and gutter concrete paving shows signs of age with widespread conditions of cracks, gaps, and missing pieces.

- Multiple unpaved parking areas and dead ends within the Study Area have storm drainage issues documented during field survey of the Study Area. Storm water from large paved parking areas is collected into an open channel drainage retention area within the Study Area.
- There is only a partial sidewalk system throughout the Study Area as many areas undeveloped and developed alike lack sidewalks. Deteriorating and dilapidated sidewalks and driveway entrances contribute to generating traffic hazards for children and other pedestrians in this Area as pedestrians are forced to navigate many areas without sidewalks as well as broken pavement and potholes—their safety, well-being and health at risk.
- The Study Area contains many private driveways and off-street parking areas. Private drives and private parking lots are surfaced with concrete, native material or sparse gravel. Many driveways and parking areas, particularly those associated with commercial uses and higher traffic volumes are deteriorating.
- Over half of the Study Area appears unkept and / or contains substantial examples of debris and or extensive unattended vegetation. While there are well maintained properties, these are contrasted with a relatively high level of poorly maintained properties within this Study Area—which represent a considerable blighting factor. The lack of site improvements in various locations throughout the Study Area also serves to be a limiting factor to future development in the Study Area and thus is an additional factor contributing to blight. One of the keys in creating a positive image within an area is exterior maintenance of lots. Perfectly maintained structures can still be seen as deteriorating parts of the community when the exterior and/ or curb appeal is less than desirable. Site improvements such as parking areas range from good to deteriorating to dilapidated. Public alleys, while not directly impacting curb appeal, contribute greatly to one's sense of well being. While alley surfaces may be patched for a relatively smooth ride surface, their dilapidated appearance reflects the neglect seen on the vacant and undeveloped property and badly worn structures—exposed plywood, boarded windows and dilapidating paint.



- The Study Area has numerous lot layout faults in relation to size, adequacy, accessibility or usefulness. The field survey, combined with investigations of property ownership and plat maps indicate that several problem lots exist relative to lot layout, lot size, adequacy, and usefulness within the Study Area, and therefore, may be considered a contributing factor. Faulty lot layout in relation to accessibility or usefulness within this Study Area **may be** considered a factor contributing to blighted conditions in this Study Area.
- Conditions **exist** which endanger life or property by fire and other causes—tractor tires stored directly next to residential structure, fields of full grown weeds and hay bale stacks, above ground fuel dispensing tank, large piles exist in the Study Area.
- Conditions **exist** which are detrimental to the public health, safety, morals and welfare in the present condition with the existence of campfires in undeveloped lots, debris, on-site storage, excessive pigeon droppings, and inadequate drainage. The existence of inadequate surface drainage presents additional threats to health. The lack of sufficient drainage structures allows water to remain in travel ways impairing driveability, as well as ponding and stagnating, creating not only a physical hazard, but also increased potential for multiplying mosquito production, an additional health hazard to area residents.

Blighted conditions that do not appear to be present

- There are not more than half of the plotted and subdivided property that is unimproved, within the city for forty years and has remained unimproved during that time. A large amount of the Study Area has remained unimproved but has not been subdivided.
- Area-wide—diversity of ownership does not appear to be a factor.

Blighted conditions not evaluated

- The per capita income of the area was not studied in depth as a part of this study.
- Defective or unusual conditions of title—none known.
- Beyond a review of the Scotts Bluff online tax data, tax or special assessment delinquency exceeding the fair value of the land was not further evaluated.



Comprehensive Plan / Surrounding Property

According to the City's 2016 Comprehensive Plan, the Study Area is located in the Avenue B & Hospital Campus, extending eastward into the Residential District. The Comprehensive Plan provides the following principles for sustainable development in this area:

Interconnection of Neighborhoods and amenities

- With the completion of the pedestrian bridge over US Hwy 26, transportation amenities in the Study Area should prioritize pedestrians, improving pedestrian and cycling facility network throughout the neighborhood.
- Safe and efficient motorized transportation access to the hospital from major arterials.
- Encourage multi-family residential development adjacent to low intensity commercial areas.
- Coordinate land improvements and expansion of road capacity.

Sustainable development

- Incorporate native species, and natural landscaping for commercial development and campus.
- Natural storm water facilities with high percentage of impervious surfaces.
- Direct higher intensity uses towards arterials, with highest intensities at intersections of arterials and collectors.
- Plan for continuity of street patterns in development.
- Preserve land potentially served by city utilities for short and near term development needs.
- Encourage new development to be contiguous with existing development, planned linkages between roads and utilities.

Access to culture and recreation

- Connect residential areas to parks through walking and biking trail connectivity and attention to pedestrian accommodations along and across heavily trafficked thoroughfares (Avenue B).
- Plan for public access to a park or green space in current and new development. Strive for no one residence to be more than a quarter mile walking distance from recreation facilities.



Strong neighborhoods and places, rooted in our unique character

- Make programs that encourage up-keep of private property and neighborhoods more accessible and better communicated.
- Maintain quiet character of existing contemporary single family residential areas.

The development potential of property is determined by the property conditions themselves, and the conditions of surrounding property. This is particularly true for the Study Area. The Study Area is just north and east of two other blighted and substandard areas (Hwy 71 & 42nd Street as well as Avenue B & 33rd Street).

The Study Area with its many parking areas and hard scape will benefit from implementation of the Comprehensive Plan's sustainable development principles.

Adding the Study Area to the existing nearby blighted and substandard areas is necessary to accomplish the sound redevelopment planning and program of the City to achieve the above principles of sustainable development from the City's Comprehensive Plan. This will enhance the development potential of the Study Area.



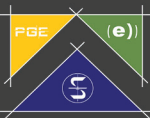
Blighted and Substandard Area Declaration

Based on the findings in this report, the Study Area may be declared blighted and substandard in keeping with and conforming to the Nebraska Community Development Law. This finding will make this area available for redevelopment activities. The General Redevelopment Plan, when prepared, shall be composed in a manner consistent with the City of Scottsbluff Comprehensive Plan.





appendix



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page **37**

The referenced Study Area, in the city of Scottsbluff, Nebraska, includes the following identified Parcels with their legally described Additions, Blocks and/or Lots, and unplatted lands:

Parcel	Legal Description
010000073	LT 1, BLK 8, NORTHERN HEIGHTS ADD
010000074	LT 2, BLK 8, NORTHERN HEIGHTS ADD
010000075	LT 3, BLK 8, NORTHERN HEIGHTS ADD
010000076	LT 4, BLK 8, NORTHERN HEIGHTS ADD
010000077	LT 5, BLK 8, NORTHERN HEIGHTS ADD
010000078	LT 6, BLK 8, NORTHERN HEIGHTS ADD
010000079	LT 3, BLK 9, NORTHERN HEIGHTS ADD
010000080	LT 2, BLK 9, NORTHERN HEIGHTS ADD
010000081	LT 1, BLK 9, NORTHERN HEIGHTS ADD
010000082	LT 1, BLK 5, NORTHERN HEIGHTS ADD (Unknown Ownership)
010000083	LT 2, BLK 5, NORTHERN HEIGHTS ADD
010000084	LT 15, BLK 2, NORTHERN HEIGHTS ADD
010000085	LT 14, BLK 2, NORTHERN HEIGHTS ADD
010000086	LT 13, BLK 2, NORTHERN HEIGHTS ADD
010108084	TR 3, BLK 1, ROSS THIRD SUB
010122338	LT 1, BLK 3, COPPOM SUB REPLAT
010122354	LT 2, BLK 3, COPPOM SUB REPLAT
010122370	LT 12, BLK 2, GEORGE BALTES ADD
010122389	LT 13, BLK 2, GEORGE BALTES ADD
010141871	TR 1, EX S 4.5', ROSS THIRD SUB
010141898	LT 2A, BLK 1, ROSS THIRD SUB RPLT TR 2 BLK 1
010162135	LT 19, BLK 2, GEORGE BALTES ADD
010219412	LT 18A, SUB OF LTS 2 & 18, BLK 2, GEORGE BALTES ADD
010219501	LT 18B, SUB OF LTS 2 & 18, BLK 2, GEORGE BALTES ADD
010225803	LT 3, BLK 2, GEORGE BALTES ADD
010231943	LT 6, BLK 1 MEDICAL ARTS REPLAT
010234551	LT 4, BLK 2, GEORGE BALTES ADD
010237054	PT S 1/2 NE, 14-22-55 UNPLATTED LANDS (13.10)
010237062	PT E 25AC OF S 909.5' OF S 1/2 NE 14-22-55 UNPLATTED LANDS (16.19)
010237070	SE(N OF SCB DR) 14-22-55 UNPLATTED LANDS (13.41)
010245189	LTS 3 & 4, BLK 1, MEDICAL ARTS REPLAT
010268669	LT 1-2, BLK 1, MEDICAL ARTS REPL
010270337	UNIT C (COMMON AREA) LT 7, BLK 1, MEDICAL ARTS REPLAT
010272380	LT 5, BLK 1, MEDICAL ARTS REPLAT
010279075	LT 2, BLK 1, RUGGERS HOSPITAL ADD SUB OF BLK 1 (PT EXEMPT-PARKING LOT)
010294074	LTS 1 & 3, BLK 2, MEDICAL ARTS REPLAT (PARTIALLY EXEMPT-ST MARY'S)
010305114	LT 2, BLK 2, MEDICAL ARTS REPLAT
010322469	LT 7A, BLK 1, NORTHERN HEIGHTS ADD BY FOOS REPLAT
010327797	BLK 3, RUGGERS HOSPITAL ADD (PT EXEMPT-HELICOPTER HANGAR & STORAGE)
010335161	LT 2B, BLK 1, ROSS THIRD SUB RPLT OF TR 2, BLK 1
010343709	BLK 10, NORTHERN HEIGHTS ADD BY FOOS (CHURCH - 300 VALLEY VIEW DR)
010346430	LT 1B, BLK 1, HENRY GRITZFELD ADD SUB OF BLK 1
010346449	LT 1C, BLK 1, HENRY GRITZFELD ADD SUB OF BLK 1

The **primary streets and roads** within the Study Area include:

E—W: 39th Street, 38th Street, 37th Street (Alley), 36th Street, 35th Street, Hillcrest Drive

N—S: Avenue B, Avenue D, Ross Avenue, 2nd Avenue, Rugger Drive

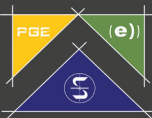
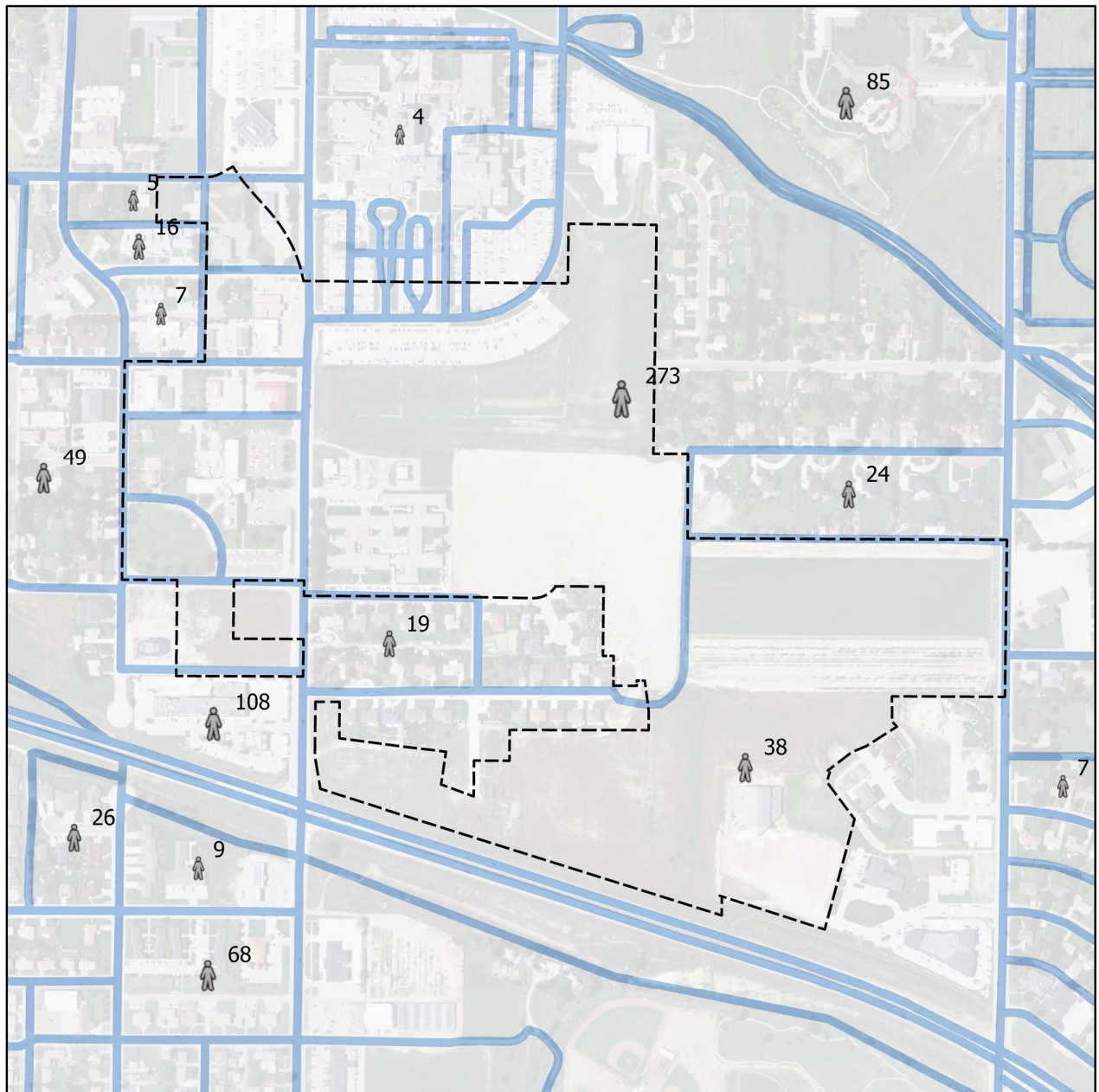


Table 3
Structure Effective and Cumulative Ages - Blight Study Area #18
Scottsbluff, Nebraska

Year Built	Effective Age	No of Units	Cumulative Age
1949	75	3	225
1968	56	5	280
1970	54	5	270
1971	53	1	53
1972	52	2	104
1973	51	1	51
1980	44	2	88
1981	43	5	215
1982	42	1	42
1983	41	1	41
1992	32	3	96
1994	30	1	30
2000	24	3	72
2005	19	3	57
2015	9	1	9
2017	7	1	7
2018	6	1	6
Total Cumulative		39	1646
Average Age			42.21

Source: Scotts Bluff County Assessor online database
 confirmed by M.C. Schaff & Associates, Inc., Field Survey, November 2023



Study Area
2010 US Census Blocks

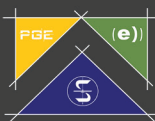
2010 US Census
Block Population

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:

Population: 2010 US Census Blocks and
Block Level Population Data from www2.census.gov

Imagery: Farm Service Agency (FSA) 2010 Imagery, Acquired on June 15-16, 2010
[ftp://dnrftp.dnr.ne.gov/pub/data/CoqArea/Band4_NE_1m_2010/41103/](http://dnrftp.dnr.ne.gov/pub/data/CoqArea/Band4_NE_1m_2010/41103/)



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page 40



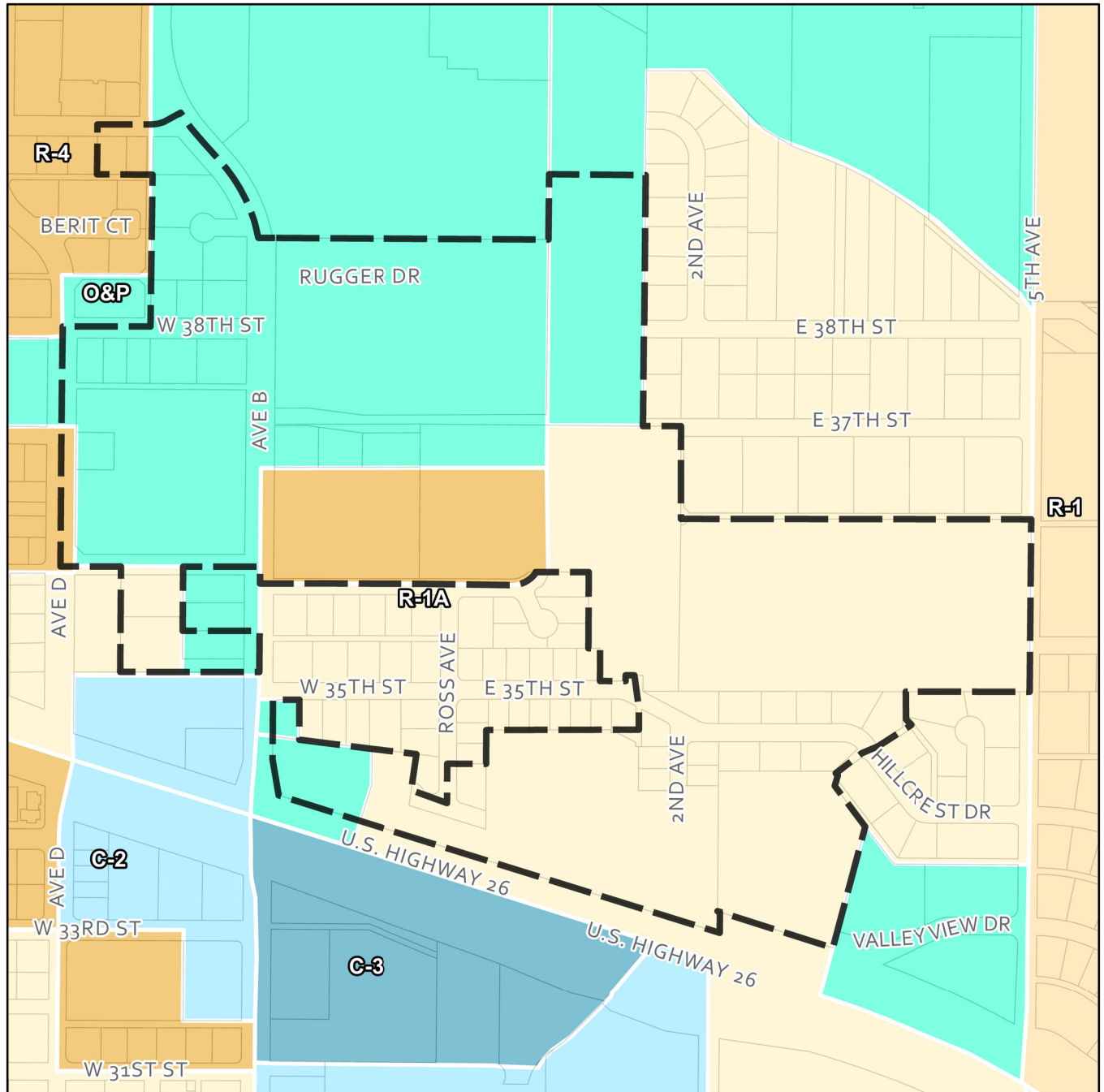
2020 Census Blocks

2020 US Census Block Population

City of Scottsbluff
Scotts Bluff County, NE

Imagery: Esri, USDA NAIP, July 2014





0 125 250 500 750 1,000 Feet



Study Area #18



Neighborhood Commercial (C-2)



Heavy Commercial (C-3)



Office & Professional (O-P)



Single Family Residential (R-1)



Multi-Family Heavy Density (R-4)

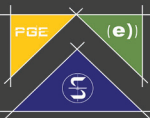


Single Family Medium Density (R-1A)

Existing Zoning

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Zoning: City, 2023
Parcels: Scotts Bluff County, 2021



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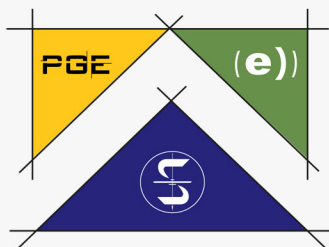
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page 42

PROVIDING SIMPLY SMART SOLUTIONS



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City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 29, 2024 For Hearing of: May 13, 2024



I. GENERAL INFORMATION

- A. The City of Scottsbluff requested MC Schaff and Associates to conduct a blight study in northern Scottsbluff, an area in proximity of Highway 26 and Avenue B (see page 4)
- B. At the time of the study, the blighted and substandard area in the city comprises of 1,177.2 acres or 27.5%.
 - i. This does not include the recent annexation of Triple Peaks and ratification of the blighted and substandard conditions of the subdivision.
 - ii. The City GIS Department finds the blighted and substandard area in the city comprises of 1,233.58 acres or 28.75%.
 - 1. This includes Triple Peaks and ratification.
- C. Study 18 consists of 103.1 acres and will increase the percentage to 31.15%. (31.33% including Study Area 19)
 - i. A maximum of 35% of a first-class city can be blighted per Nebraska State Statutes.
- D. The study concludes the area may be declared blighted and substandard in keeping with and conforming to the Nebraska Community Development Law.
 - i. The area must meet at least one of the conditions listed on pages 9-11

II. STAFF COMMENTS

- A. Staff selected this area due the reasons listed on page 13, such as the predominance of vacant and/or undeveloped parcels.
- B. Records show the majority of this area was annexed into the City in the 1960s and 1970s.
 - a. Some land has been undeveloped for nearly 50 years.
- C. With Study Area 18 designated as blighted and substandard, developers/property owners will be able to apply for TIF for redevelopment. With TIF available, the developer can make necessary improvements to develop the area, extending utility lines and streets within the area.
- D. A resolution will be required for Study Area #18 acknowledging that the Planning Commission has considered the slight and substandard study at a public hearing formulating its recommendation to the City Council.

