

RESOLUTION NO. 2025-7

WHEREAS, the Mayor and City Council of the City of Norfolk, Nebraska (the “Mayor and Council”), duly created the Community Development Agency of the City of Norfolk, Nebraska (the “Agency”), by ordinance for purposes of assisting with redevelopment of blighted and substandard real estate located within the City of Norfolk, Nebraska (the “City”); and to carry out all of the powers of a redevelopment authority provided for under the Nebraska Community Development Law, Sections 18-2101, et seq., of the Nebraska Revised Statutes (the "Act"); and

WHEREAS, the Mayor and Council have designated certain portions of the City as blighted, substandard and eligible for redevelopment under the Act; and

WHEREAS, the City has in effect its comprehensive plan for the development of the City;

WHEREAS, Section 18-2155 of the Act provides that the Mayor and Council may authorize an expedited review process for redevelopment plans setting forth redevelopment projects that meet certain criteria, as prescribed therein; and

WHEREAS, the Mayor and Council passed Resolution No. 2022-2 at the City’s January 18, 2022 Council Meeting which Resolution adopted a program for the expedited review of certain tax increment financing projects pursuant to Section 18-2155 of the Nebraska Community Development Law; and

WHEREAS, the Mayor and Council passed Resolution No. 2022-40 at the City’s August 15, 2022 Council Meeting amending Resolution 2022-02; and

WHEREAS, Legislative Bill 531 passed by the Nebraska Legislature on June 6, 2023, amended Section 18-2155 of the Nebraska Community Development Law; and

WHEREAS, it is desirable to reflect changes set forth in Legislative Bill 531 in City’s program for the expedited review of certain tax increment financing projects.

NOW, THEREFORE, in consideration of the foregoing recitals the City Council of the City of Norfolk, Nebraska, hereby adopt the following Resolution:

BE IT RESOLVED by the Mayor and Council of the City of Norfolk, Nebraska, that this Resolution supersedes Resolution No. 2022-02 and Resolution No. 2022-40.

BET IT FURTHER RESOLVED by the Mayor and Council as follows:

Section 1. The Mayor and Council hereby authorize and adopt the processes providing for the expedited review (the “Expedited Review Process”) of tax increment financing redevelopment plans for

projects located within a blighted and substandard redevelopment area, and that meet the requirements under Section 18-2155(2) of the Act, as may be amended or replaced (an "Eligible Plan").

Section 2. Applicants (Redevelopers) wishing to utilize the Expedited Review Process shall submit a redevelopment plan containing all required information under Section 18-2155(4)(a) of the Act, as may be amended or replaced, on the form provided by the Nebraska Department of Economic Development (the "Redevelopment Project"), to the Finance Officer of the City, or his or her designee.

Section 3. The City shall charge a fee in an amount not to exceed the maximum allowable fee under Section 18-2155 of the Act, as may be amended or replaced, upon the submission of a redevelopment plan for purposes of the Expedited Review Process.

Section 4. The Finance Officer of the City, or his or her designee, shall review each redevelopment plan submitted for purposes of the Expedited Review Process, and shall either: (i) submit the Eligible Plans that meet all necessary criteria under the Act to the Mayor and Council for review and either approval or denial according to the Act; or (ii) reject any submissions which fail, in the reasonable and informed discretion of the reviewer, to meet the necessary criteria under Section 18-2155(2) of the Act, and shall not be required to forward the same to the Mayor and Council. The reviewer shall be authorized to request from the Redeveloper such information and documentation required, in the reviewer's reasonable discretion, to support the representations in the redevelopment plan, and a redevelopment plan shall not be considered submitted unless and until the Redeveloper complies with the same, as applicable. If a redevelopment plan is rejected for failure to meet the criteria under Section 18-2155(2) and/or Section 18-2155(4)(c) of the Act, the Redeveloper may amend and resubmit the redevelopment plan in accordance therewith for reconsideration.

Section 5. Other than approval of an Eligible Plan by the Mayor and Council, the Agency, or its designee(s), shall oversee and administer the Expedited Review Process, and shall be authorized to adopt policies and procedures related to the same to the extent said policies and procedures are in conformance with the terms and intent of this Resolution and the Act.

Section 6. Following approval of an Eligible Plan by the Mayor and Council, the Agency shall issue a promissory note (the "Promissory Note") which shall not exceed the lesser of the agreed-upon costs of the redevelopment project or the amount of incremental taxes estimated to be generated over 15 years. Such actions by the Agency shall be authorized by the Mayor and Council's approval of an Eligible Plan and may be undertaken administratively without the requirement for further consideration or approval by the Agency. The Promissory Note shall be executed on behalf of the Agency by the Chairperson (Mayor) and Secretary (City Clerk). Upon execution, the Promissory Note shall be registered by the City's Finance Officer, as the Agency's designated "Paying Agent", in the name of the note-holder. The principal amount of the Promissory Note shall not exceed the lesser of the agreed-upon costs of the redevelopment project or the excess ad valorem real estate taxes estimated to be generated by the Redevelopment Project, based upon the estimated increase in the assessed value of the area comprising the Redevelopment Project (the "TIF Revenues"), as set forth in the Eligible Plan, for a period of fifteen (15) years. The Promissory Note shall bear an interest rate of 0.00 percent per annum. The terms of the Promissory Note shall be controlling and are incorporated as part of this Resolution. The Promissory Note shall be in substantially the following form:

**COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF NORFOLK, NEBRASKA,
PROMISSORY NOTE FOR EXPEDITED REVIEW REDEVELOPMENT PROJECTS,
AS AUTHORIZED BY NEBRASKA REV. STAT. § 18-2155**

(_____ Redevelopment Project)

\$ _____, 20__

FOR VALUE RECEIVED, the undersigned, Community Development Agency of the City of Norfolk, Nebraska (hereinafter known as "Agency"), promises to pay to the note-holder ("Holder"), designated on Schedule 1, attached hereto and incorporated herein the principal sum of _____ and No/100 Dollars (\$ _____), together with interest thereon at the rate of 0.00% per annum, in accordance with that certain Redevelopment Plan for the _____ Redevelopment Project, (the "Redevelopment Plan"), passed and approved by the Mayor and City Council of the City, on _____, 20__, until the lesser of the agree-upon costs of the redevelopment project or the excess ad valorem real property taxes on the property described on Schedule 2 (the "Property") attached hereto and incorporated herein, generated by the redevelopment project set forth in the Redevelopment Plan (the "Redevelopment Project") can no longer be divided for such purposes in accordance with Sections 18-2147 and 18-2155 of the Nebraska Community Development Law, Sections 18-2101, et seq., of the Nebraska Revised Statutes (the "Act"), as may be amended or replaced, or until this Promissory Note is paid in full, whichever occurs first. The principal balance and interest thereon shall be due and payable on this Promissory Note on November 1 of each calendar year until maturity of this Promissory Note, beginning on January 1 of the year following the Agency's receipt of certification for the Redevelopment Project from the county assessor for Madison County, Nebraska, as required under Section 18-2155(7) of the Act, to the extent the lesser of the agree-upon costs of the redevelopment project or any excess ad valorem taxes on the Property generated by the Redevelopment Project are collected by the Agency and available for the retirement of this debt at such time. Payments on this Promissory Note shall be paid by check or draft mailed to the Holder.

Pursuant to the Redevelopment Plan, Holder's entitlements under this Promissory Note are contingent upon completion of the Redevelopment Project within two (2) years after approval of the Redevelopment Plan by the Mayor and City Council of the City. In the event the Redevelopment Project is not completed within such time period, as evidenced by the certification received by the Agency from the county assessor for Madison County, Nebraska, required under Section 18-2155(7) of the Act, as may be amended or replaced, this Promissory Note shall be void ab initio, and of no legal force or effect.

The Agency may prepay the principal amount outstanding in whole or in part, without penalty or the prior consent of the Holder. In the event the monies collected and held in that special fund established under Section 18-2147 of the Act are insufficient to pay in full all amounts due and owing after the lesser of the agree-upon costs of the redevelopment project or all excess ad valorem taxes generated by the Redevelopment Project, have been collected by the Agency and paid, in accordance with the terms of this Promissory Note, towards the retirement of the amounts due hereunder, then the Holder shall waive any unpaid portion of the principal and interest due hereon.

Demand, presentment, protest and notice of nonpayment under this Promissory Note are hereby waived.

AT ANY TIME, AND WITHOUT PRIOR NOTICE TO HOLDER, THE AGENCY SHALL HAVE THE OPTION OF PREPAYING IN WHOLE OR IN PART THE PRINCIPAL OF THIS PROMISSORY NOTE. A PORTION OF THE PRINCIPAL AMOUNT OF THIS PROMISSORY NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT OF THE AGENCY. THE HOLDER OR ANY TRANSFEREE OR ASSIGNEE OF SUCH HOLDER MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED BY THE RECORDS OF THE AGENCY.

Pursuant to Sections 18-2155, 18-2147, 18-2124 and 18-2150 of the Act, the lesser of the agree-upon costs of the redevelopment project or the excess ad valorem real property taxes derived from the Property have been pledged for the payment of this Promissory Note, both principal and interest as the same fall due or become subject to mandatory redemption. This Promissory Note shall not constitute a general obligation of the Agency and the Agency shall be liable for the payment thereof only out of said portion of taxes as described in this paragraph. This Promissory Note shall not constitute an obligation of the State of Nebraska, the Agency, or of the City (except for such receipts as have been pledged pursuant to the above-referenced Sections of the Act) and neither the State of Nebraska, the Agency nor the City shall be liable for the payment thereof from any fund or source including but not limited to tax monies belonging to either thereof (except for such receipts as have been pledged as described above in this paragraph). Neither the members of the Agency's governing body nor any person executing this Promissory Note shall be liable personally on this Promissory Note by reason of the issuance hereof.