III. STAFF RECOMMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve the Blight and Substandard Study for Area #18.

City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 6.B

Planning Commission to review and discuss Study Area #19, Blight & Substandard Determination Study, dated November 2023 by MC Schaff & Associates. Area #19 is generally described properties within the vicinity east of 5th Avenue, west of Circle Drive, south of East 27th Street, and north of East 26th Street in the central portion of Scottsbluff, containing approximately 7.51 acres.

Staff Contact: Zachary Glaubius, Sharaya Toof

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 29, 2024 For Hearing of: May 13, 2024



I. GENERAL INFORMATION

- A. The City of Scottsbluff requested MC Schaff and Associates to conduct a blight study in an area in proximity of 5th Avenue and 27th Street (see page 4)
- B. At the time of the study, the blighted and substandard area in the city comprises of 1,177.2 acres or 27.5%.
 - i. This does not include the recent annexation of Triple Peaks and ratification of the blighted and substandard conditions of the subdivision.
 - ii. The City GIS Department finds the blighted and substandard area in the city comprises of 1,233.58 acres or 28.75%.
 - 1. This includes Triple Peaks and ratification.
- C. Study 19 consists of 7.51 acres and will increase the percentage to 28.92%. (31.33% including Study Area 19)
 - i. A maximum of 35% of a first-class city can be blighted per Nebraska State Statutes.
- D. The study concludes the area may be declared blighted and substandard in keeping with and conforming to the Nebraska Community Development Law.
 - i. The area must meet at least one of the conditions listed on pages 6-9.

II. STAFF COMMENTS

- A. Staff selected this area due the reasons listed on page 10.
- B. With Study Area 19 designated as blighted and substandard, developers/property owners will be able to apply for TIF for redevelopment. With TIF available, the developer can make necessary improvements to develop the area, extending utility lines and streets with in the area.
- C. A resolution will be required for Study Area #19 acknowledging that he Planning Commission has considered the slight and substandard study at a public hearing formulating its recommendation to the City Council.

III. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve the Blight and Substandard Study for Area #19.



STUDY AREA #19

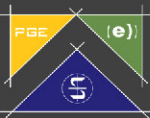
BLIGHT & SUBSTANDARD DETERMINATION STUDY City of Scottsbluff, NE



PRESENTED TO
City of Scottsbluff
Community Redevelopment

PREPARED BY
M.C. Schaff & Associates, Inc.
818 South Beltline Highway East
Scottsbluff, NE 69361

PROJECT
RM230255-00
November 2023



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Purpose of this Analysis

The Blighted and Substandard designation opens the door for stimulating new development and allowing developers, in fact all citizens, the ability to make significant public improvements related to their project. The mechanism allows property owners the use of real estate property taxes (normally paid to other government agencies) for improvements including land acquisition and site preparation. Tax money can be used up to 15 years for this purpose.

This designation allows use of most of the new taxes generated by way of redevelopment. An owner pays the property tax but it is “refunded” for the purpose of land acquisition, site preparation and placing public improvements on the site. The program has worked well for Scottsbluff’s downtown and more recently, the Reganis Auto Dealership, hotel adjoining the dealership, and the Monument Mall. So, while the term may seem objectionable, the results can be very positive for the entire community.

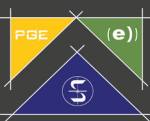
The Nebraska Unicameral enacted legislation which addressed the existence of areas within communities that needed incentives to redevelop. These areas tended to be older and out of date. Often spotty improvements had been made but the general condition was not attracting expansion of existing business nor new development and investment. On its face, this appeared to be true of the Study Area shown in **Figure 1** on page 4, so a decision was made to give the area a closer look.

The purpose of this analysis is to identify and determine if an area within the City of Scottsbluff, Nebraska should be considered blighted and substandard under the criteria for such areas as set forth in the Nebraska Community Development Law, Section §18-2103. This Scottsbluff Blight and Substandard Study is intended to provide the Scottsbluff City Council the basis for determining the existence of blighted and substandard conditions within Scottsbluff’s corporate limits. Through this process, the City attempts to eliminate economic and/or social concerns that are detrimental to the future public health, safety, morals, and general welfare of the entire community. This study examines conditions relating to buildings, land use, and infrastructure within the Study Area to determine areas eligible for redevelopment under Nebraska Community Development Law.

Like other areas designated as Blighted and Substandard, a portion of the Study Area has not kept pace with overall community standards while other areas in the community have seen steady growth and development. The Community Development Law enables cities to take steps to address various forms of decline through acquisition, clearance, and disposition of property for redevelopment or through the conservation and rehabilitation of property.

This study examines existing conditions of land use, buildings, infrastructure, development patterns and general health, safety welfare aspects within the designated Study Area in the City of Scottsbluff. This has been done in an effort to determine its eligibility for redevelopment activities. The proposed Study Area #19 analyzed in this report is generally described as being near the center of the community, between 5th Avenue and Circle Drive, and between 26th and 27th Streets. A number of opportunities for redevelopment exist to allow the community to overcome some of the challenges in the Proposed Study Area #19.

Generally, the block contains some long-standing successful commercial businesses on the north and aging multi-family residential housing on the south which provides a buffer between the heavily traveled 27th Street and single family residential. Reinvestment in much of the Study Area is falling behind and is not on par with the overall community growth and level of private investment. Some properties in the Study Area have been allowed to rapidly decline due to a number of challenges. The Study Area is just west of a large area that has been previously designated as blighted and substandard. Study Area #19 appears to be an excellent opportunity to provide incentives triggering new activity where adequate market forces are not present to move development in a positive direction.





Nebraska Revised State Statutes

Nebraska's Community Development Law clearly provides guidelines for communities to address concerns and develop strategies for the rehabilitation and redevelopment of deteriorating areas as well as the prevention and elimination of substandard and blighted areas. This tool is provided in Neb Rev Stat §§18-2101 to 18-2154.

Nebraska Revised Statute §18-2104 enables a municipality to declare that blight and substandard conditions exist. The statute reads,

"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements."

The statutes provide a means for the governing body of a municipality to address and develop strategies for rehabilitation and redevelopment of the community.

Nebraska Revised Statute §18-2105 grants authority to the governing body to formulate a redevelopment program. The statute reads,

"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."

The law states that there are a number of reasons an area goes beyond remedy and control solely by the regulatory process and cannot be dealt with effectively by ordinary police powers or ordinary operation of private enterprise without aid. Such things as overcrowding, unsafe, unsanitary conditions, inadequate planning, lack of proper

light, air and open space, defective design and arrangement of buildings, faulty street layout and economically undesirable land uses are among the reasons.

The law goes on to provide the city with the ability to declare an area blighted and substandard followed by creating a workable program to utilize private and public resources to address specific conditions to be improved. The statute provides a means for the governing body to address and develop strategies for rehabilitation and redevelopment of the community. The main substance of a workable program is an adopted redevelopment plan for the defined area based in part on an adopted comprehensive plan.

Implementing this strategy for a Designated Study Area is intended to give the Community Redevelopment Authority and City Council a basis for determining the existence of blight and substandard conditions within the delineated Study Area. The general area considered for inclusion in the Study Area is shown in **Figure 1. Study Area #19** on page 4 of this report, with the area boundary described on pages 5-6. Parcel numbers with legal descriptions are provided in **Table 2**, located in **Appendix A**. The Study Area can generally be described to include land bounded by 27th Street on the north, 5th Avenue on the west, 26th Street on the south, and Circle Drive on the east.

The study looks at existing land-uses, platting, structures and infrastructure systems to determine whether Study Area #19 or a part of it meets the statutory requirements for the designation as a Blighted and Substandard Area. With the growing interest and use of this valuable tool the State has taken an increased interest in assuring all using the tool use it in accordance with the statutes. For this reason, it is imperative the City of Scottsbluff closely adhere to the provisions set forth in the Nebraska Revised State Statutes.

The findings of this study will serve to guide the general redevelopment. The previously approved 2016 Comprehensive Plan and this Blighted and Substandard Study will present appropriate land uses, strategies for improved traffic circulation, economic development activities, and utilities and other improvement in accordance with the law.

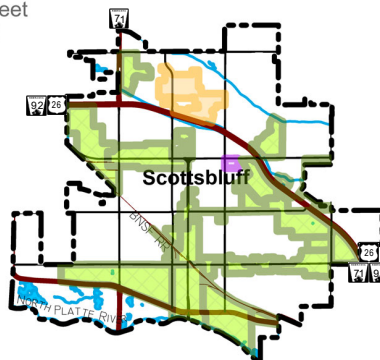


Examples of Structural Conditions within the Study Area



- Existing Redevelopment Areas
- Study Area 18
- Study Area 19
- Corporate Limits

Data Source:
Aerial: Scotts Bluff County, 2023



Study Area #19

City of Scottsbluff
Scotts Bluff County, NE



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Blight Study | City of Scottsbluff, NE

page 4

Redevelopment Study Area (Site 19): The redevelopment Study Area consists of properties within the vicinity east of 5th Avenue, west of Circle Drive, south of East 27th Street, and north of East 26th Street, in the central portion of the community. The site contains approximately 7.51 acres and is more particularly described as:

Situated in the northwest quarter of the northwest quarter of the northwest quarter of Section 24, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows;

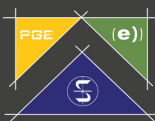
Beginning at the intersection of the centerlines of East 27th Street and 5th Avenue;

Thence easterly on the center line of East 27th Street to its intersection with the center line of Circle Drive;

Thence southerly on the center line of Circle Drive to its intersection with the center line of East 26th Street;

Thence westerly on the center line of East 26th Street to its intersection with the center line of 5th Avenue;

*Thence northerly on the center line of 5th Avenue to its intersection with East 27th Street, said point being the Point of Beginning—said redevelopment Study Area containing an area of **7.51 acres**, more or less.*



The requirements for detailed planning beyond the Comprehensive Plan treatment include but should not be limited to:

1. Boundaries of the area, existing land use and condition of improvements
2. A land-use plan
3. A map showing population density, land coverage and building concentrations
4. An outline of proposed changes in ordinance, layout or other related ordinances
5. A site plan of the area
6. A statement outlining any additional public facilities or utilities required to support new land uses after redevelopment.

The Blighted and Substandard study highlights locations and opportunities for improvement and revitalization. Once the area is designated, the City can guide future development in this area and provide financial incentive for development. Using the Nebraska Community Development Law, the City can reduce or eliminate factors impeding redevelopment and implement programs or projects to improve conditions and minimize the negative impacts of blight and substandard conditions.

Substandard and Blight Eligibility Analysis

Substandard and Blight Definitions and Explanation

Substandard areas are defined by State Statute **§18-2103(31)**, as the following:

“Substandard areas means 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, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;”

Blighted areas are defined by State Statute **§18-2103(3)**, as the following:

“Blighted area means 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, insanitary or unsafe conditions, 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 constitutes 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:*

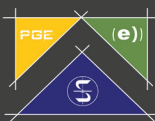
(i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average;

(ii) the average age of the residential or commercial units in the area is at least forty years;

(iii) more than half of the plotted 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) 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 percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;”



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The following are the specific definitions of “substandard” and “blighted” according to Nebraska State Law. These definitions serve to be the basis of this entire analysis and each portion of the definitions are examined individually throughout this document.

Substandard Area Definition

By statute a substandard area means one where a predominance of building or improvements (residential or nonresidential) having one or more of the following characteristics:

- 1. Dilapidating or deteriorated**
 - a. Unacceptable standard for walls, foundation, roof, gutters, roof surface, chimney, fire escapes, weatherizing, steps, exterior paint and site conditions. Chipping, cracks, loose components, missing pieces, sags and other signs of substandard condition all qualify for this condition.
- 2. Age (obsolescence)**
 - a. A 40 years or more criteria was used for estimate.
- 3. Inadequate ventilation, light, air, sanitation, or open spaces**
 - a. Things like junked cars and other accumulated debris, antiquated infrastructure, unpaved parking, outdoor storage
- 4. Other conditions**
 - a. High density population or overcrowding (census)
 - b. Other conditions which could be unsafe or unsanitary endangering life or property.
 - c. Any combination of factors conducive to poor health, disease, mortality, delinquency or crime. Any combination that is detrimental to public health, safety, morals or welfare. This may include inadequate infrastructure as well as statistical data.

Structural conditions were evaluated using the U.S. Department of Housing and Urban Development standard definitions:

No Problem

- No structural or aesthetic problems are visible

Adequate Condition

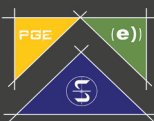
- Slight damage to porches, steps, roofs
- Slight wearing of mortar between bricks/stone/block
- Small cracks in walls or chimneys
- Cracked windows
- Lack of paint
- Slight wear on steps, doors and frames

Deteriorating Conditions

- Holes, open cracks, rotted, loose, or missing material in parts of the foundation, walls (1/2 of the wall) or roof (1/4 of the roof)
- Shaky, broken, or missing steps or railings
- Numerous missing and cracked window panes
- Rotted or loose windows or doors no longer water-proof

Dilapidated Condition

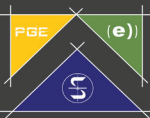
- Holes, open cracks, rotted, loose or missing material over a large area of the foundation, on wall or on roof
- Substantial sagging of roof, floors, or walls
- Extensive fire, flood, or storm damage
- Inadequate original construction such as building elements made of scrap materials or conversion of structures not adequate for housing.



Blighted Area Definition

The blighted area designation is based on a number of criteria or indicators of substandard conditions. These are specified in the law and outlined below.

1. The presence of a substantial number of deteriorated or deteriorating structures. This takes the form of structural problems, exterior paint, cracks, chimney, site conditions, roof and similar problems with the building.
2. Existence of a defective or inadequate street layout. This includes dead ends, railroad crossings, linear downtown, narrow alleys and blind crossings, as well as poor vehicular access and/or internal circulation, substandard parking definition and parking layout (lack of curb cuts, awkward entrance/exit points), offset or irregular intersections, substandard or nonexistent pedestrian circulation.
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness. Such things as landlocked parcels, odd shaped lots, undersized lots, and poor accessibility.
4. Unsanitary or unsafe conditions. Examples here include age and physical condition of structures, buildings located within the flood plain, lack of public infrastructure, unsanitary conditions and ventilation. Additional examples include graffiti or other forms of vandalism or vagrant activity, poorly lit and unlit areas, the existence of trash or debris or weeds, abandoned vehicles, uneven grading or steep slopes, environmental contamination, cracked or uneven sidewalks, a high incidence of reported crime.
5. Deterioration of site or other improvements. Such things as off-street parking, poor storm drainage, junk cars, dilapidated structures, neglected properties, debris, on-site storage, unscreened trash or mechanical storage areas, deterioration of parking surfaces, lack of landscaping, general site maintenance problems are examples.
6. Diversity of ownership. This condition exists when numerous lots are needed to develop to up to date standards. Assemblage is difficult without some form of public assistance.
7. Tax or special assessment delinquency exceeding the fair value of the land.
8. Defective or unusual conditions of title. Liens, improper filings are examples.
9. Improper subdivision or obsolete platting. Examples include undersized lots, improper zoning, lot configuration, easements and accessibility are problems that often are present.
10. The existence of conditions which endanger life or property by fire or other causes. Such things as inoperative infrastructure, site access, on-site storage, secluded areas for pests to thrive, poor surface drainage, poor street and poor sidewalk condition are examples.
11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability. Here incompatible land uses, obsolescence and inability for a property to compete in the market place.
12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:
 - a. Unemployment in the area at least 100% of state or national average census data
 - b. The average age of residential and commercial units is over 40 years as determined by field observations
 - c. More than half of the plotted/subdivided property has been unimproved for 40 years using public record
 - d. Per capita income of the area is lower than the average of the city from census data.
 - e. The area has a stable or declining population based on the last two decennial censuses.





Analysis Approach

The approach and methodology utilized by M.C. Schaff & Associates, Inc. in conducting the Blighted and Substandard Area Determination Analysis included an assessment of all factors listed in the Nebraska Community Development Law as factors that indicate or contribute to making an area blighted and substandard. Data relating to factors such as building condition, building age, site conditions, adequacy of building sites, condition of public improvements, and unsanitary or unsafe conditions were developed through detailed exterior structural field surveys on a structure by structure basis and through collection of data on a unit by unit basis available from public records at the Scotts Bluff County Courthouse and via their online databases. Data relating to other factors such as the adequateness of street layouts, lot layouts and overall subdivision design were investigated on an area-wide basis.

Assessment of potential blighting factors stemming from diversity of ownership and tax or special assessment delinquencies were conducted through evaluation of courthouse and online county records for all property within the analysis area, referred to as the Study Area. The valuation, tax amount and any delinquent amount was examined for each of the properties, and public records were examined to determine the number of property owners in the Study Area.

Additional Public Intervention Necessary

Although the presence of one or more of these substandard or blighting conditions may make it appropriate to declare an area substandard and blighted under the Statue, this analysis was conducted on the basis that additional public intervention over and above the exercise of the police power is necessary to overcome the problems that exist in any substandard and blighted area.

Analysis of the Study Area

Scottsbluff Designated Study Area #19

The Designated Study Area selected by the City for evaluation is within the corporate limits, and is made up of various light commercial, vacant property, and multi-family uses. Single family residential surrounds much of the Study Area, while it is bordered on the east by office and professional uses. This particular area was selected for several reasons.

1. The area is within an active commercial corridor.
2. There is a need to improve infrastructure due to substandard existing conditions.
3. There is obvious economic decline and functionally obsolete uses within the area. Properties are no longer suitable for their intended use due to outdated design, systems, equipment.
4. There is the presence of blighted and substandard characteristics within the area.
5. A need is apparent for public intervention to stimulate the development and redevelopment of vital infrastructure systems to support private redevelopment efforts.
6. The proximity of the Study Area to one other blighted and substandard area.

The City is in a position to remove negative factors and implement programs and projects to improve conditions thereby removing the blighted and substandard conditions. This not only benefits the corridor/Study Area but the entire community through private reinvestment and enhanced quality of life.

The field survey of the Study Area within the City was conducted in November-December 2023 to determine if this area, in fact, has experienced structure and/or site deterioration or if the area is experiencing other negative influences that decrease the potential for redevelopment or new development. The following information describes this Study Area in detail, as well as, specifying the methods and procedures used to determine whether this Study Area should be declared blighted and substandard under the Nebraska Community Development Law.

The Study Area's northeast corner is one property away from the Blighted and Substandard Area #7.

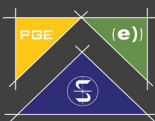
The total acreage within the City of Scottsbluff corporate limits is **4274.93 acres**. Currently, the city has approximately **1177.2 acres** designated as "Blighted and Substandard", approximately **27.5%** of the City's total acreage. The proposed additional "Blighted and Substandard" area consists of **7.51 acres**. This proposed area, if designated as "Blighted and Substandard", will add **0.176%** of the corporate limits to the total Blighted and Substandard area bringing it to **1184.7 acres** or **27.7%** of the total area of the City of Scottsbluff. This remains well within the allowed **35%** providing future opportunity to add more.

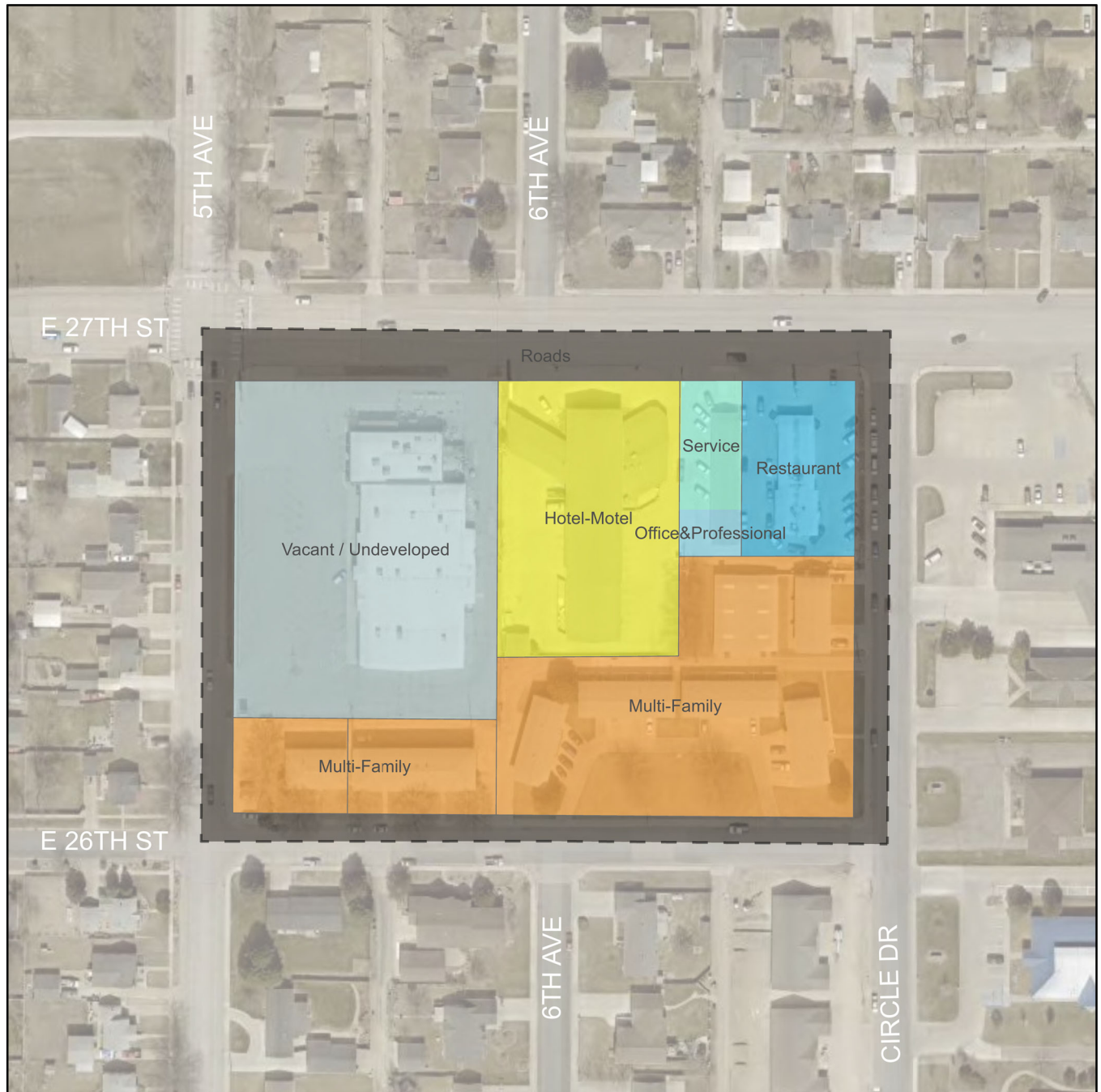
Existing Land Use

The land uses that now exist within the Study Area are depicted on **Figure 2. Existing Land Use** (page 11), and can be placed in five (5) categories, including:

- Commercial Service, Retail, Restaurants
- Office & Professional
- Multi-Family Residential
- Public Streets and Alleys
- Vacant / Undeveloped Land

The land uses in Study Area #19, shown in **Figure 2** on the following page, are analyzed further in **Table 1** (page 12), which provides the breakdown of land uses, acreages, and the total acreage within this Study Area.



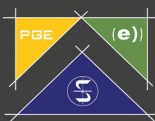


- | | |
|----------------------|--------------------------|
| Study Area | Office & Professional |
| Vacant / Undeveloped | Restaurant |
| Streets & Alleys | Multi-Family Residential |
| Hotel-Motel | Parcel |
| Service | |

Existing Land Use

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Land Use: MCS Field Survey, 2023
Parcels: Scotts Bluff County, 2021
Aerial: Scotts Bluff County, 2023



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Table 1**Existing Land use - Scottsbluff Blight Study Area #19
Scottsbluff, Nebraska**

Land Use Category	Blight Study Area 19	
	Area (Acres)	Percent of Total Area
Office & Professional	0.06	1%
Commercial	1.67	22%
<i>Restaurant</i>	0.43	6%
<i>Service</i>	1.24	17%
Residential	2.13	28%
Public Streets & Alleys	1.74	23%
Vacant / Undeveloped Land	1.91	25%
	7.51	

Source: M.C. Schaff & Associates, Inc., Field Survey, November-December 2023

Multi-Family Residential is the largest land use in the Study Area. This use comprises 2.13 acres, or 28.3% of Study Area #19. The second largest land use in Study Area #19 is that of vacant property. This use comprises a total of over 1.9 acres, or 25.4% of the Study Area.

The third largest land use in this Study Area is that occupied by public streets and rights-of-way, encompassing more than 1.74 acres or 23.2%.

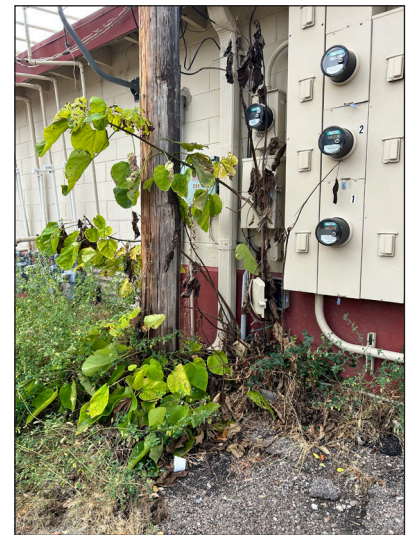
Commercial uses including motel, service, and restaurants are the fourth largest land use, 22.3% of the Study Area with 1.67 acres.

Office & Professional uses are the fifth largest land use, occupying 0.06 acres, less than one percent (0.8%) of the Study Area.

Study Area #19 is nearly adjacent to and just west of the previously blighted Study Area on either sides of East 27th Street, beginning just east of Circle Drive.

Findings and Contributing Factors

The intent of this study is to determine whether the subject area has experienced structural and site deterioration and if there are other negative factors that are decreasing the area's potential to develop. The field survey work was completed in November-December 2023 and strongly supports initial impressions that the area has in general declined below community standards. What follows are the factors evaluated to determine whether



Examples of Site and Structural Conditions within the Study Area



Examples of Structural and Site Conditions within the Study Area



Examples of Structure and Site Conditions within the Study Area

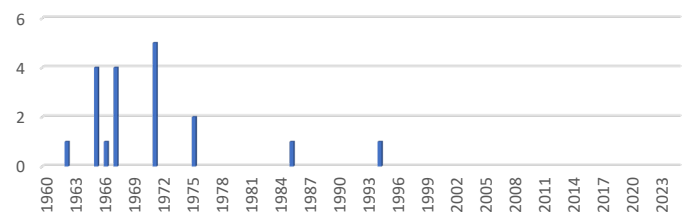
there is a reasonable presence of blight and substandard conditions within the designated Study Area #19. This section reviews the building and structure conditions, infrastructure and land use found in the area based on statutory definitions, and observations and explains the identified contributing factors.

As set forth in Nebraska legislation, a blighted area means an area determined by reason of the presence of:

1. Deteriorated or Deteriorating Structures—Exterior Inspection of Buildings

There were a total of 19 structures evaluated using the Blighted and Substandard criteria as described on pages 7-9 of this report. Only the primary structures were evaluated under the Blighted and Substandard definition. Any outbuildings/other structures that were present were not included in the survey. The boundary for the Blighted and Substandard designation includes 19 buildings of known age, with a combined average age of 53.5 years. For structure age see chart below, **Figure 3** (page 15), and **Table 3 (Appendix B)**. Structure condition is summarized in **Figure 4** (page 16). Field surveys confirming Scotts Bluff County Assessor's data concluded that 0% are good, 100% are deteriorating —of that, 58% are average, and 42% are badly worn.

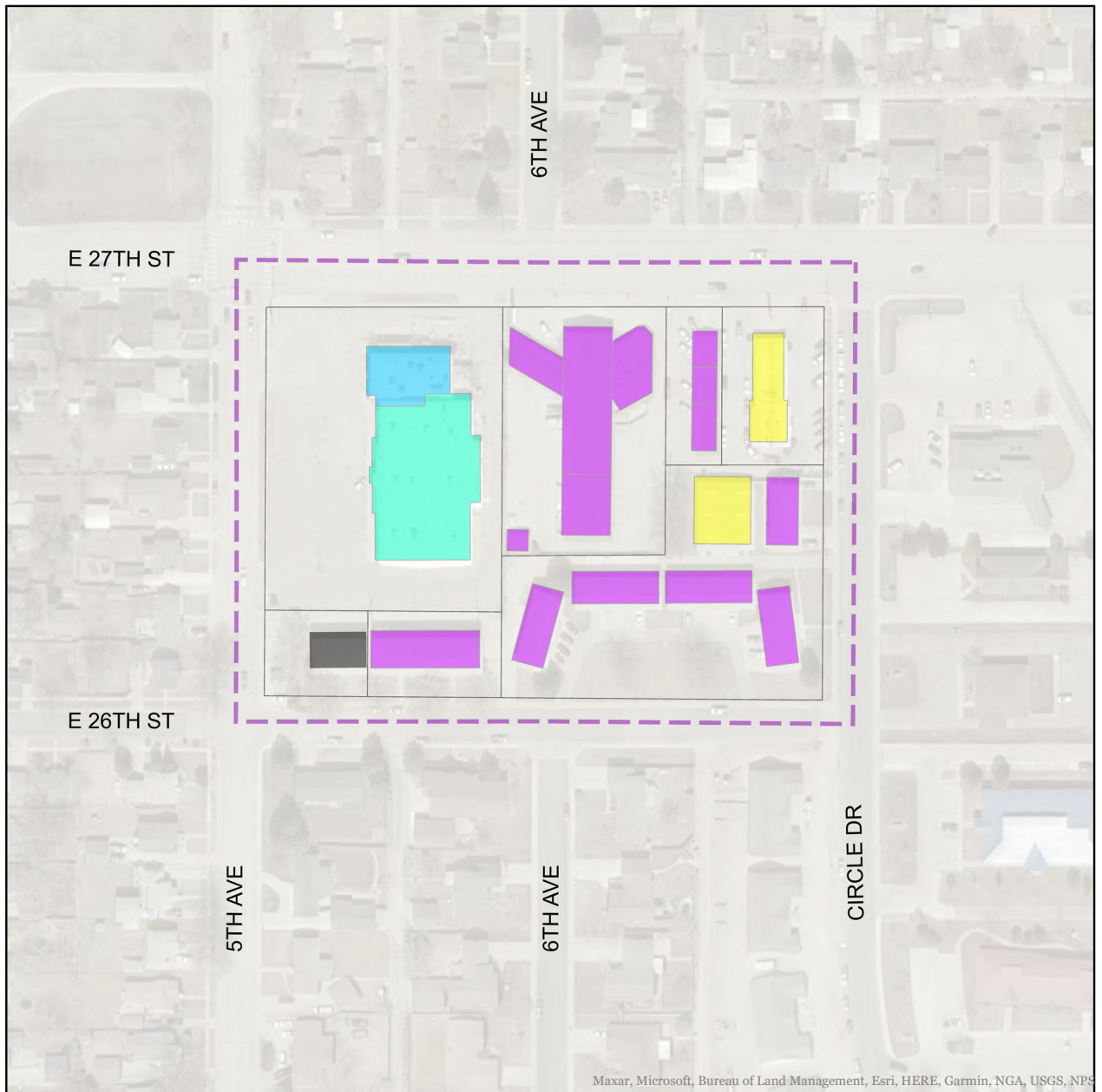
**Structures Built Per Year
Scottsbluff Blight Study Area #19**



Source: Scotts Bluff County Assessor online database, verified by M.C. Schaff & Associates, Inc., Field Survey, Oct-Nov 2023

2. Defective or Inadequate Street Layout—Street Conditions and Accessibility

Inadequate infrastructure, street conditions and accessibility as well as inability to safely move traffic through an area is a contributing factor to the blight and substandard conditions. The surface condition of public roads, curb & gutter, and sidewalks in the Study Area, displayed in **Figure 5** (page 17) is fair to good.

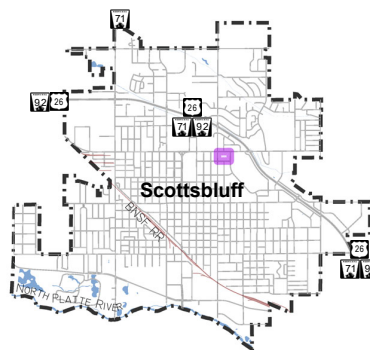


Maxar, Microsoft, Bureau of Land Management, Esri, HERE, Garmin, NGA, USGS, NPS



Structure Built Year

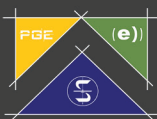
- Before 1964
- 1964 - 1973
- 1974 - 1983
- 1984 - 1993
- 1994 - 2023
- Corporate Limits
- Study Area Parcel
- Study Area #19



Structure Age

**City of Scottsbluff
Scotts Bluff County, NE**

Data Sources: Scotts Bluff County
Structure age obtained from Assessor
online data sheets, Oct 2023;
Imagery: Eagleview 2023



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0 25 50 100 150 200 Feet

Structure Rating

- Sound (0)
- Minor Deficiencies (8)
- Major Deficiencies (11)
- Substandard (0)
- Dilapidated (0)

Structure Footprint

Vacant / Undeveloped Parcel

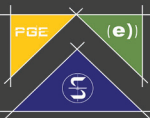
Study Area Boundary

Study Area

Structure Condition

City of Scottsbluff, NE

Structure condition obtained from
Scotts Bluff County Assessor
online data sheets, and adjusted
following field verification, Nov. 2023.



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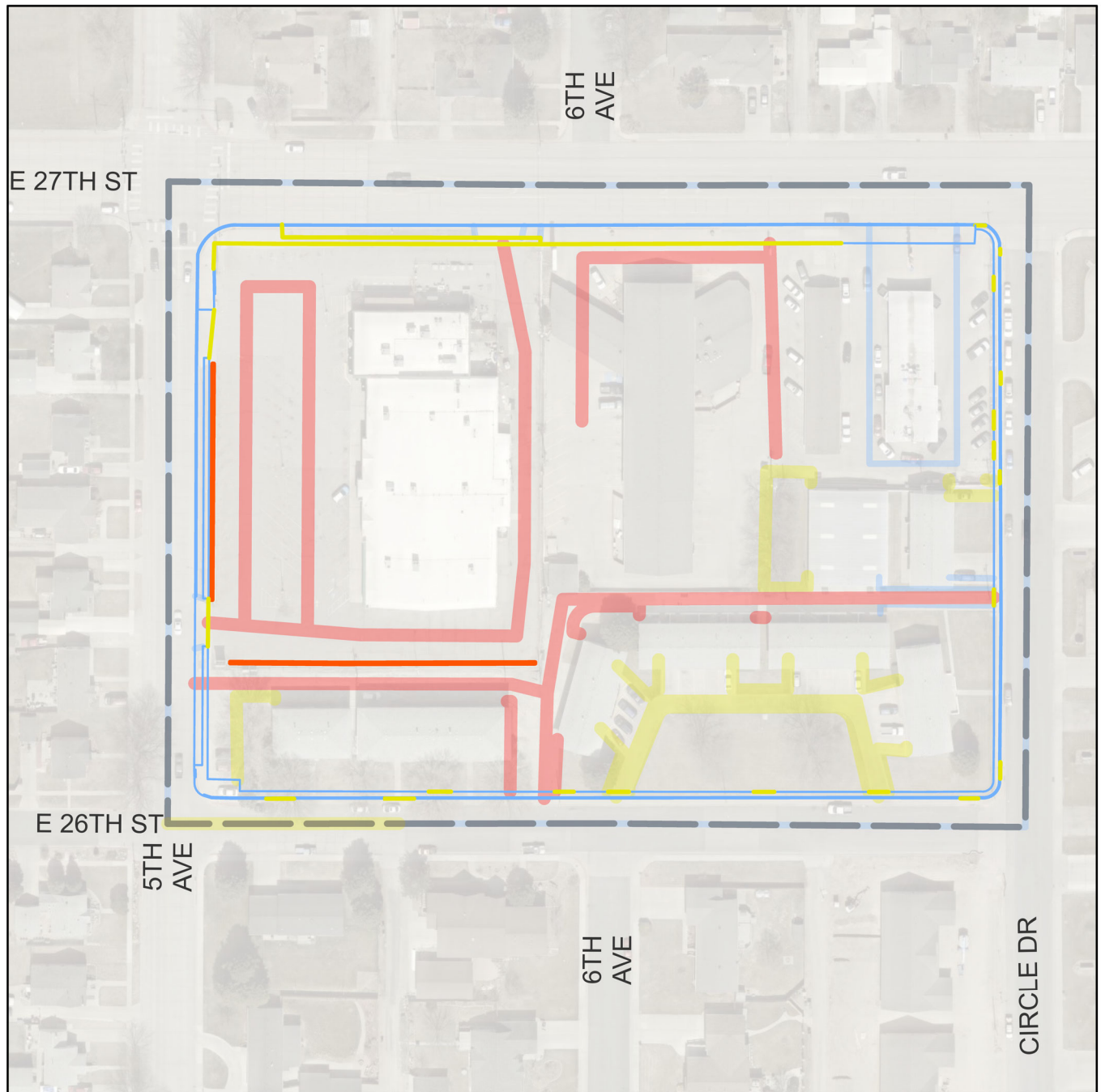
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Blight Study | City of Scottsbluff, NE

page 16



Transportation Surface Condition

City of Scottsbluff
Scotts Bluff County, NE

Street Surface Condition

- Good
- Deteriorating
- Dilapidated
- None

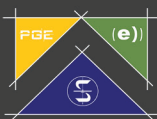
Curb & Gutter Condition

- Good
- Fair
- Poor
- None

Sidewalk Condition

- Good
- Fair
- Poor
- None
- Study Area

Conditions observed during
MCS field survey, Nov. 2023.
Features shown include some
non-public travel ways.



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While the road, curb and gutter, and sidewalk surfaces have been maintained to community standards with minor needed improvements, one portion of concrete roadway is experiencing prevalent cracking. The private alleys and some private curb/gutter and sidewalk are deteriorating/dilapidated. All alleys in the Study Area are private.

Following are some exhibited traffic safety and pedestrian experience issues that need be addressed.

- Redevelopment will add to traffic counts, therefore consideration should be given to enhancing the pedestrian experience with landscaping. Good and poor landscaping elements are present within the Study Area.
- Circulation through some commercial and multi-residential driveways is tight, especially for those properties without directional arrows and signage..
- There are no public alleys in the Study Area. All drives are private and most are narrow. Some private drives and parking areas in the Study Area are dilapidated with poor drainage.
- Public sidewalks are provided throughout the Study Area, Some buildings have a concrete step and no handicap ramp is provided.
- Street, sidewalk, and curb and gutter condition was observed and noted as part of this study. Some driveway entrances crossing public sidewalk are severely cracked.

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

Study Area #19 contains a light commercial and multifamily residential block in Northeast Residential Scottsbluff. Faulty lot layout is seen in the following instances:

- There are no public alleys in the Study Area. Narrow private drives, some with parking along one side, provide access for trash collection vehicles. Lack of entrance/exit designation signage/direction arrows.
- Parking is congested in some areas due to small lot size.
- Building side yard setback for some structures on separate parcels appears minimal.



Examples of Curb, Gutter, Sidewalk Conditions within the Study Area



Examples of Site & Pavement Conditions within the Study Area

4. Unsanitary or Unsafe Conditions

Age of Structure is a contributing factor to the blighted and substandard conditions in the Study Area with 89% of the structures over 40 years of age. The statute allows the inclusion of this factor, regardless of structure condition, where there is a predominance of structures 40 years of age or older. See **Appendix B—Table 3** for a summary of structure ages.

5. Deterioration of Site or Other Improvements

Debris

Debris accumulates in the vacant lot as well as private drives and is found throughout the Study Area, concentrated around the vacant property. Several significant examples of debris were noted in field observation. This debris included everything from galvanized corrugated sheet metal and construction materials, to clothing articles and discarded alcohol bottles as well as on-site storage--pallets, tabletop, and numerous other items. Numerous (somewhat less severe) debris are present throughout the Study Area, suggesting the problem is growing.

Dilapidated Structures

Structure conditions were examined both using Scotts Bluff County Assessor's online database of building appraisal and confirmed/adjusted through field evaluation. The data and rating system from the Scotts Bluff County Assessor's database was used to evaluate properties in the area, rating structures as either: Excellent, Good, Average, Fair, Badly Worn, and Worn Out. Rating terms are defined as follows:

Excellent: Typically newer construction or property that has been completely upgraded.

Good: Typically no major defects or aging conditions in field analysis.

Average: Typically minor defects showing up, 25% or less of the following—degrading roofing materials, masonry joints in need of tuck-pointing, or small cracks in foundation, broken glass, painted surfaces beginning to peel.

Fair: Similar to Average, conditions are worsening and cover a larger portion of structure.

Badly Worn: Structure is showing many of the conditions mentioned, and extent of aging and deterioration may require demolition to eliminate the conditions.

Worn Out: Aging, deterioration and conditions point toward demolition to eliminate the conditions.

Based on these ratings, it is assumed that Average condition and less would constitute less than desirable conditions due to age and structure status. It is common for older structures to require considerable maintenance and upkeep to maintain good and excellent condition, while an Average structure can show signs of deterioration that can more quickly become a dilapidated structure if not addressed.



Findings of the study show 0% structures in good condition, 58% deteriorating (fair to average condition), while 42% of the structures are worn/badly worn and pose a threat to redevelopment. Using the above assumptions, overall, 100% of the structures in the Study Area are Average condition or worse.

Eighty-nine (89%) of the 19 primary structures in the Study Area are in excess of 40 years—structures in the Study Area range in age from 30 to 62 years. Thus, structure age and obsolescence within the Study Area **is** a contributing condition of blight and substandard.