Pursuant to Section 18-2155 of the Act, the principal amount of this Promissory Note has been established based upon the lesser of the agree-upon costs of the redevelopment project or the estimated taxing rates and increase of incremental ad valorem real property taxes for the Property which are expected to result over a fifteen-year period following completion of the Redevelopment Project. The actual taxing rates and taxable valuations determined by the appropriate assessing officials may be materially different from such projected rate and assessment, resulting in the Agency's inability to pay the entire principal amount prior to maturity of this Promissory Note, without liability of the Agency or the City.

Interest on this Promissory Note shall be subject to taxation for both federal and Nebraska state income taxes, as and to the extent provided by law, and no information report shall be filed with the Internal Revenue Service under Section 149(e) of the Internal Revenue Code.

No delay or omission on the part of the Holder in exercising any remedy, right or option under this Promissory Note shall operate as a waiver of such remedy, right or option. In any event, a waiver on any one occasion shall not be construed as a waiver or bar to any such remedy, right or option on a future occasion.

Any notice provided for in this Promissory Note to the Agency or the Holder shall be in writing and shall be given by regular or electronic mail to the Holder or Agency, at such address as either party may designate by notice in writing.

This Promissory Note shall be governed by and construed in accordance with the Laws of the State of Nebraska. All payments hereunder shall be payable in lawful money of the United States of

America and shall be legal tender for public and private debts at the time of payment.

IN WITNESS WHEREOF, the Chairperson (Mayor) and Secretary (City Clerk) of the Agency have caused this Promissory Note to be executed on behalf of the Agency, all as of the Dated Date shown below.

Dated this ____ day of _____, 20__.

COMMUNITY DEVELOPMENT AGENCY OF THE
CITY OF NORFOLK, NEBRASKA

ATTEST:

By: (Sample – Do Not Sign)
Chairperson (Mayor)

(Sample – Do Not Sign)
Secretary (City Clerk)

SCHEDULE 2
Legal Description of Property"

Section 7. Any Redevelopment Project set forth via an Eligible Plan for utilization of the Expedited Review Process must be completed within two (2) years of the Mayor and Council's approval of the Eligible Plan, as evidenced by the certification received by the Agency from the county assessor for Madison County, Nebraska, as required under Section 18-2155(7) of the Act, as may be amended or replaced (the "Assessor's Certification"). If the same does not occur within the time period prescribed above, the Promissory Note shall be void ab initio, and neither the Agency nor the City shall be obligated to remit the TIF Revenues to the Holder as payment on the Promissory Note. Upon receipt of the Assessor's Certification in conformance with Section 18-2155(7) of the Act with respect to a Redevelopment Project, the Paying Agent shall be authorized to make payments on the Promissory Note related to such Redevelopment Project, in accordance with the terms of the Promissory Note and this Resolution.

Section 8. This Resolution sets forth January 1 of the year following receipt of the Assessor's Certification for a Redevelopment Project as the "effective date" (as defined in the Act) for such Redevelopment Project, after which TIF Revenues derived from the Redevelopment Project are to be apportioned pursuant to Section 18-2147 of the Act. As of and from and after the effective date, that portion of the TIF Revenues collected by the Agency which are attributable to valuation increases arising from the Redevelopment Project shall be held by the Paying Agent for application to payments on the Promissory Note.

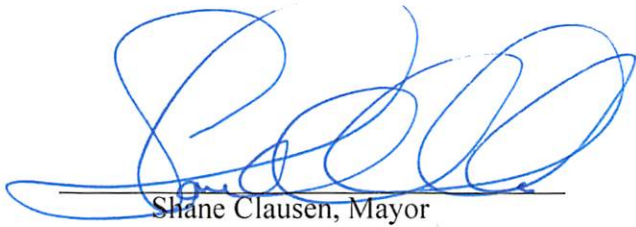
Section 9. If the date for payment of the interest or principal on the Promissory Note shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 10. Interest on the Promissory Note shall be subject to taxation for both federal and Nebraska state income taxes, as and to the extent provided by law, and no information report shall be filed with the Internal Revenue Service under Section 149(e) of the Internal Revenue Code.

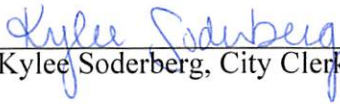
Section 11. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution. If any provisions of this Resolution and/or the Promissory Note conflict with the terms of the Act, the terms of the Act shall supersede and control. To the extent any terms related to governance of the Expedited Review Process are not covered in this Resolution, such terms shall be governed by the applicable provisions of the Act.

Section 12. This Resolution shall be in force and take effect from and after its adoption as provided by law.

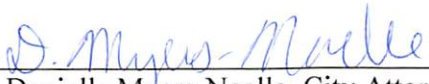
PASSED AND APPROVED this 18th day of February, 2025.


Shane Clausen, Mayor

ATTEST:


Kylee Soderberg, City Clerk

(S E A L)

Approved as to form: 
Danielle Myers-Noelle, City Attorney