6. Diversity of Ownership—7 properties, 5 owners.

7. Tax or Special Assessment Delinquency—None identified .

8. Defective or Unusual Conditions of Title—None identified.

9. Improper Subdivision or Obsolete Platting—A few structures appear to have minimal side yard setback from the property line. This feature alone is not substantial, but this does contribute to the blighting factor. See **Appendix D—Figure 11** for a current zoning map of the area.



10. The Existence of Conditions That Endanger Life or Property by Fire or Other Causes

Figure 6, on page 21, provides an overview of the blighted and substandard conditions located and photographed during field observations.

Poor Sidewalk and Street Conditions

The entirety of the Study Area is serviced with sidewalks that vary in condition from excellent to poor. The condition of the concrete street paving shows signs of age with substantial cracking on East 26th Street. Bituminous streets have been recently (in 2016 or 2020) chip sealed. Street curbs and gutters show some signs of aging with settling, cracks and missing pieces. Private paved alleys including parking areas range from substantial cracking to dilapidated surfaces. These conditions are wide-spread.



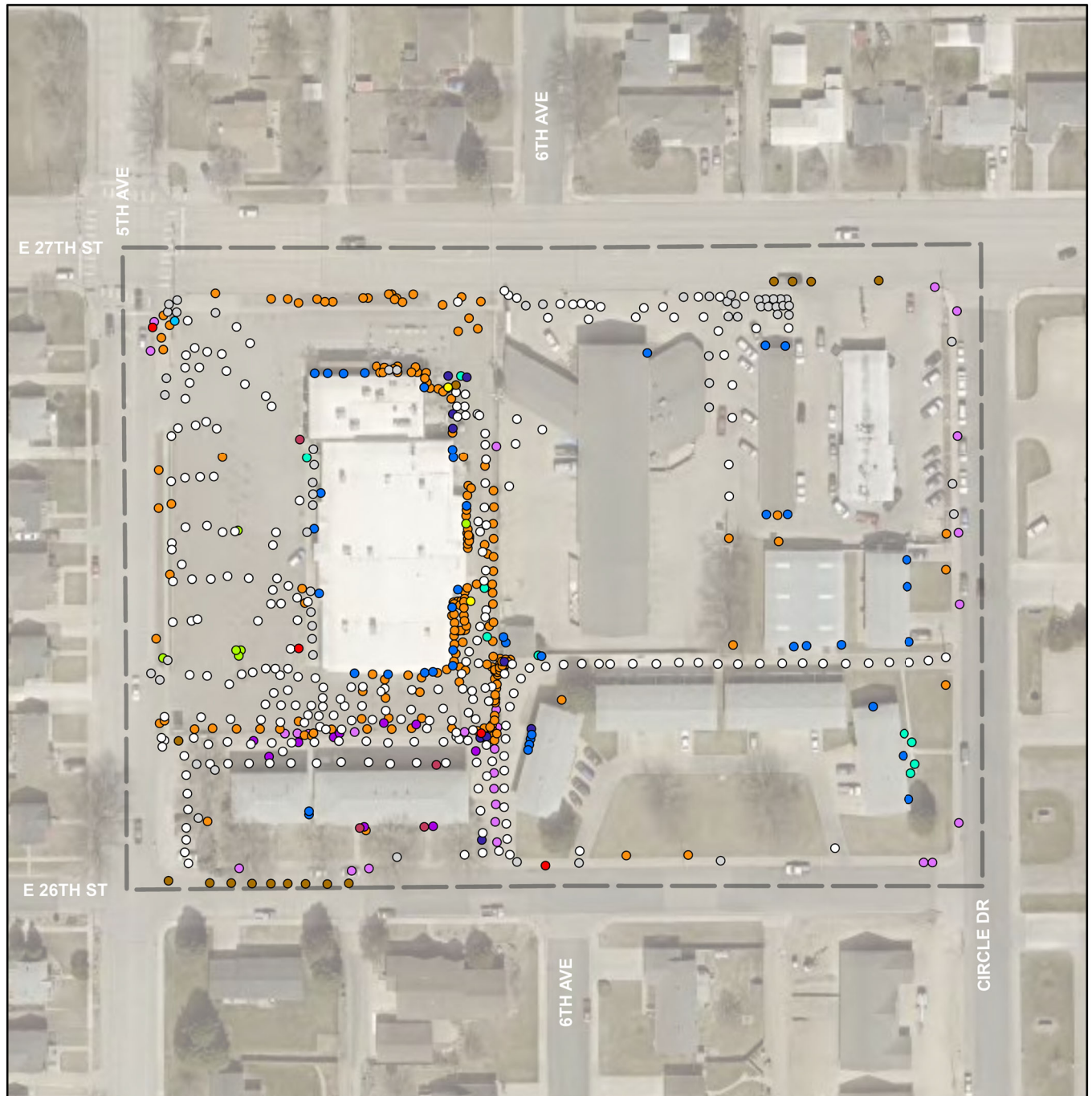
Poor Surface Drainage

Storm water drainage problems exist in the rear lots within the Study Area. During field analysis, several areas of standing water were noted as poor drainage exists in localized areas and alleys, and parking lots were noted lacking proper drainage at various locations throughout the Study Area.



On-Site Storage

The Study Area has sites of outdoor storage. These findings point to an impediment for development or upgrades in the neighborhood and should be evaluated for removal.



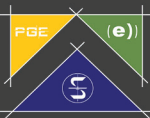
- | | | | | |
|------------------------|--------------|--|----------|---------|
| Study Area | Drainage | On Site Storage | Pavement | Sign |
| Curb Gutter | Utility | Paint Siding Door Window Other | Safety | Steps |
| Debris Trash Weeds | Fence Wall | Parking Private Drive | Sidewalk | Vagrant |

Conditions observed during
MCS field survey, Nov. 2023



Blighted and Substandard Conditions Locations

City of Scottsbluff, NE



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Blight Study | City of Scottsbluff, NE

page 21



11. Any Combination of Such Factors—The combination of all blight and substandard conditions found within the Study Area could be considered a factor in substantially arresting sound growth in the area and obsolescence contributes toward an inability of property within the area to compete in the market place.

12. Detrimental to Public Health, Safety, Morals, Welfare in Present Condition

While a minimum of at least one of the following factors is required for this condition to be met, multiple factors are met, therefore, this condition is a factor.

a. Unemployment Rate At Least 100% of State or National Average

Unknown for the Study Area, this is not considered as a factor. However, the annual average unemployment rate for the city of Scottsbluff, state of Nebraska, and United States for 2022 were 2.6%, 2.3%, and 3.6% respectively; and the long term average unemployment rate for the city of Scottsbluff is 3.95%, while the ten year average unemployment rate for Nebraska is 3.1%.

b. Average Residential and Commercial Structure Age Over 40 Years

—is a factor. The median age of the 19 primary non-public structures in the area is **53.5** years. Age of the structures within the Designated Study Area is provided through the Scotts Bluff County Assessor's online database and field verification. Only those structures built before 1984 qualify for the 40 years and older structures designation in the State of Nebraska laws. The Study Area contains 17 structures (**89%**) built before 1984.

c. Subdivided/Platted Property Unimproved for 40 Years

—not considered a factor.

d. Per Capita Income Level

Unknown for the Study Area itself, this may be considered a factor. According to the US Census Bureau via census.gov/quickfacts/, the national (US) per capita income in the past 12 months (in 2022 dollars), 2018-2022 is \$41,261, while for the same period, the per capita income for Nebraska is \$38,585, and for the City of Scottsbluff is \$31,472.

e. Decreasing Population

—is a factor. The Study Area contains (multi-family) residential properties, and is located in census tracts all of which the census data reports population from 2010 and 2020 decennial census, illustrated in map **Figures 7-8** provided in **Appendix C**. Based on the data illustrated on the maps, the Study Area and adjacent populated areas display a stable or decreasing population based on the last two decennial census.



Conclusion of Blighted and Substandard Analysis

Based on this analysis, the Study Area meets the criteria of both blighted and substandard conditions. The area displays the presence of criteria required for a finding of a blighted and substandard condition as defined by the State of Nebraska Legislature.

The primary conditions leading to this conclusion include the following Blighted and Substandard Conditions:

- The Study Area has some inadequacies in the form of traffic movement capabilities and real property access. Numerous off-street paved parking areas exist, along with several interior private drives. While some off-street parking areas and drives are well maintained, several parking areas, driveways and entrances crossing sidewalk travel ways are deteriorating or dilapidated pavement. Defective or inadequate street layout thus **may be** considered a factor contributing to blighted conditions in this Study Area.
- The field survey also included an evaluation of the condition of site improvements including street surface conditions, curbs and gutters, street width adequacy, sidewalks, driveways, and off-street parking facilities, sanitary sewer facilities, and drainage facilities, and review of the city's GIS database pertaining to water distribution, hydrants, and storm water conveyance. In 2016 and 2020, the city undertook citywide chip seal projects to resurface bituminous streets. However, the concrete side street, some concrete entrances and sidewalks, and concrete private alleys and curbs shows signs of age with wide-spread conditions from cracks and gaps to missing pieces.
- Multiple areas within the Study Area have storm drainage issues. The issues are primarily a result of dilapidated surfaces during larger storm events.
- There is a sidewalk system throughout the Study Area. Deteriorating sidewalks and driveway entrances as well as dilapidated drives contribute to generating traffic hazards for children and other pedestrians in this Area as pedestrians are forced to navigate broken pavement and potholes—their safety, well-being and health at risk.



- The Study Area contains many private driveways and off-street parking areas surfaced with concrete. Many driveways and parking areas, particularly those associated with commercial uses and higher traffic volumes are deteriorating. Concrete residential alley drives are dilapidated.
- Nearly one third of the Study Area appears unkept and / or contains substantial examples of debris. The well maintained properties are contrasted with poorly maintained properties within this Study Area—which represent a considerable blighting factor. The lack of site improvements in various locations throughout the Study Area also serves to be a limiting factor to future development in the Study Area and thus is an additional factor contributing to blight. One of the keys in creating a positive image within an area is exterior maintenance of lots. Perfectly maintained structures can still be seen as deteriorating parts of the community when the exterior and/or curb appeal is less than desirable. Site improvements such as parking areas within the Study Area range from good to deteriorating to dilapidated. Dilapidated alleys and deteriorating parking areas, while not directly impacting curb appeal, contribute greatly to one's sense of well being. Alley surfaces do not provide a relatively smooth ride surface, and their dilapidated appearance reflects the neglect seen on vacant building exteriors—presence of pests, torn banners, lack of paint, broken doors, overgrown vegetation, and steps with broken or cracking concrete.
- A field survey of the Study Area confirms numerous lot layout faults in relation to size, adequacy, accessibility or usefulness, such as utility pole conflicts with ADA accessibility, and vehicular accessibility and maneuverability around structures. While some drives have entrance/exit signs, adjacent uses may not, allowing conflicts in circulation. Therefore, faulty lot layout in relation to accessibility or usefulness within this Study Area **may be** considered a factor contributing to blighted conditions in this Study Area.
- Conditions **exist** which endanger life or property by fire and other causes. The water mains (as well as all utility infrastructure) in this older area of the city are aging and will need to be replaced in the future. An emergency water main replacement project replaced old and broken mains, adjacent to the Study Area.



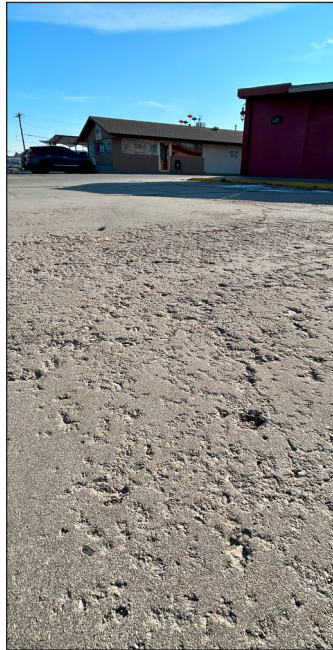
- Conditions **exist** that are detrimental to the public health, safety, morals, and welfare in the present condition with the existence of debris, on-site storage, pests and pigeon droppings, and inadequate drainage as well as ADA conflicts with parking, building access, and lack of ADA ramps. Inadequate surface drainage system of the Stud Area presents additional threats to health by impairing drive ability, and ponding and stagnating, creating not only a physical hazard, but also increased potential for multiplying mosquito production, an additional health hazard to area residents.
- Per capita income for all of Scottsbluff in 2022 dollars (2018-2022) was \$31,372. For a household of four in 2022, the poverty level was \$27,750. Per capita income of the Study Area, including only multi-family residential, is **unknown** to be a factor.
- Defective or unusual conditions of title was **not determined to be a factor** in this study.

Blighted conditions that do not appear to be present

- Not more than half of the plotted and subdivided property that is unimproved and within the city for 40 years has remained unimproved during that time. The entire Study Area has been subdivided and improved.
- Nearly half of the Study Area and nearly half of its parcels have a single owner, yet the Study Area encompasses just a single block within the city, therefore diversity of ownership could be, but does not appear to be a factor.
- No properties were identified among Scotts Bluff County and Nebraska online delinquent tax data as having tax or special assessment delinquency exceeding the fair value of the land during a review of the Study Area parcels, and no further evaluation was conducted.

Blighted conditions not evaluated

- None.



Comprehensive Plan / Surrounding Property

According to the City's 2016 Comprehensive Plan, the Study Area is located in the Northeast Residential District. The Comprehensive Plan provides the following principles for sustainable development in this area:

Interconnection of Neighborhoods and amenities

- Improve pedestrian and cycling facilities east-west from Broadway to Highway 26 through the Northeast Neighborhood.
- Safe and efficient transportation access in auto-oriented commercial centers along Highway 26.
- Enhanced employment centers set back from the highway and accessible from residential areas and main thoroughfares.
- Encourage multi-family residential development along periphery of low density residential neighborhoods.
- Plan safe crossings and routes to schools.

Sustainable development

- Incorporate native species, and natural landscaping.
- Encourage diversity of commercial types of mixed use development.
- Targeted and planned utilities maintenance activities.
- Encourage new development to be contiguous with existing development, with planned linkages between roads and utilities.

Access to culture and recreation

- Improved access, visibility, and connectivity of school recreation facilities and public parks near the middle school and high school.
- Improved pedestrian and cycling connectivity to downtown.

Strong neighborhoods and places, rooted in our unique character

- Continue traditional neighborhood style of homes, streets, and sidewalks in residential areas.
- Improve aesthetics and landscaping along collectors and arterials, utilizing native species.



The development potential of property is determined by the property conditions themselves, and the conditions of surrounding property. This is particularly true for the Study Area. The Study Area abuts to Blighted and Substandard Area #7, which includes areas along the US Highway 26 and East 27th Street corridors.

The Study Area with its parking areas and hardscape will benefit greatly from implementation of the Comprehensive Plan's sustainable development principles.

Adjoining the Study Area with the current adjacent blighted and substandard area is necessary to accomplish the sound redevelopment planning and program of the City and to achieve the above principles of sustainable development from the City's Comprehensive Plan. This will enhance the development potential of the Study Area and the current adjacent blighted and substandard areas and create a continuous, harmonious redevelopment area in Northeast Scottsbluff at the point of transition between the US Highway 26 corridor and the residential area to the west.

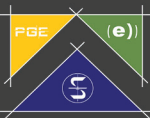


Blighted and Substandard Area Declaration

Based on the findings in this report, the Study Area may be declared blighted and substandard in keeping with and conforming to the Nebraska Community Development Law. This finding will make this area available for redevelopment activities. The General Redevelopment Plan, when prepared, shall be composed in a manner consistent with the City of Scottsbluff Comprehensive Plan.



appendix



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Blight Study | City of Scottsbluff, NE

page **28**

The referenced Study Area, in the city of Scottsbluff, Nebraska, includes the following identified Parcels with their legally described Additions, Blocks and/or Lots, and unplatted lands:

Table 2
Scotts Bluff County Parcels - Blight Study Area #19
Scottsbluff, Nebraska

Parcel	Legal Description
010148760	LT B, WEST 10' LOT C, SUB LOT 3, 5TH & 27TH SUB
010122982	LT 2B, 5TH & 27TH SUB - REPLAT OF LTS 1 & 2
010148809	LTS D & E, SUB OF LT 3, 5TH & 27TH SUB
010122974	LT 2A, 5TH & 27TH SUB - REPLAT OF LTS 1 & 2
010148779	LT C, EXCEPT WEST 10' SUB OF LT 3, 5TH & 27TH SUB
010122966	LT 1A, 5TH & 27TH SUB, REPLAT 1 & 2
010148752	LT A, SUB LT 3, 5TH & 27TH SUB

The **primary streets and roads** within the Study Area include:

E—W: East 27th Street, East 26th Street

N—S: 5th Avenue, Circle Drive

Table 3
Structure Effective and Cumulative Ages - Blight Study Area #19
Scottsbluff, Nebraska

Year Built	Effective Age	No of Units	Cumulative Age
1962	62	1	62
1965	59	4	236
1966	58	1	58
1967	57	4	228
1971	53	5	265
1975	49	2	98
1985	39	1	39
1994	30	1	30
Total Cumulative		19	1016
Average Age			53.5

Source: Scotts Bluff County Assessor online database
 confirmed by M.C. Schaff & Associates, Inc., Field Survey, February 2021



2010 US Census Block Population

City of Scottsbluff
Scotts Bluff County, NE

2010 US Census Population

0

1

2-5

6-50

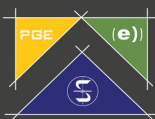
51-273

Blight Areas

Data Sources:

Population: 2010 US Census Blocks and
Block Level Population Data from www2.census.gov

Imagery: Farm Service Agency (FSA) 2010 Imagery, Acquired on June 15-16, 2010
ftp://dnrftp.dnr.ne.gov/pub/data/CoqArea/Band4_NE_1m_2010/41103/



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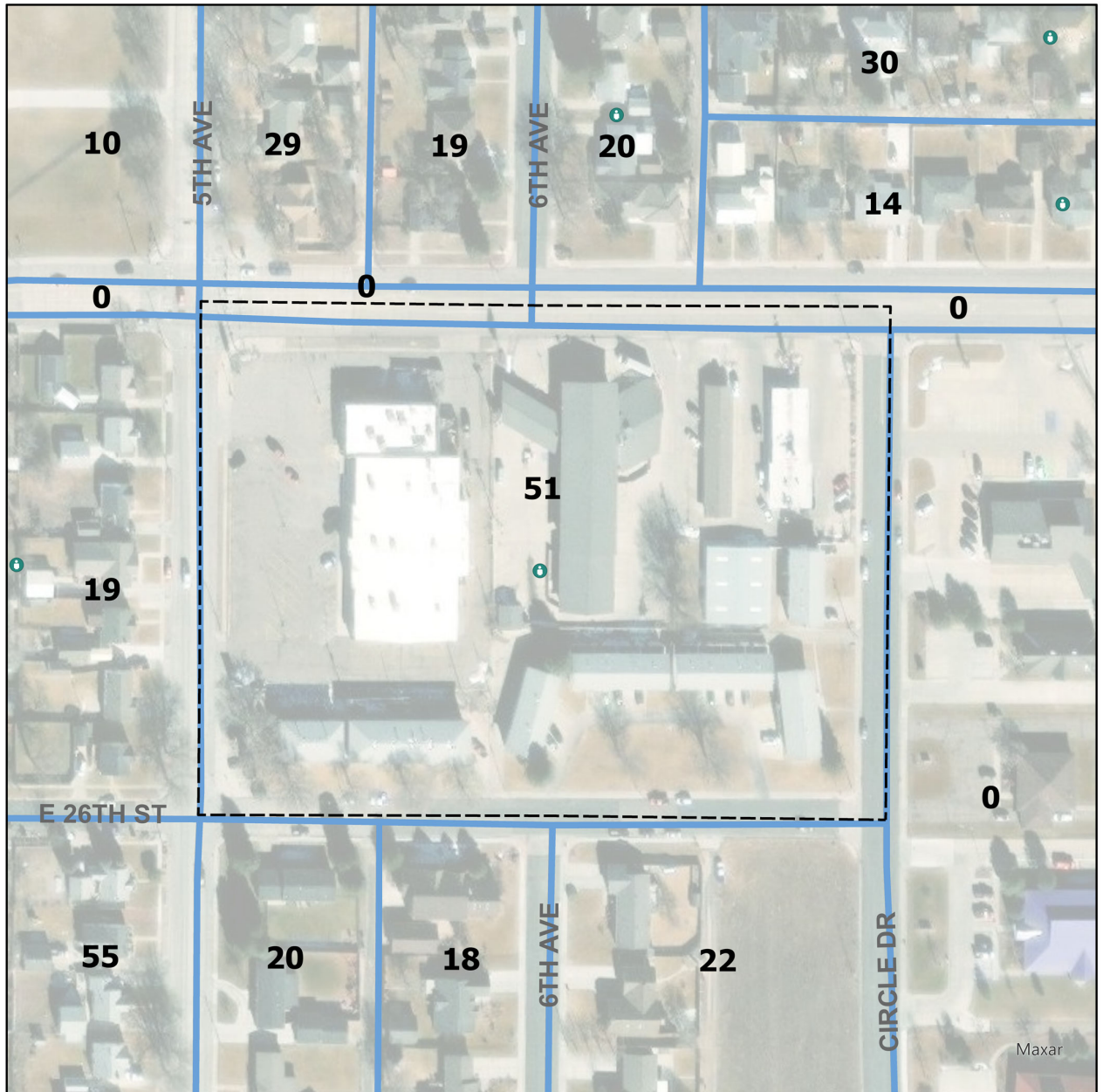
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page 31

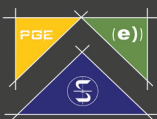


[] Study Area
 [] 2020 Census Blocks

2020 US Census Block Population

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
 Esri's Updated Demographics, Census Data, Tapestry Segmentation, and Business Summary data for the United States. http://goto.arcgisonline.com/demographics6/USA_Demographics_and_Boundaries_2016.
 Imagery: Esri, USDA NAIP, July 2014

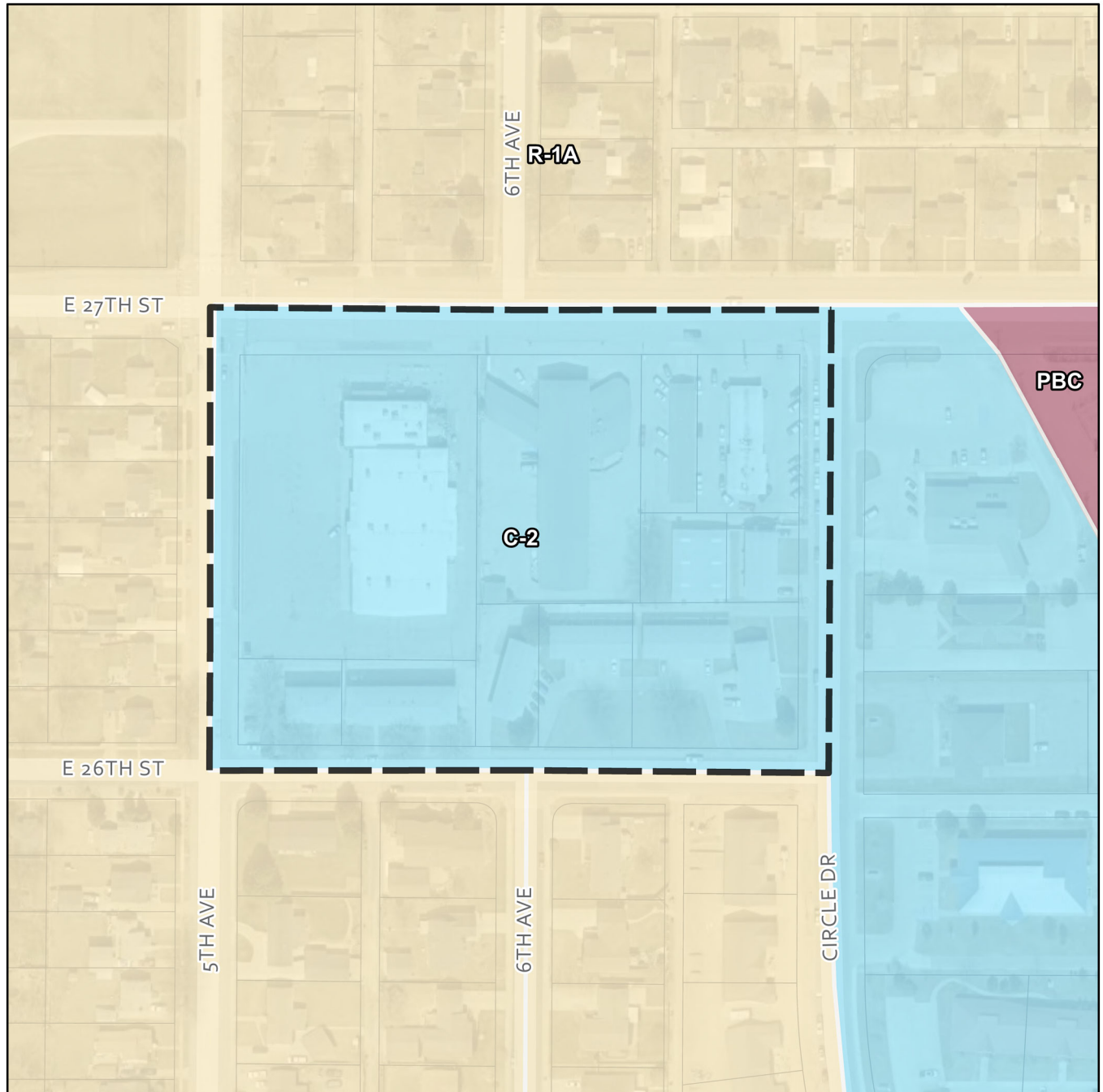


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Blight Study | City of Scottsbluff, NE

page 32



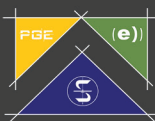
- Neighborhood Commercial (C-2)
- Planned Business Center (PBC)

- Single Family Medium Density (R-1A)
- Study Area #19

Existing Zoning

City of Scottsbluff
Scotts Bluff County, NE

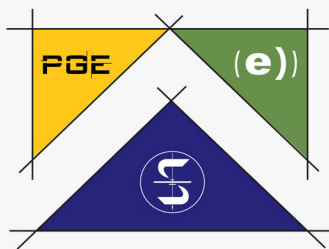
Data Sources:
Zoning: City, 2023
Parcels: Scotts Bluff County, 2021
Imagery: Scotts Bluff County, 2023 Eagleview Mosaic



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2116 Pioneer Avenue, Cheyenne, Wyoming 82001
Phone (307) 635-2828 Fax (307) 635-9902

City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 7.A

Planning Commission to consider the creation of an Agricultural Estate Dwelling Site situated on a tract of land situated in the Northwest Quarter of Section 20, Township 22 North, Range 55 West of the 6th PM, commonly identified as 180818 Highway 92.

Staff Contact: Zachary Glaubius



City of Scottsbluff
Agricultural Estate Dwelling Site
Permit Identifier

Applicant Name	Survey Dept MC Schaff	Applicant Address	818 S BELTLINE HWY E SCOTTSBLUFF, Nebraska
Applicant Email	survey@mcschaff.com	Applicant Phone	3086351926
Contact Name	Riverview Golf Course, LLC (Scott & Brenda Wickard)	Contact Address	100928 County Road 19
Contact Email	kishgang@gmail.com	Contact Phone	308-672-6049

Dwelling Site Information

General Location/Address: 100928 CR 19

Legal Description: see attached survey

Total Area (Acres): 2.07

Intent: New Dwelling – Same
Owner

Provide a brief description of the intent: Leasing ground to parents for new home

Length of Public Road Frontage: 0 frontage but has 25' access easement

Reserved Land

General Location/Address: 100928 County Road 19

Legal Description: See attached

Total Area (Acres): 122.25 or 120.18 without AEDS

Issued By *Taylor
Stephens*

I, GREGG M. SCHILZ, NEBRASKA REGISTERED LAND SURVEYOR NO. 785, DULY REGISTERED UNDER THE LAND SURVEYORS REGULATION ACT, HEREBY CERTIFY I, OR UNDER MY DIRECT SUPERVISION, HAVE SURVEYED A TRACT OF LAND SITUATED IN ACCRETION GROUND TO GOVERNMENT LOT 1, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

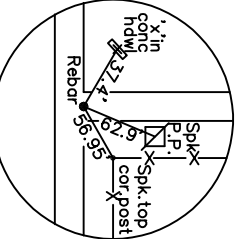
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, THENCE WESTERLY ON THE EAST/WEST QUARTER LINE OF SAID SECTION 20, ON AN ASSUMED BEARING OF N88°55'05"W, A DISTANCE OF 1660.63 FEET, THENCE BEARING N01°04'55"E, A DISTANCE OF 720.69 FEET, TO THE **TRUE POINT OF BEGINNING**, THENCE BEARING N12°43'36"W, A DISTANCE OF 232.83 FEET, THENCE BEARING S87°06'09"E, A DISTANCE OF 243.31 FEET, TO A POINT ON THE SOUTH BANK OF A POND, AS SURVEYED, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 34°46'32", A RADIUS OF 127.91 FEET, A CHORD BEARING OF N75°30'35"E, AND A CHORD LENGTH OF 76.45 FEET, THENCE NORTHEASTERLY ON THE ARC OF SAID CURVE, AND SOUTH BANK OF SAID POND, A DISTANCE OF 77.63 FEET, TO THE POINT OF A COMPOUND CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 36°50'32", A RADIUS OF 295.02 FEET, A CHORD BEARING OF N38°15'22"E, AND A CHORD LENGTH OF 186.45 FEET, THENCE NORTHEASTERLY ON THE ARC OF SAID CURVE AND SOUTH BANK OF SAID POND, AS SURVEYED, A DISTANCE OF 189.70 FEET, THENCE BEARING S28°57'01"E, A DISTANCE OF 279.61 FEET, THENCE BEARING S71°57'36"W, A DISTANCE OF 62.46 FEET, TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT, SAID POINT BEING ON THE NORTH BANK OF A POND, AS SURVEYED, SAID CURVE HAVING A CENTRAL ANGLE OF 35°25'45", A RADIUS OF 151.43 FEET, A CHORD BEARING OF N82°36'09"W, AND A CHORD LENGTH OF 92.15 FEET, THENCE WESTERLY ON THE ARC OF SAID CURVE AND NORTH BANK OF SAID CURVE, A DISTANCE OF 93.64 FEET, THENCE BEARING S70°40'56"W, A DISTANCE OF 387.56 FEET, TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING AN AREA OF 2.07 ACRES, MORE OR LESS,

LAND SAID ABOVE-DESCRIBED TRACT OF LAND TO HAVE A 25.00-FOOT-WIDE ACCESS EASEMENT, THE CENTERLINE OF SAID EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 20, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, THENCE WESTERLY ON THE EAST/WEST QUARTER LINE OF SAID SECTION, ON AN ASSUMED BEARING OF N88°55'05"W, A DISTANCE OF 1396.44 FEET, THENCE BEARING N01°04'55"E, A DISTANCE OF 52.96 FEET, TO THE POINT OF INTERSECTION WITH THE NORTH/WEST RIGHT-OF-WAY LINE OF HIGHWAY 1796 AS DESCRIBED IN DEED BOOK 87, PAGE 123, IN THE SCOTTS BLUFF COUNTY REGISTER OF DEEDS OFFICE, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**, THENCE CONTINUING ON THE LAST DESCRIBED COURSE, BEARING N01°04'55"E, A DISTANCE OF 32.18 FEET, THENCE BEARING N88°42'42"W, A DISTANCE OF 107.18 FEET, THENCE BEARING N21°20'26"W, A DISTANCE OF 299.24 FEET, THENCE BEARING N03°45'10"W, A DISTANCE OF 364.37 FEET, TO THE POINT OF TERMINUS OF SAID CENTERLINE, SAID EASEMENT CONTAINING AN AREA OF 0.46 ACRES, MORE OR LESS

THAT THE ACCOMPANYING PLAT IS A TRUE DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 120 FEET, THAT ALL MONUMENTS FOUND OR SET ARE MARKED AS SHOWN. THAT ALL DIMENSIONS ARE IN FEET, AND DECIMALS OF A FOOT. THAT SAID SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY.

Gregg M. Schilz Nebraska Registered Land Surveyor, L. S. 785



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City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: August 31, 2023 For Hearing of: September 11, 2023



I. GENERAL INFORMATION

- A. Applicant:** Riverview Golf Course, LLC
100928 CR 19
Scottsbluff, NE 69361
- B. Property**
Owner: Same as Applicant
- C. Proposal:** Request for Creation of an Agricultural Estate Dwelling Site at 100928 CR 19
- D. Legal Description:** A tract of land situated in Northwest Quarter of Section 20, Township 22 North, Range 55 West of the 6th P.M.
- E. Location:** 100928 CR 19 – Address will be different
- F. Existing Zoning & Land Use:** A-Agricultural and the Floodplain Overlay Zone
- G. Size of Site:** AEDS: Approximately 2.07 Acres
Agricultural/Vacant Land to be Reserved: Approximately 122.25 Acres

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Rural	A -Agricultural	Riverview Golf Course
East	Rural	A -Agricultural	Wellfields
South	Rural	A -Agricultural	Vacant land
West	County Jurisdiction	County Jurisdiction	North Platte River

B. Relevant Case History

1. N/A

III. ANALYSIS

- A. Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Rural
- B. Traffic & Access:**
1. Proposed access is a 25' access easement through the golf course to Highway 92.

2. The proposed AEDS does not have the minimum 150 feet of street frontage. However, per 25-3-19 (B)(14)(b), if an AEDS is an interior-section type, is shall have a dedicated access road, at least 25 feet wide.

C. Utilities:

1. The AEDS is located in the extra-territorial jurisdiction and is not required to be served by city utilities.

IV. STAFF COMMENTS

- A. The intent of the property owner is to lease the AEDS to their parents.
- B. While the property is not used for agricultural purposes, an AEDS would be permitted under 25-3-19 (A) (14)(a)(3). This section states an AEDS can be dedicated on a parcel of marginal usage land.
 - a. Marginal usage is defined as land with little or relatively little agricultural productivity capability.
- C. The AEDS is located in the floodplain overlay district, and any buildings constructed on it will be required to comply with Chapter 25 Article 19.

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The agricultural use and AEDS designation are consistent with the Comprehensive Plan Future Land Use Map.
2. The AEDS designation will not create any nonconforming yards or structures.
3. The reserved area meets the required 80 acre minimum.
4. The AEDS meets the 2-acre minimum and 20-acre maximum area requirement.
5. The AEDS is located on marginal usage land.

A. Findings of Fact to Not Recommend Approval May Include:

1. None

VI. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve the Agricultural Estate Dwelling designation of a tract of land situated in a tract of land situated in Northwest Quarter of Section 20, Township 22 North, Range 55 West of the 6th P.M to Riverview Golf Course, LLC as shown on the survey.

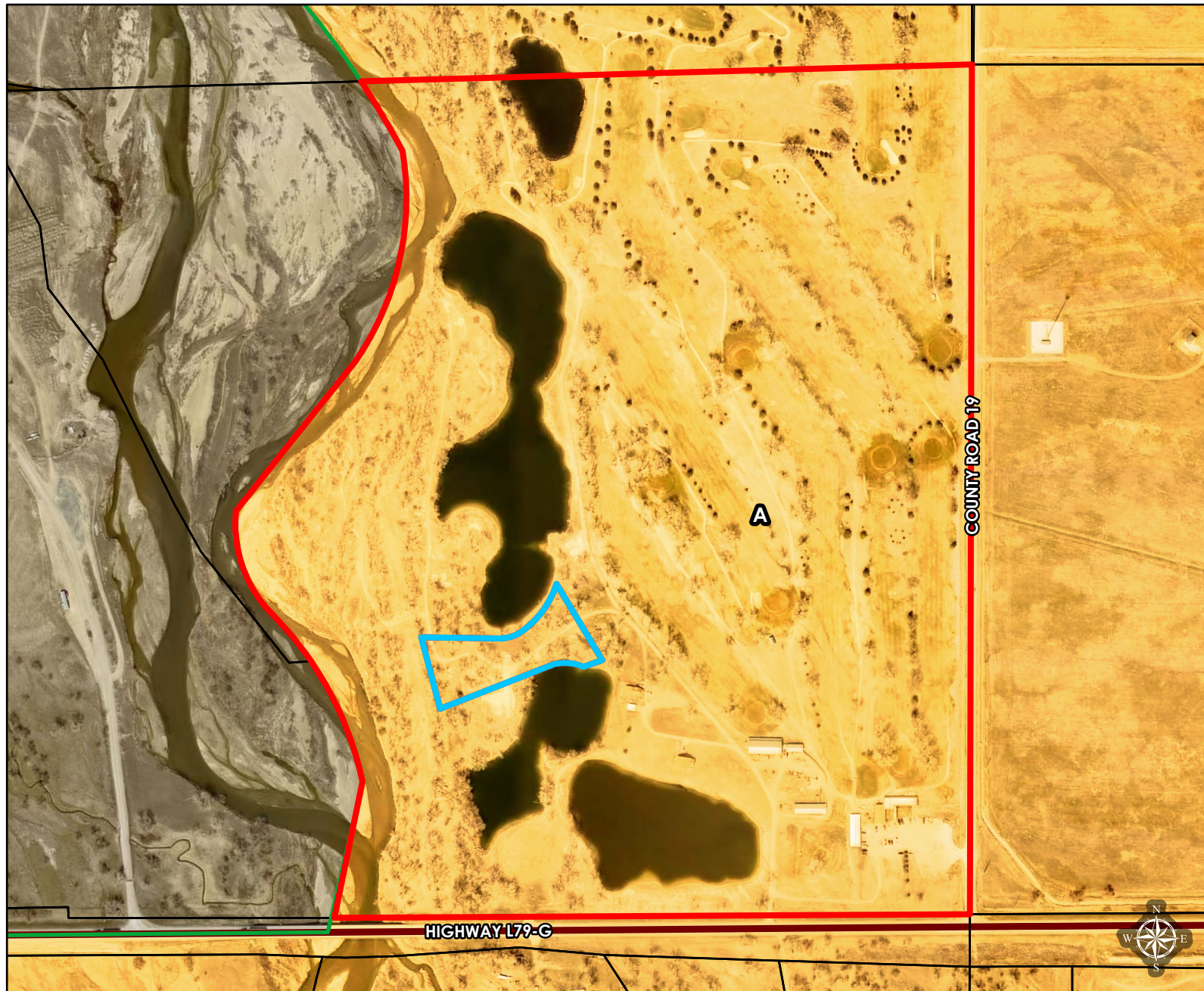
VII. PUBLIC NOTIFICATION

- A. No other property owners are within 300 feet of the proposed Agricultural Estate Dwelling Site. One sign was posted on the property more than 10 days before the date of the meeting indicated the date, time, and place of the public hearing.

AEDS REQUEST

RIVERVIEW GOLF COURSE

Zoning Overview



Street Centerlines

- Highway
- Main Road
- Residential/Rural

Official City Zoning

- (A) Agriculture
- (AR) Agriculture Residential
- (C-1) Central Business District
- (C-2) Neighborhood Commercial
- (C-3) Heavy Commercial
- (M-1) Light Manufacturing & Industrial
- (M-2) Heavy Manufacturing and Industrial
- (O-P) Office and Professional
- (PBC) Planned Business Center
- (R-1) Single Family
- (R-1A) Single Family Medium Density
- (R-1B) Rural Residential Estate
- (R-4) Heavy Density Multiple Family
- (R-6) Mobile Home
- Parcels

AEDS and Land

- AEDS
- Land

Corporate and ETJ Boundaries

- Scottsbluff Corporate Limits
- Scottsbluff ETJ
- Terrytown Corporate Limits
- Terrytown ETJ

Taylor Stephens
City of Scottsbluff GIS
Created on 4/19/2024
Coordinate System: NAD 1983 (2011)
StatePlane Nebraska FIPS 2600 Feet
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

AEDS REQUEST

RIVERVIEW GOLF COURSE

2016 Comp. Plan Future Land Use Overview



2016 Comp. Plan Land Use

- Automobile Commercial
- Avenue B and Hospital Campus
- Central Business District
- East Overland
- Highway 26 Commercial
- Northwest Commercial
- Residential
- Rural
- Rural Residential
- SE Industrial and Commercial
- South Broadway
- WNCC and Surrounding Area

Street Centerlines

- Highway
- Main Road
- Residential/Rural

2016 Comp. Plan Development

- LTD (10 - 20 yrs)
- NTD (Less than 5 yrs)
- STD (5 - 10 yrs)

AEDS and Land

- AEDS
- Land

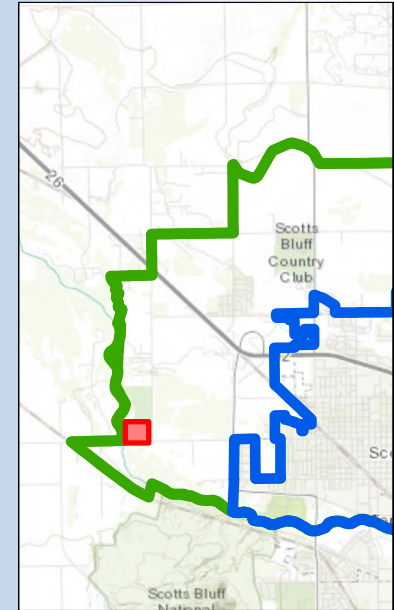
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AEDS REQUEST

RIVERVIEW GOLF COURSE

Aerial Overview



Street Centerlines

CLASS

- Highway
- Main Road
- Residential/Rural
- Parcels

AEDS and Land

- AEDS
- Land

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Created on 4/19/2024
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City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 7.B

Planning Commission to conduct a public hearing for the purpose of reviewing and obtaining comment on the Redevelopment Plan for the ELEMENT Sports Summit Project

Staff Contact: Sharaya Toof

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Rick L. Ediger, Of Counsel
John A. Selzer, Of Counsel
Steven C. Smith, Of Counsel
Robert G. Simmons, Jr. (1918-1998)

To: City of Scottsbluff Planning Commission
From: John L. Selzer, Deputy City Attorney
Date: May 9, 2024
Re: ELEMENT Sports Summit Redevelopment Plan

Introduction: At your May 13, 2024 meeting you will conduct a public hearing regarding the Redevelopment Plan for the Element Sports Summit Project (the “Plan” and the “Project”). The Project is the development of a sport complex. The Plan is currently a preliminary plan and there may be updates to the Plan. However, there are no updates expected that would change the issues addressed in this memo. The proposed Project is in an area that has been designated as blighted and substandard and in need of redevelopment. After the public hearing, you will make a recommendation regarding the Plan and Project to the Community Redevelopment Authority and City Council.

Standard of Review: The Planning Commission must review and recommend whether the Project and Plan conform to the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”).

Issues Relevant to Your Review: The Project Site is described as: Lots 1, 2, and 3, Block 1, Triple Peaks Subdivision, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, and adjacent public right of way (including 18th Avenue).

According to the 2016 Scottsbluff Comprehensive Plan, the Project Site is in the *Northeast District* and primarily in the *WNCC and Surrounding Area Neighborhood*. A principle of sustainable development in the Northeast District is to encourage new development to be contiguous with existing development with planned linkages between roads and utilities. For the WNCC Campus and Surrounding Area Neighborhood, the Comprehensive Plan contemplates daytime hours, with special events in the evening expected; a variety of building types, heights, and setbacks; high activity during the day, low amounts of noises and smells; and O-P as an appropriate zone. The Redeveloper’s development of the Project Site is consistent with the Comprehensive Plan.

The Project Site is zoned Office and Professional (O-P), which includes community centers as a principal permitted use. No zoning changes are contemplated.

Conclusion: If at the conclusion of the public hearing, the Planning Commission feels that the proposed Project and Plan conform to the Comprehensive Plan, it may recommend approval of the Plan and Project to the CRA and City Council. A proposed resolution has been provided.

CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN
ELEMENT Sports Summit Redevelopment

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1. Introduction/Executive Summary	1
2. Blighted and Substandard Condition of Project Site	1
3. Statutory Elements.....	1
4. Conformity to General Plan of the City.....	2
5. Feasibility and Conformity with Community Development Law.....	2
6. Proposed Financing.....	3
7. Implementation of Plan.....	4

Attachments

Attachment 1: *Map of Project Site*

Attachment 2: *Plat of Triple Peak Subdivision*

Attachment 3: *Site Plan (Lot 3)*

Attachment 4: *Excerpts from Comprehensive Plan*

Attachment 5: *Cost-Benefit Analysis*

CITY OF SCOTTSBLUFF REDEVELOPMENT PLAN
ELEMENT Sports Summit Redevelopment
By: Bruner Bunch, LLC

1. Introduction/Executive Summary

Bruner Bunch, LLC (“Redeveloper”) submits this Redevelopment Plan (“Plan”) to the City of Scottsbluff City Council (the “City”), the City of Scottsbluff Planning Commission (“Planning Commission”), and the City of Scottsbluff Community Redevelopment Authority (the “CRA”), according to the Nebraska Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*

Under this Plan, Redeveloper proposes to develop the Project Site (described below). The initial development will entail a sports complex, which will require Redeveloper to construct a street, curb and gutter, sidewalk and water, sanitary sewer and storm sewer mains along the 18th Avenue right-of-way from Frontage Road to 27th Street.

The “Project” as described in this Plan, requires a significant investment. To make the Project economically feasible, Redeveloper is seeking approval of tax increment financing for certain eligible costs and expenses related to the Project.

2. Blighted and Substandard Condition of Project Site (NEB. REV. STAT. §§ 18-2103 (3) and (31) and 18-2109)

On August 19, 2013, the City declared the Project Site as blighted and substandard according to the Community Development Law. On March 18, 2024, after the Project Site was annexed to the corporate limits of the City, the City ratified its declaration that the Project Site is blighted and substandard and in need of redevelopment.

3. Statutory Elements (NEB. REV. STAT. §§ 18-2103(27) and 18-2111)

A. *Boundaries of the Project Site:* The “Project Site” is described as

Lots 1, 2, and 3, Block 1, Triple Peaks Subdivision, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, and adjacent public right of way (including 18th Avenue).

A Map of the Project Site is attached as Attachment 1. The Plat of Triple Peaks Subdivision is attached as Attachment 2.

B. *Land Acquisition:* Redeveloper acquired the Project Site on November 20, 2023 in contemplation of this Project.

C. *Existing Uses and Condition:* The Project Site is vacant, undeveloped land.

D. *Proposed Land Uses:*

- **Phase 1:** Redeveloper will initially develop Lot 3, which will entail a sports complex with sports courts, commons areas, and ancillary uses. A preliminary site plan for the development of Lot 3 is attached as Attachment 3.
- **Additional Phases:** Redeveloper may develop or sell Lots 1 and 2 of Triple Peaks Subdivision. There are no immediate plans for the sale or development of Lots 1 and 2. However, Redeveloper contemplates that proceeds from the sale of Lots 1 and 2, or tax increment financing from the development of Lots 1 and 2, (or a combination) will be available to finance or reimburse Redeveloper for a portion of Redeveloper’s costs that benefit the entire subdivision. This is explained more in Section 6 of this Plan.

E. *Land Coverage, and Building Intensities:* The exact land coverages will be determined by the actual development of the individual lots. See Attachment 3 for the Site Plan of the development on Lot 3.

F. *Site Plan:* See Attachment 3.

G. *Demolition and Removal of Structures:* No demolition is required.

- H. Population Densities:** Increased use of the Project Site will result after the development of Lot 3. The change in population densities is not yet known for Lots 1 and 2.
- I. Zoning Changes:** The Project Site is zoned Office and Professional (O-P), which includes community centers as a principal permitted use. No zoning changes are contemplated.
- J. Additional Public Facilities and Utilities; Street Layouts, Street Levels, and Grades:** The Project will require Redeveloper to construct a street, curb and gutter, sidewalk and water, sanitary sewer, and storm sewer mains along the 18th Avenue right-of-way from Frontage Road to 27th Street.
- K. Ordinance and Building Code Changes:** No ordinance or building code changes are required by the Plan.

4. Conformity to General Plan of the City (NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a))

The Planning Commission, City, and CRA are all tasked with determining whether this Plan conforms to the general plan for the development of the City as a whole. NEB. REV. STAT. §§ 18-2112, 18-2113(1), and 18-2116(1)(a).

According to the 2016 Scottsbluff Comprehensive Plan, the Project Site is in the *Northeast District* and primarily in the *WNCC and Surrounding Area Neighborhood*.

A principle of sustainable development in the Northeast District is to encourage new development to be contiguous with existing development with planned linkages between roads and utilities.

For the WNCC Campus and Surrounding Area Neighborhood, the Comprehensive Plan contemplates daytime hours, with special events in the evening expected; a variety of building types, heights, and setbacks; high activity during the day, low amounts of noises and smells; and O-P as an appropriate zone.

The Redeveloper's development of the Project Site is consistent with the Comprehensive Plan. Relevant excerpts from the Comprehensive Plan are attached as Attachment 4.

5. Feasibility and Conformity with Community Development Law (NEB. REV. STAT. §§ 18-2116(1)).

The City and CRA must consider whether the Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law. Those declarations include, among other things that:

[Blighted and substandard] 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. NEB. REV. STAT. § 18-2102.

As stated above, the City has declared the Project Site as blighted and substandard.

6. Proposed Financing

Phase 1: Redeveloper will use private funding, borrowing, and tax increment financing to develop Lot 3 and 18th Avenue (and related public utilities and facilities). The development of Lot 3 will generate tax increment financing to be used, to the extent available, for the following costs:

Subdivision Costs		
Site Acquisition*		\$ 930,000.00
18th Avenue		
Mobilization	\$ 100,569.00	
Water Main	\$ 299,306.00	
Hydrants	\$ 69,410.00	
Connect to Existing	\$ 7,173.00	
Fittings	\$ 11,383.00	
8" Sanitary Main	\$ 186,124.00	
Sanitary Manhole	\$ 78,334.00	
18" Storm Sewer	\$ 55,405.00	
6' Culvert	\$ 61,615.00	
8" PCC	\$ 1,246,649.00	
30" PCC Curb & Gutter	\$ 314,010.00	
5" PCC	\$ 435,327.00	
Topsoil R&R	\$ 69,800.00	
Earthwork	\$ 89,028.00	
Design/Const. Amin	\$ 160,000.00	
18th Avenue Total		\$ 3,184,133.00
Platting & Survey		\$ 11,116.00
<i>Total Subdivision Costs</i>		\$ 4,125,249.00
On Site Costs (Lot 3)**		
Site Preparation		
Site Utilities		
Site Lighting		
Landscaping in Public ROW		
Paving/Driveways		
Site Engineering		
Plan Preparation/Admin Fee**		
<i>*Approximate Per Acre Purchase Price of Lots 1-3</i>		
<i>**No cost estimates at this time.</i>		

Please note that all the figures in this Plan are estimates and tax increment financing granted will be based on actual costs incurred for eligible expenses, as limited by tax increment revenues received.

Additional Phases: Redeveloper may use either, or a combination of, the following financing and reimbursement mechanisms for the site acquisition, construction of 18th Avenue (and related public utilities and facilities), and platting and survey costs specified above (together, the “Subdivision Costs”).

1. Redeveloper may use the sale proceeds from selling Lots 1 and 2 to reimburse Redeveloper for its Subdivision Costs. In that case, the purchaser of each lot will be able to apply for tax increment financing for eligible expenses related to that purchaser’s individual redevelopment project.
2. Alternatively, Redeveloper may elect to use tax increment financing from the development on Lots 1 and 2, whether by Redeveloper or another developer, for the Subdivision Costs. Redeveloper is seeking approval of this Redevelopment Plan and tax increment financing generated from Lots 1 and 2 for the Subdivision Costs because the final plans for Lots 1 and 2 will not likely be made until the Subdivision Costs have been incurred by Redeveloper.

In cases where tax increment financing will be used, the tax increment financing will be generated from the increased property taxes to be paid on a portion of the Project Site after development, all according to NEB. REV. STAT. § 18-2147. Taxes will not be divided on any particular lot within the Project Site until such lot is developed.

Because the Plan proposes the use of tax increment financing, the City must find that the Plan would not be economically feasible without the use of tax increment financing and the Project would not occur in the blighted and substandard area without the use of tax increment financing. The City and the CRA must also find that the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed and been found to be in the long-term best interest of the community. NEB. REV. STAT. §§ 18-2113(2) and 18-2116(1)(b).

The Redeveloper certifies that the Plan would not be economically feasible and would not occur in the blighted and substandard area without the use of tax increment financing. Estimates of the Subdivision Costs as shown above are significant. Thus, tax increment financing is needed to make the Project possible

A proposed statutory Cost-Benefit Analysis of the Project is attached as Attachment 5.

Notwithstanding the foregoing, the Redeveloper understands the liability of the CRA and City is limited to the TIF Revenues received by the CRA from the Project, and the Redeveloper shall look exclusively thereto for the payment of the TIF Indebtedness. The Redeveloper acknowledges that TIF Indebtedness will be set, based on (i) estimates and assumptions, including expectations as to the completion of construction and valuations suggested by the Redeveloper, which may alter substantially and materially, and/or (ii) certain project costs incurred by the Redeveloper, and that tax increment revenues may be altered or eliminated entirely based on future decisions of the Nebraska Legislature or the voters of the State of Nebraska or by future court decisions.

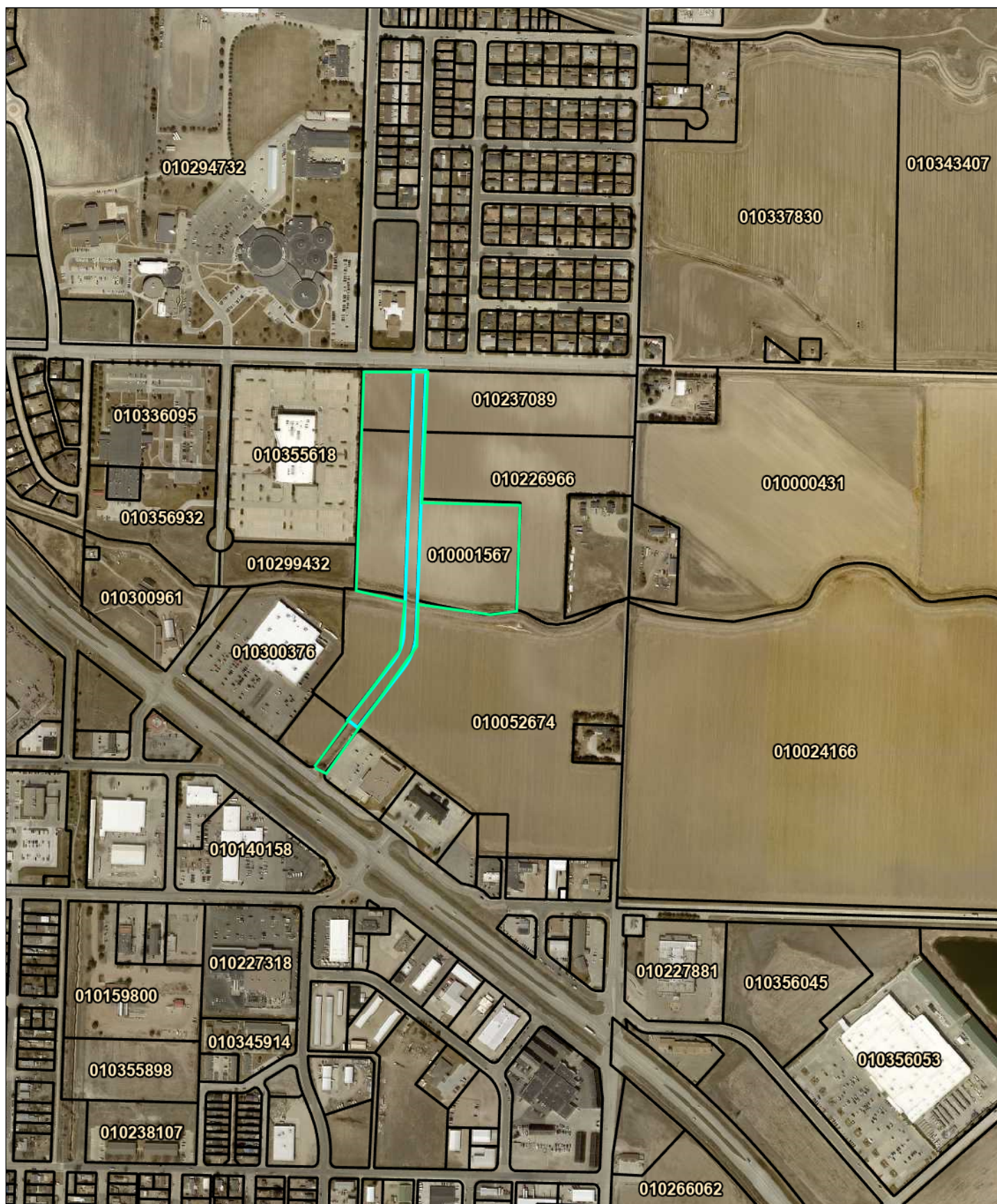
7. Implementation of Plan.

Upon approval of this Plan, the Redeveloper will enter into a Redevelopment Contract with the CRA which will govern the implementation of this Plan. All public improvements related to this Plan shall be according to (a) plans and specifications approved in writing by the City in advance of commencement of construction, (b) all ordinances and codes adopted by the City in effect at the time that the public improvements are constructed, and (c) any other agreement related to the public improvements between the Redeveloper and the City.

The Redevelopment Contract between the Redeveloper and the CRA does not replace or supersede the need for the Redeveloper to obtain other agreements, consents, permits, or licenses from the City related to the public improvements or other improvements as required by the City for the type of work to be performed on the Project Site.

ELEMENT Sports Summit Redevelopment
Attachment 1
Map of Project Site

Project Site



ELEMENT Sports Summit Redevelopment
Attachment 2
Plat of Triple Peaks Subdivision



2024-0954

COMPUTER
PICTURED
IMAGED

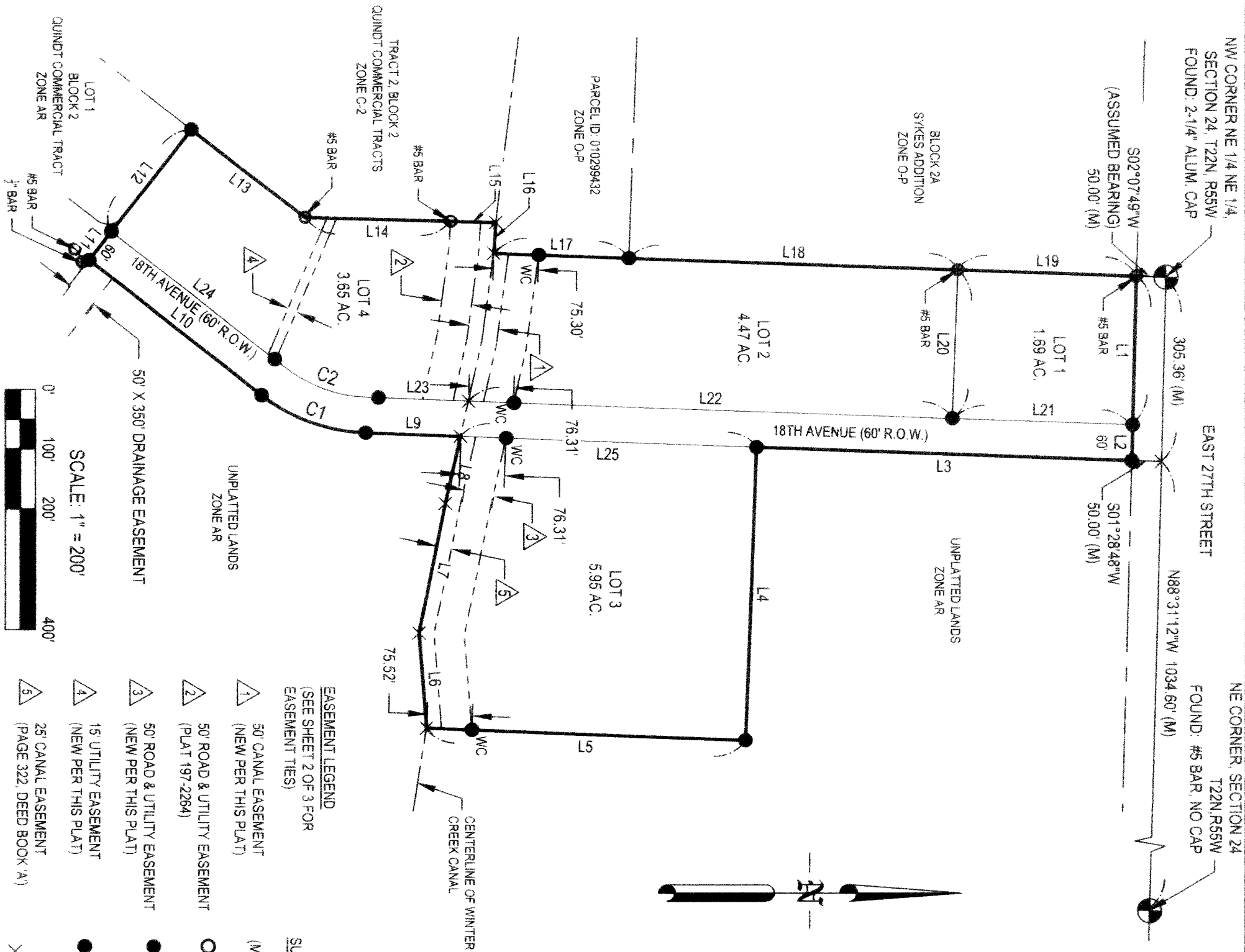
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DOC TAX 28.00 PD CHG RET RET
FEES 28.00 PD CHG RET RET
TOTAL 28.00
REC'D City of Scottsbluff
RET For Office Use

RECORDED
SCOTTS BLUFF COUNTY, NE

Date 3-26-24 Time 12:00PM

Inst. 2024 954
Jean A. Bauer

REGISTER OF DEEDS



EASEMENT LEGEND
(SEE SHEET 2 OF 3 FOR
EASEMENT TIES)

SURVEY LEGEND

- 1 50' CANAL EASEMENT (NEW PER THIS PLAT)
- 2 50' ROAD & UTILITY EASEMENT (PLAT 197-2264)
- 3 50' ROAD & UTILITY EASEMENT (NEW PER THIS PLAT)
- 4 15' UTILITY EASEMENT (NEW PER THIS PLAT)
- 5 25' CANAL EASEMENT (PAGE 322, DEED BOOK A)
- (M) = MEASURED DISTANCE
- (O) = FOUND PROPERTY CORNER (AS NOTED)
- (●) = SET PROPERTY CORNER 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BORCHERS 766"
- (WC) = SET WITNESS CORNER 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BORCHERS 766"
- (X) = TEMPORARY POINT

Curve Table				
Curve #	Length	Radius	Delta	Chord Length
C1	186.91	300.00	36.70	183.90
C2	149.52	240.00	36.70	147.12

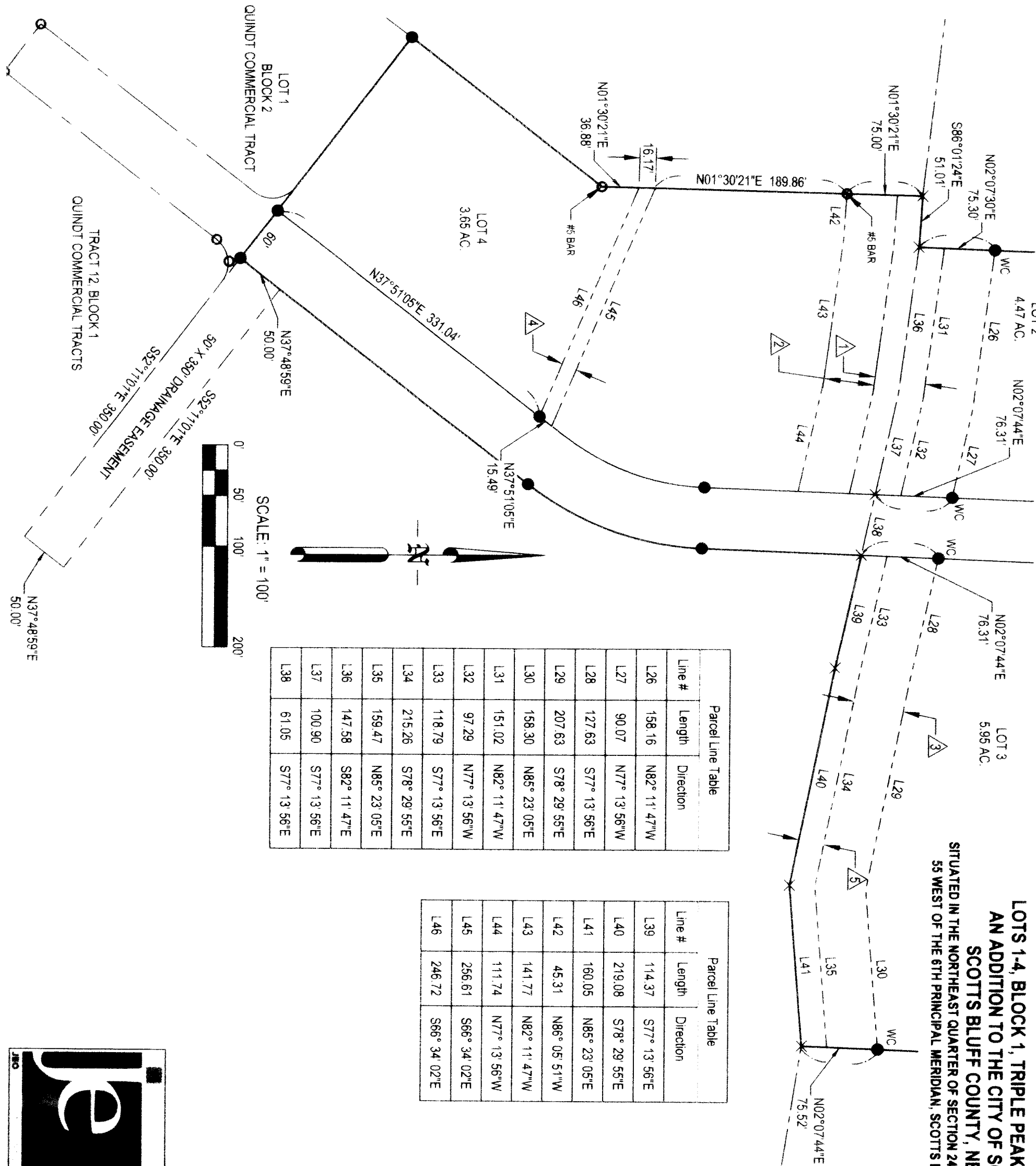
Parcel Line Table		
Line #	Length	Direction
L1	245.93	N88° 31' 12"W
L2	60.00	N88° 31' 12"W
L3	629.04	N2° 07' 44"E
L4	487.50	N87° 52' 16"W
L5	533.01	N2° 07' 44"E
L6	160.05	N85° 23' 05"E
L7	219.08	S78° 29' 55"E
L8	114.37	S77° 13' 56"E
L9	158.19	N2° 07' 44"E
L10	363.58	N37° 49' 32"E
L11	60.17	S52° 10' 28"E
L12	216.98	S52° 10' 28"E
L13	240.00	S37° 49' 32"W

Parcel Line Table		
Line #	Length	Direction
L14	243.04	S1° 30' 21"W
L15	75.00	S1° 30' 21"W
L16	51.13	N86° 05' 51"W
L17	225.96	S2° 07' 30"W
L18	550.50	S2° 07' 30"W
L19	299.58	S2° 08' 11"W
L20	245.95	N87° 44' 01"W
L21	302.95	N2° 07' 45"E
L22	809.16	N2° 07' 44"E
L23	169.46	N2° 07' 46"E
L24	363.58	N37° 51' 05"E
L25	495.02	S2° 07' 44"W

LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION
AN ADDITION TO THE CITY OF SCOTTSBLUFF,
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SITUATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE
55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

SHEET 1 OF 3

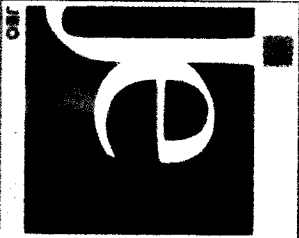
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Parcel Line Table		
Line #	Length	Direction
L26	158.16	N82° 11' 47" W
L27	90.07	N77° 13' 56" W
L28	127.63	S77° 13' 56" E
L29	207.63	S78° 29' 55" E
L30	158.30	N85° 23' 05" E
L31	151.02	N82° 11' 47" W
L32	97.29	N77° 13' 56" W
L33	118.79	S77° 13' 56" E
L34	215.26	S78° 29' 55" E
L35	159.47	N85° 23' 05" E
L36	147.58	S82° 11' 47" E
L37	100.90	S77° 13' 56" E
L38	61.05	S77° 13' 56" E

Parcel Line Table		
Line #	Length	Direction
L39	114.37	S77° 13' 56" E
L40	219.08	S78° 29' 55" E
L41	160.05	N85° 23' 05" E
L42	45.31	N86° 05' 51" W
L43	141.77	N82° 11' 47" W
L44	111.74	N77° 13' 56" W
L45	256.61	S66° 34' 02" E
L46	246.72	S66° 34' 02" E

- EASEMENT LEGEND**
- 1 50' CANAL EASEMENT (NEW PER THIS PLAT)
 - 2 50' ROAD & UTILITY EASEMENT (PLAT 197-2264)
 - 3 50' ROAD & UTILITY EASEMENT (NEW PER THIS PLAT)
 - 4 15' UTILITY EASEMENT (NEW PER THIS PLAT)
 - 5 25' CANAL EASEMENT (PAGE 322, DEED BOOK A)
 - 6 20' SANITARY SEWER EASEMENT (MISC. BOOK 89, PAGE 177)
- SURVEY LEGEND**
- (M) = MEASURED DISTANCE
 - = FOUND PROPERTY CORNER (AS NOTED)
 - = SET PROPERTY CORNER
 - = SET PROPERTY CORNER 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BORCHERS 766"
 - = SET WITNESS CORNER 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BORCHERS 766"
 - X = TEMPORARY POINT



120 EAST 16TH STREET, SUITE 'A'
SCOTTSBLUFF, NEBRASKA 69361

PHONE: (308) 632-3123

DECEMBER 8, 2023

LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION
AN ADDITION TO THE CITY OF SCOTTSBLUFF,
SCOTTS BLUFF COUNTY, NEBRASKA
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55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

954

Inst. 2024

LEGAL DESCRIPTION - TRIPLE PEAKS SUBDIVISION

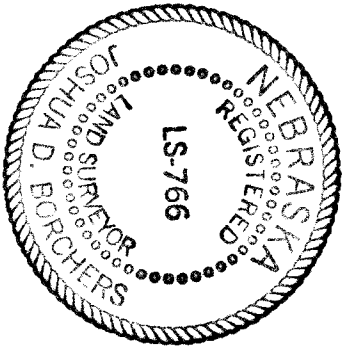
A TRACT OF LAND SITUATED IN SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULAR DESCRIBED AS FOLLOWS:

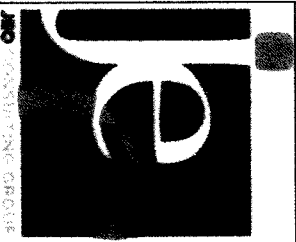
REFERRING TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 24, THENCE S 02°07'49" W (ASSUMED BEARING), A DISTANCE OF 50.00 TO THE NORTHEAST CORNER OF BLOCK 2A, SYKES ADDITION, AND THE POINT OF BEGINNING; THENCE S 88°31'12" E ON THE SOUTH RIGHT OF WAY LINE OF 27TH STREET, A DISTANCE OF 305.93 FEET; THENCE S 2°07'44" W A DISTANCE OF 629.04 FEET; THENCE S 87°52'16" E A DISTANCE OF 487.50 FEET; THENCE S 2°07'44" W A DISTANCE OF 533.01 FEET TO THE CENTERLINE OF WINTER CREEK CANAL; THENCE S86°23'05" W ON SAID CENTERLINE A DISTANCE OF 160.05 FEET; THENCE N 78°29'55" W CONTINUING ON SAID CENTERLINE, A DISTANCE OF 219.08 FEET; THENCE N 77°43'56" W CONTINUING ON SAID CENTERLINE A DISTANCE OF 114.37 FEET; THENCE S 2°07'44" W, A DISTANCE OF 158.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ON A 300.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 186.91 FEET; THE CHORD OF SAID CURVE BEARS S 19°58'38" W, A DISTANCE OF 183.90 FEET; THENCE S 37°49'32" W, A DISTANCE OF 383.58 FEET TO THE NORTH LINE OF QUINDT COMMERCIAL TRACTS; THENCE N 52°10'28" W ON SAID NORTH LINE, A DISTANCE OF 277.14 FEET, TO A POINT ON THE EASTERLY LINE OF TRACT 2, OF SAID QUINDT COMMERCIAL TRACTS; THENCE N 37°49'32" E ON SAID EASTERLY LINE, A DISTANCE OF 240.00 FEET; THENCE N 1°30'21" E CONTINUING ON SAID EAST LINE, A DISTANCE OF 318.04 FEET TO THE NORTHEAST CORNER OF SAID TRACT 2; THENCE S 86°05'51" E ON SAID CENTERLINE, A DISTANCE OF 51.13 FEET TO THE SOUTHEAST CORNER OF BLOCK 4, OF SYKES ADDITION; THENCE N 2°07'30" E ON THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF 225.96 FEET TO THE SOUTHEAST CORNER OF BLOCK 2A, OF SAID SYKES ADDITION, A REPLAT OF BLOCKS 2 AND 3, SYKES ADDITION; THENCE CONTINUING N 2°07'30" E ON THE EAST LINE OF SAID BLOCKS 2 AND 3, A DISTANCE OF 550.50 FEET; THENCE N 2°08'11" E, CONTINUING ON SAID EAST LINE, A DISTANCE OF 299.58 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND CONTAINING 793,679.99 SQUARE FEET, OR 18.22 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA; THAT THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY; THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Joshua D. Borchers
JOSHUA D. BORCHERS, LS 766
1/11/2024





120 EAST 16TH STREET, SUITE 'A'
SCOTTSBLUFF, NEBRASKA 69361
PHONE: (308) 632-3123
JANUARY 11, 2024

OWNER'S STATEMENT AND DEDICATION

I, THE UNDERSIGNED, BEING THE OWNER OF THE PROPERTY TO BE PLATTED AS LOTS 1, 2 AND 3, BLOCK 1, TRIPLE PEAKS SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNER AND THAT THE UTILITY AND ACCESS EASEMENTS ARE HEREBY DEDICATED FOR THE USE AND BENEFIT OF THE PUBLIC AS SHOWN ON THE FOREGOING PLAT.

BY: [Signature]
DEIDRA BRUNER, REPRESENTATIVE

BRUNER BUNCH, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT:

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF) SS

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME DEIDRA BRUNER, REPRESENTATIVE OF BRUNER BUNCH, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED TO THE FOREGOING "OWNER'S STATEMENT" AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTARIAL SEAL THIS 30th DAY OF February 2024.

BY: [Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 17, 2024



OWNER'S STATEMENT AND DEDICATION

I, THE UNDERSIGNED, BEING THE OWNER OF THE PROPERTY TO BE PLATTED AS LOT 4, BLOCK 1, TRIPLE PEAKS SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNER AND THAT THE UTILITY AND ACCESS EASEMENTS ARE HEREBY DEDICATED FOR THE USE AND BENEFIT OF THE PUBLIC AS SHOWN ON THE FOREGOING PLAT.

BY: [Signature]
WILBERT L. QUINDT, TRUSTEE

WILBERT L. QUINDT LIVING TRUST

ACKNOWLEDGEMENT:

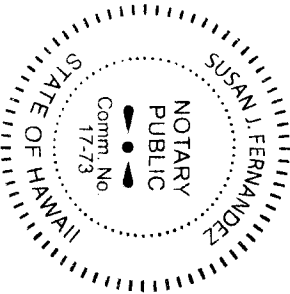
STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF) SS

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME WILBERT L. QUINDT, A TRUSTEE OF WILBERT L. QUINDT LIVING TRUST, KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED TO THE FOREGOING "OWNER'S STATEMENT" AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

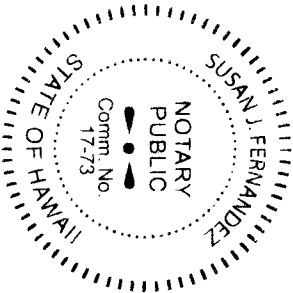
WITNESS MY NOTARIAL SEAL THIS 30th DAY OF February 2024.

BY: [Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 17, 2024



Doc Date: Feb 29, 2024 # Pages: 1
Notary Name: Susan J. Fernandez Circuit
Doc. Description: WILBERT L. QUINDT LIVING TRUST (Stamp or Seal)
Notary Signature: [Signature] Date: Feb 29, 2024



LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION
AN ADDITION TO THE CITY OF SCOTTSBLUFF,
SCOTTS BLUFF COUNTY, NEBRASKA
SITUATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE
55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

OWNER'S STATEMENT AND DEDICATION

I, THE UNDERSIGNED, BEING THE OWNER OF THE PROPERTY TO BE PLATTED AS LOT 4, BLOCK 1, TRIPLE PEAKS SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNER AND THAT THE UTILITY AND ACCESS EASEMENTS ARE HEREBY DEDICATED FOR THE USE AND BENEFIT OF THE PUBLIC AS SHOWN ON THE FOREGOING PLAT.

BY: [Signature]
VICKI S. QUINDT, TRUSTEE

VICKI S. QUINDT LIVING TRUST

ACKNOWLEDGEMENT:

STATE OF NEBRASKA)
COUNTY OF SCOTTS BLUFF) SS

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME VICKI S. QUINDT, TRUSTEE OF VICKI S. QUINDT LIVING TRUST, KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED TO THE FOREGOING "OWNER'S STATEMENT" AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTARIAL SEAL THIS 29th DAY OF March 2024.

BY: [Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 17, 2024

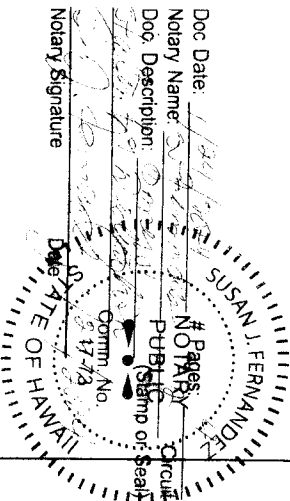
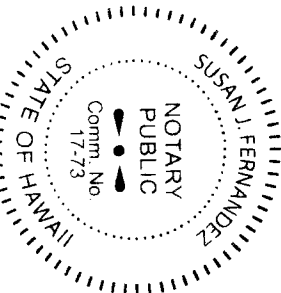
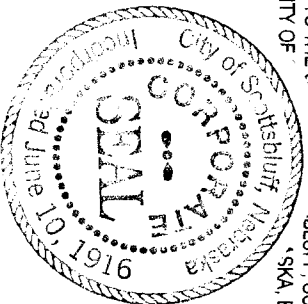
APPROVAL AND ACCEPTANCE

THE FOREGOING PLAT OF LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA, BY RESOLUTION DULY PASSED THIS 29th DAY OF February 2024.

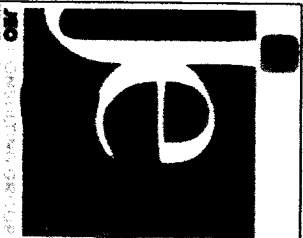
BY: [Signature]
JEANNE MCKERRIGAN, MAYOR

ATTESTED:

CITY CLERK: [Signature]



Doc Date: Feb 29, 2024 # Pages: 1
Notary Name: Susan J. Fernandez Circuit
Doc. Description: WILBERT L. QUINDT LIVING TRUST (Stamp or Seal)
Notary Signature: [Signature] Date: Feb 29, 2024

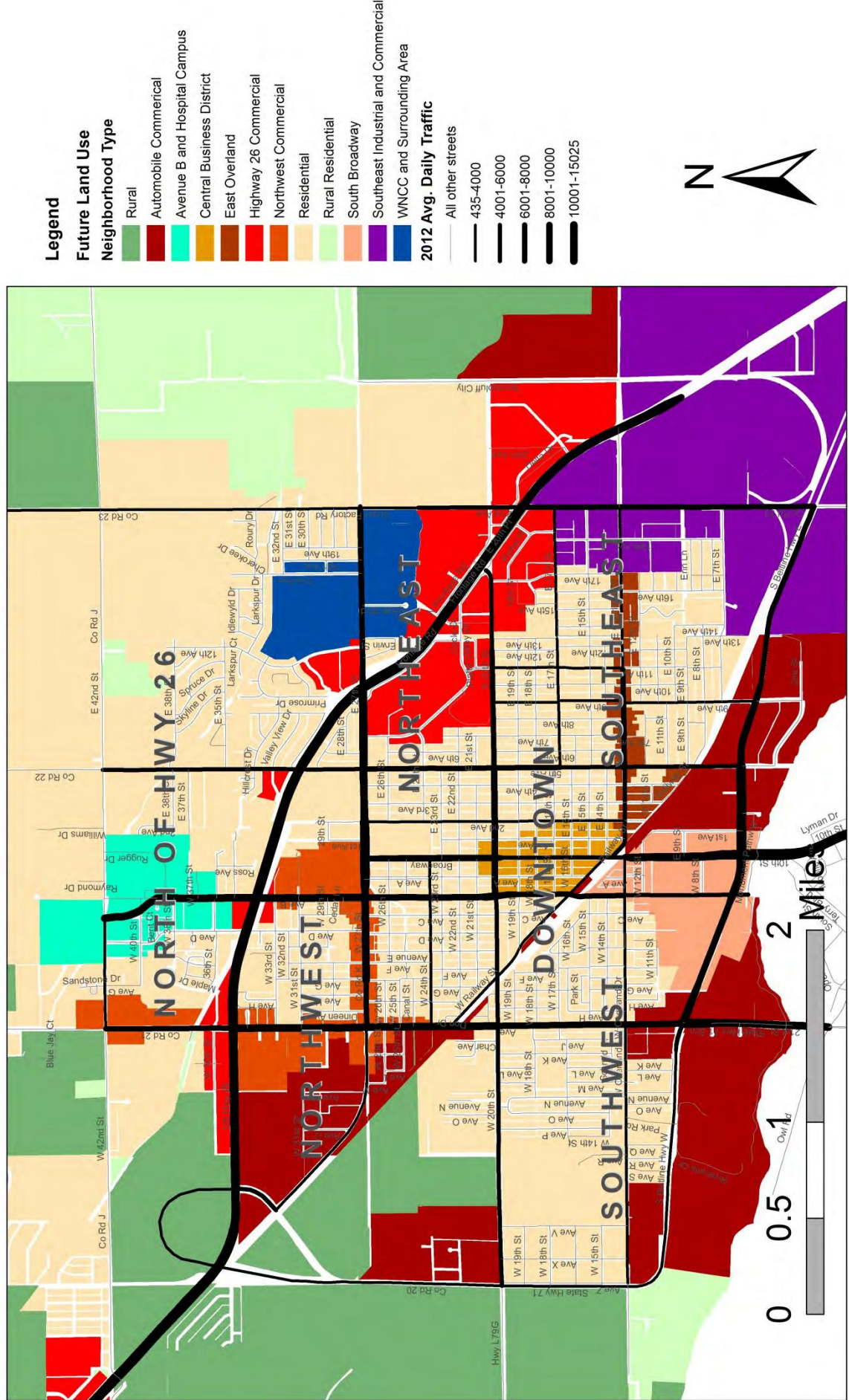


120 EAST 16TH STREET, SUITE 'A'
SCOTTSBLUFF, NEBRASKA 69361
PHONE: (308) 632-3123
JANUARY 11, 2024

ELEMENT Sports Summit Redevelopment
Attachment 3
Site Plan (Lot 3)

ELEMENT Sports Summit Redevelopment
Attachment 4
Excerpts from Comprehensive Plan

Scottsbluff Future Land Use Map



Northeast

Themes:

1. **Growing as a regional leader of commerce and economic opportunity**
 - Attractive, thriving highway corridor, housing that supports a capable workforce.
2. **Living into our unique character of a city in the country**
 - Small town feel in residential neighborhoods and minor arterials, major retail and office opportunities in major arterials and commercial centers.
3. **Promoting the health and happiness of all citizens**
 - Clean neighborhoods and housing, access to parks and schools.
4. **Inclusive Opportunities for participation in civic life**
 - Strong civic groups , available resources, community events

Principles:

5. **Interconnection of Neighborhoods and amenities**
 - a. Improve pedestrian and cycling facilities east-west from Broadway to Highway 26 through the Northeast Neighborhood.
 - b. Safe and efficient transportation access in auto-oriented commercial centers along highway 26.
 - c. Enhanced employment centers set back from the highway and accessible from residential areas and main thoroughfares.
 - d. Encourage multi-family residential development along periphery of low density residential neighborhoods.
 - e. Plan safe crossings and routes to schools.
6. **Sustainable development**
 - a. Incorporate native species, and natural landscaping into codes of commercial and big box development along highway.
 - b. Scottsbluff drain- There is an opportunity to make changes to the drain that would improve stormwater drainage, improve water quality, and provide green space for recreation and wildlife habitat.
 - c. Encourage diversity of commercial types mixed use development along the Highway 26 corridor.
 - d. Targeted and planned utilities maintenance activities.
 - e. Preserve land potentially served by city utilities for near term (within five years) development needs.
 - f. Encourage new development to be contiguous with existing development with planned linkages between roads and utilities.
 - g. Direct rural residential development to areas to which utilities cannot be reasonably extended.
7. **Access to culture and recreation**
 - a. Improved access, visibility, and connectivity of school recreation facilities and public parks near the middle school and high school.
 - b. Walking and bicycle path connectivity along and across Highway 26 and greenways.
 - c. Improved pedestrian and cycling connectivity to downtown.
 - d. Enhanced sense of place improvements in parks and around high school sports fields and courts.
8. **Strong neighborhoods and places, rooted in our unique character**

- a. Make programs that encourage up-keep of private property and neighborhoods more accessible and better communicated.
- b. Facilitate and support neighborhood involvement in plans, studies, and community events.
- c. Continue traditional neighborhood style of homes, streets, and sidewalks in residential areas.
- d. Improve aesthetics and landscaping along collectors and arterials, utilizing native species.

Northeast Neighborhoods

WNCC Campus and Surrounding Area

Appropriate Zones: R-1a, O-P, R-4

- **Hours:** Daytime, generally 8-5 working hours. Special events in the evenings expected, very limited activity at night.
- **Auto:** Both motorized and non-motorized traffic should be well facilitated, Motorized vehicle convenience should yield to pedestrian connectivity and safety around WNCC campus.
- **Mass:** Variety of building types and heights and setbacks. Moderate to low density with accompanying open space and landscaping.
- **Emissions:** High activity during the day, generally residential daily business traffic, low amounts of noise and smells, and enforced aesthetic and design standards.

Highway 26 Commercial

Appropriate Zones: C-2, PBC, O-P, R-4

- **Hours:** Daytime and evening. Nighttime activity acceptable adjacent to highway.
- **Auto:** Motorized vehicle oriented to facilitate both personal and commercial vehicles. Formalized pedestrian and cycling facilities.
- **Mass:** Variety of building types and heights and setbacks. Moderate to high density and mixes of uses.
- **Emissions:** High activity during the day, low amounts of non-restaurant smells, lower noise, and enforced aesthetic and landscaping standards.

ELEMENT Sports Summit Redevelopment
Attachment 5
Cost Benefit Analysis

CITY OF SCOTTSBLUF, NEBRASKA, COMMUNITY REDEVELOPMENT AUTHORITY
ELEMENT Sports Summit Redevelopment
COST-BENEFIT ANALYSIS
(Pursuant to Neb. Rev. Stat. § 18-2113)

A. Tax Revenues and Tax Shifts Resulting from the Division of Taxes.

Real estate taxes from the base value of the applicable portions of the Project Site will continue to be available to the local taxing jurisdictions regardless of the tax increment financing. The local taxing jurisdictions are the City, Scotts Bluff County, Scottsbluff Public Schools, WNCC, ESU 13, and North Platte NRD. The tax increment revenues created by the completed development on the applicable portions of the Project Site will not be available to local taxing jurisdictions for 15 years after the effective date of the division of taxes. During those times, the tax increment revenues from the applicable portions of the Project Site will be used to finance eligible development costs (with interest) necessary for the project.

B. Public Infrastructure and Community Public Service Needs Impacts and Local Tax Impacts Arising from Project Approval.

Redeveloper will construct a street, curb and gutter, sidewalk, and water, sanitary sewer, and storm sewer mains along the 18th Avenue right-of-way from Frontage Road to 27th Street. No local tax impacts, other than the potential of tax increment financing, are contemplated at this time.

C. Impacts on Employers and Employees of Firms Locating or Expanding Within the Boundaries of the Redevelopment Project Area.

Needed employment within the Project Site is not yet known and will depend on the development of the commercial lots.

D. Impacts on other Employers and Employees within the City and immediate area located outside the Redevelopment Project Area.

No negative impacts on employers and employees within and surrounding the City are anticipated.

E. Impacts on Student Populations of Scottsbluff Public Schools.

No negative impacts on Scottsbluff Public Schools are anticipated.

F. Other Impacts

Use of local contractors
Recreational space for area youth
Tourism
Increased commercial opportunities

RESOLUTION _____

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SCOTTSDLUFF, NEBRASKA:**

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan titled *ELEMENT Sports Summit* (the “Redevelopment Plan”) has been submitted to the Planning Commission.

b. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the 2016 Scottsbluff Comprehensive Plan (the “Comprehensive Plan”).

Resolved:

1. The Planning Commission finds that Redevelopment Plan conforms to the Comprehensive Plan and recommends approval of the Redevelopment Plan to the Scottsbluff Community Redevelopment Authority and City Council.

2. All prior resolutions of the Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

3. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on May 13, 2024

**PLANNING COMMISSION OF THE CITY
OF SCOTTSDLUFF, NEBRASKA**

ATTEST:

By: _____
Chair

By: _____
Recording Secretary

City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 7.C

Planning Commission to conduct a Public Hearing for the purpose of obtaining comment and making a recommendation to the City Council on the question of whether Area #18 should be declared as substandard and blighted according to the Nebraska Community Development Law.

Staff Contact: Zachary Glaubius, Sharaya Toof

RESOLUTION _____

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SCOTTSBLUFF, NEBRASKA:**

Recitals:

a. The question of whether the “Redevelopment Area,” as defined below, is substandard and blighted as those terms are defined in the Nebraska Community Development Law (the “Act”) has been submitted to the Planning Commission.

b. The “Redevelopment Area” encompasses the following area in Scottsbluff, Nebraska: properties and tracts of land within the general vicinity north of US Highway 26 and south of 40th Street, between 5th Avenue and Avenue D in the north—central portion of Scottsbluff, containing approximately 103.09 acres. The Redevelopment Area is more particularly described in the Study (as defined below).

c. The Planning Commission has received and reviewed Study Area #18, Blight & Substandard Determination Study, dated November 2023 by MC Schaff & Associates. (the “Study”).

d. The Planning Commission conducted a public hearing on May 13, 2024 for the purpose of making a recommendation to the City Council as to whether the Redevelopment Area is and should be determined as substandard and blighted as those terms are defined in the Act.

e. The Planning Commission considered the Study and the comments at the public hearing in formulating its recommendation to the City Council.

Resolved:

1. The Redevelopment Area meets the criteria set forth in Sections 18-2103(3) and (31) of the Act, as described and set forth in the Study, and the inclusion of all property in the Redevelopment Area is necessary to create a unified redevelopment area sufficient to encourage developers and redevelopment and to carry out the purposes of the Act.

2. The Planning Commission recommends to the City Council that the City Council declare the Redevelopment Area as substandard and blighted and in need of redevelopment.

3. All prior resolutions of the Planning Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

4. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on May ____, 2024

**PLANNING COMMISSION OF THE CITY
OF SCOTTSBLUFF, NEBRASKA**

ATTEST:

By: _____
Chair

By: _____
Recording Secretary

City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 7.D

Planning Commission to conduct a Public Hearing for the purpose of obtaining comment and making a recommendation to the City Council on the question of whether Area #19 should be declared as substandard and blighted according to the Nebraska Community Development Law.

Staff Contact: Zachary Glaubius, Sharaya Toof

RESOLUTION _____

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SCOTTSBLUFF, NEBRASKA:**

Recitals:

a. The question of whether the “Redevelopment Area,” as defined below, is substandard and blighted as those terms are defined in the Nebraska Community Development Law (the “Act”) has been submitted to the Planning Commission.

b. The “Redevelopment Area” encompasses the following area in Scottsbluff, Nebraska: properties within the vicinity east of 5th Avenue, west of Circle Drive, south of East 27th Street, and north of East 26th Street in the central portion of Scottsbluff, containing approximately 7.51 acres. The Redevelopment Area is more particularly described in the Study (as defined below).

c. The Planning Commission has received and reviewed Study Area #19, Blight & Substandard Determination Study, dated November 2023 by MC Schaff & Associates. (the “Study”).

d. The Planning Commission conducted a public hearing on May 13, 2024 for the purpose of making a recommendation to the City Council as to whether the Redevelopment Area is and should be determined as substandard and blighted as those terms are defined in the Act.

e. The Planning Commission considered the Study and the comments at the public hearing in formulating its recommendation to the City Council.

Resolved:

1. The Redevelopment Area meets the criteria set forth in Sections 18-2103(3) and (31) of the Act, as described and set forth in the Study, and the inclusion of all property in the Redevelopment Area is necessary to create a unified redevelopment area sufficient to encourage developers and redevelopment and to carry out the purposes of the Act.

2. The Planning Commission recommends to the City Council that the City Council declare the Redevelopment Area as substandard and blighted and in need of redevelopment.

3. All prior resolutions of the Planning Commission in conflict with the terms and provisions of this Resolution are repealed to the extent of such conflicts.

4. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on May ____, 2024

**PLANNING COMMISSION OF THE CITY
OF SCOTTSBLUFF, NEBRASKA**

ATTEST:

By: _____
Chair

By: _____
Recording Secretary

City of Scottsbluff, Nebraska

Monday, May 13, 2024

Regular Meeting

Item 7.E

**Planning Commission to conduct a Public Hearing to consider an Ordinance
Text Change regarding Land Use Fees**

Staff Contact: Zachary Glaubius

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: April 26, 2024 For Hearing of: May 13, 2024



I. GENERAL INFORMATION

A. Development Services staff has reviewed the City's land use fees as well as compared the fees to other first-class cities in Nebraska.

B. The comparison of fees is shown below

Current Land Use Fees		Proposed Land Use Fees	
Appeal to Board of Adjustment	\$100 plus \$3 per notice letter	Appeal to Board of Adjustment	\$150
Mobile Home Park Permit	\$100 for first 20 spaces \$5 each additional space	Mobile Home Park Permit	\$150 for first 20 spaces \$5 each additional space
Zoning Amendment	\$100	Zoning Amendment	\$300
Mobile Home Park Plan	\$100	Mobile Home Park Plan	\$100
Preliminary Plat	\$100	Preliminary Plat	\$200
Final Plat	\$100	Final Plat	\$200
Amended Plat	\$50 plus \$3 per notice letter	Amended Plat	\$200
Special Permit – Planned Unit Development	\$250	Special Permit – Planned Unit Development	\$300
Special Exception from Fire Code	\$100	Special Exception from Fire Code	\$100
Special Use Permit	\$100	Special Use Permit	\$300
Special Permit – Perimeter Fence	\$100	Special Permit – Perimeter Fence	\$100
Subdivision without plat	\$50	Subdivision without plat	\$50
Subdivision Application	\$50	Subdivision Application	\$50
		Plat Vacation	\$200
		Agricultural Estate Dwelling Site	\$200
		Special Permit – Parking (Shared Facility or Exception)	\$100
		Zoning Verification Letter	\$20
		Zoning/Land Use Map (11"x17")	\$20

- C. Staff is also recommending revisions to the following codes due to the updated fees
- i. §21-1-65: remove section requiring applicant to pay Register of Deeds fee
 - ii. §21-1-65 : remove section requiring applicant to pay Register of Deeds fee
 - iii. §21-1-68 : remove the per letter fee reference
 - iv. §25-17-13 : remove section requiring per letter fee and reference to dismissing a Board of Adjust appeal application due to lack of paying said fee

II. STAFF COMMENTS

- A. As can be seen from the table below, Scottsbluff has the lowest fees of the comparable Nebraska cities. Even with the proposed increases, the City of Scottsbluff will still be one of the lower cost cities.

	Preliminary Plat	Final Plat	Administrative Plat	Rezone	Variance
Scottsbluff (current)	\$100	\$100 plus \$3 per letter	\$50	\$100	\$100 plus \$3 per letter
Scottsbluff (proposed)	\$200	\$200	\$200	\$300	\$150
McCook	\$500	\$200 per lot (max \$5,500)	N.A.	\$75	\$75
Norfolk	\$250 plus \$15 per lot	\$250 plus \$10 for lot	\$150* lot boundary adjustment	\$300 plus publication costs	\$300 plus publication costs
Columbus	\$300 plus \$20 per lot	\$300 plus \$15 per lot	\$300	\$500	\$150
North Platte	\$300 plus \$25 per lot	\$300 plus \$25 per lot	\$300 plus \$25 per lot	\$400 plus \$0.50 per notification letter	\$125 plus certified letter cost
Hastings	\$350 plus \$20 per lot (max \$2,000)	\$350 plus \$20 per lot (max \$2,000)	\$225	\$550	\$300
Alliance	\$150	\$150	\$75	\$150	\$50
Gering	\$150	\$150	\$150	\$150	\$150
Fremont	\$485 plus \$15 per lot	\$585 plus \$40 per lot	\$300 plus \$15 per lot	\$585	\$315
Kearney	\$300 plus \$20 per lot (max \$4,300)	\$350 plus \$15 per lot	\$300	\$500	\$200
Beatrice	\$150	\$150	\$100	\$100	\$100

- B.** Due to our permitting software not being able to calculate different fees for the same application, the City has been waiving the \$3.00 per letter fee.
- C.** The current fees have been in place since 1995.
- D.** Proposed zoning fees are more than subdivision fees as zoning changes require more review and preparation by city staff.
- E.** The proposed fees are meant to be simple and ensure coverage of outside fees such as postage, public notice fees, and Register of Deeds fees.

III. STAFF RECCOMENDATION

- A.** Staff recommends the Planning Commission make a positive recommendation to City Council to approve the proposed ordinance text change to Chapter 6 Article 6 regarding land use fees and the listed sections of Chapter 21 and Chapter 25.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE SCOTTSBLUFF MUNICIPAL CODE RELATING TO LAND USE PERMIT FEES IN CHAPTER 6, ARTICLE 6, SECTION 29, CHAPTER 21, ARTICLE 1, SECTIONS 65 AND 68 AND CHAPTER 25, ARTICLE 17, SECTION 3, REPEALING THE PRIOR SECTIONS OF THE MUNICIPAL CODE; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 6, Article 6, Section 29 of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 6-6-29. LAND USE PERMITS:
The following fees are hereby imposed for matters pertaining to zoning and land use:

A. Subdivision/Plat Fees

Amended Plat	\$200
Preliminary Plat	\$200
Final Plat	\$200
Plat Vacation	\$200
Agricultural Estate Dwelling Site	\$200

B. Zoning Fees

Zoning Amendment	\$300
Special Use Permit	\$300
Special Permit – Parking (Shared Facility or Exception)	\$150
Planned Unit Development	\$300
Mobile Home Park License	\$150 (first 20 spaces \$5 (each additional space over 20 spaces)

C. Board of Adjustment Fees

Appeal Application	\$150
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D. Other Fees

Zoning Verification Letter	\$20
Zoning/Land Use Map (11” x 17”)	\$20

Section 2: Chapter 21, Article 1, Section 28 of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 21-1-28 SAME; CONSTRUCTION BY CITY; SPECIAL ASSESSMENTS; RELEASE OF SECURITY.

(A) Prior to approval by the City Council of any final plat of a subdivision in which some or all of the improvements required in this article have not been constructed, the owner of the property in the proposed subdivision shall enter into a written agreement with the city, to be approved by the City Council, as herein provided. The agreement shall provide in effect that the owner of the property:

- (1) Agrees to construct such improvements within the time specified in the agreement;
- (2) Consents (with respect to the improvements that are of a type which the city under statute has power to construct, and to pay the cost, or part of the cost, of which the city has power to levy special assessments against property to the extent of special benefit) that if such construction is not completed by the owner within the time specified, the city may, in accordance with statute, construct such improvements and levy such special assessments;
- (3) Waives, with respect to the construction and special assessments referred to in division (A)(2) above, the provision of any statute to the effect that a protest filed with the City Council

or City Clerk by the owner or owners of property in a proposed improvement district will bar the formation of the district by the City Council; and

(4) Agrees that the agreement shall bind as well the personal representatives, heirs, devisees, legatees, successors, and assigns of the owner.

(B) The agreement shall bear an acknowledgment by the owner, be in a form recordable in the office of the Register of Deeds, and otherwise be in such form as the Planning and Building Official shall prescribe. Approval of the agreement by the City Council, if granted, shall be specifically shown in the minutes of the meeting of the City Council. Upon approval of the agreement and the final plat by the City Council, the City Clerk shall cause the agreement to be filed for record with the Register of Deeds, such filing to be made either prior to or forthwith after the filing of the plat with the Register of Deeds.

(C) The City Manager or the Finance Director is authorized to release all or part of any security given by the developer to secure the developer's financial obligation to the city when one of the following events has occurred:

(1) The developer's financial obligation to the city has been discharged;

(2) The City Manager or Finance Director finds that in pursuant to the terms of the agreement, the developer is entitled to a release or partial release of the security; or

(3) The City Manager or Finance Director finds that after such a release, the city will remain adequately secured for the balance of the developer's financial obligation to the city."

Section 3: Chapter 21, Article 1, Section 65 of the Scottsbluff Municipal Code is amended to provide as follows:

"§ 21-1-65 SUBDIVISION APPLICATION; APPLICATION TO PLANNING AND BUILDING OFFICIAL; CONTENTS; FEES.

(A) Every application for approval of a subdivision by the Planning and Building Official shall comply with all the provisions of this article, except that the application shall state that the subdivision is proposed to be effected by a plat.

(B) The application shall be filed with the Official and shall be accompanied by a filing fee in the amount provided in Chapter 6, Article 6 of this code, to be paid to the Official."

Section 4: Chapter 21, Article 1, Section 68 of the Scottsbluff Municipal Code is amended to provide as follows:

"§ 21-1-68 AMENDED PLAT; LIMITING THE NUMBER OF TIMES A FINAL PLAT CAN BE AMENDED; PROCEDURES; NOTICE; FEES.

(A) After approval of a final plat by the Mayor and City Council, such final plat may be amended or replatted, either in whole or in part, a total of two times. If an application for amendment or replat of a final plat or portion of an existing plat, is received by the city for a third time, the final or existing plat must be vacated by ordinance prior to any amendment or replatting, after hearings by the Planning Commission and the City Council, before the city will approve the application by the owners. Except as specifically provided in this section, the amended plat and application therefor shall conform to all requirements of this article for final plats provided however, that if only part of the final plat is amended, the certificate required by § 21-1-59 of this subchapter may be made by the owner or owners of the land shown in the amended plat.

(B) At the time of submitting the amended plat to the Planning and Building Official, the applicant shall pay a fee in the amount provided in Chapter 6, Article 6 of this code.

(C) In addition to submitting the drawing, the applicant shall submit the plat in PDF format, latest version.

(D) Information relating the plat datum to state plane coordinates shall be provided on the plat so that the plat can be included in the city and County of Scotts Bluff GIS data. Each entity shall be responsible for adding the data to the GIS. For plats less than 20 acres, the point of beginning on the plat shall be referenced to state plane coordinates. The datum shall be NAD 83 (in feet), or the current datum adopted by the city at the time of plat submittal. Information on existing monuments that have established state plane coordinates can be obtained from the County Surveyor. The reference can be in the form of a note on the plat that includes a description of the reference point, the coordinates in feet, and the average scale factor. For plats larger than 20 acres, the point of beginning and one additional point at the opposite corner of the point of beginning shall be referenced to state plane coordinates. The reference can be in the form of a

note on the plat that includes a description of the reference points, coordinates in feet, and the average scale factor.

(E) An application to amend a plat shall set forth the number of times a replat or amendment has been applied for by the owner prior to this application and shall be reviewed by the Planning and Building Commission only if the proposed amendment creates more lots than existed on the original final plat or if the amended plat proposes to make changes in any public right-of-way or easement.”

Section 4: Chapter 25, Article 17, Section 3 of the Scottsbluff Municipal Code is amended to provide as follows:

“§ 25-17-3 ADJACENT LANDOWNERS; NAMES; FEES.

The Development Services Director shall cause to be prepared a list of the names of the owners of all lots and tracts of land immediately adjacent on the sides and in the rear of appellant’s property extending 300 feet therefrom, and of the lots and tracts of land directly opposite from appellant’s property extending 300 feet from the street frontage of such opposite lots.”

Section 5. Existing Sections 6-6-29, 21-1-28, 21-1-65, 21-1-68 and 25-17-3 of the Scottsbluff Municipal Code are repealed and now revised and amended as set forth in this ordinance. This ordinance shall not be construed to affect any cause of action, civil or criminal, existing or actions pending, at the time this ordinance becomes effective.

Section 6. This ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2024.

Attest:

Mayor

City Clerk (Seal)

Approved as to form:

City Attorney