City of Lincoln, Nebraska

The 48th and "O" Street Redevelopment Plan

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Exhibits 1, 3, 4, 5 and 6 were prepared for the City of Lincoln by Hanna:Keelan Associates, P.C. and Architecture ① NE.

Exhibits 2, 7, 8 and 9 were prepared by the City of Lincoln, Urban Development Department.

Introduction

The 48th and "O" Street Redevelopment Plan is a guide for redevelopment activities within the Redevelopment Area. Exhibit 1 illustrates the location of the area within the broader context of the city of Lincoln. The boundaries are generally "R" Street on the north, 48th Street on the west, 52nd Street on the east, and approximately "N" Street on the south (see Exhibit 2). Located in north central Lincoln, the area includes one of the busiest intersections in the City. It is primarily a commercial area, although the Witherbee neighborhood, a residential area, is located to the south, adjacent to the Redevelopment Area. The Redevelopment Area contains approximated 41.7 acres.

The intersection of 48th & O Streets has been an important crossroads in this community for more than a century, with change its one constant factor. The founding of the towns of University Place to the northeast of Lincoln in the late 1880s and of College View to the southeast a few years later shared several factors, including that their east-west main streets were aligned along the same section-line road, which eventually became 48th Street. University Place called the road Warren Avenue, while in College View it was L Street. The annexations of University Place in 1926 and of College View in 1931 resulted in the regularizing of the street names and the intersection became 48th & O Streets.

By the mid-20th century the intersection reflected the increased importance of the automobile in urban life, with gas stations appearing on the northeast and southwest corners, and Ken Eddy's Drive-In restaurant on the northwest corner. Cool Crest miniature golf course and Sleepy Hollow Motel occupied portions of the northeast quadrant, and further east on O St. was the popular Italian eatery Tony & Luigi's.

The city's commercial and residential growth to the east, led by such trendsetters as the new headquarters of Bankers Life Insurance Company (now Ameritas) at Cotner & O and their adjacent development of Gateway Shopping Center, made 48th & O a more central intersection in the city, rather than its eastern edge. Automobile dealers occupied major tracts east of 48th Street by the 1960s.

However, in recent years, auto dealerships that occupied both the north and south side of "O" Street moved, leaving behind buildings designed and constructed for a specific use. Due to their design for automobile sales and service, the buildings are not suitable for rehabilitation or adaptive reuse. Acres of land remain vacant and unkempt where automobile sales lots were located. Other buildings have been vacant and unoccupied and have deteriorated to the point where structures may not be cost effective to rehabilitate. Incompatible and mixed land uses exist south of "O" Street. With a combination of residential and commercial uses in close proximity, conflicts occur within and adjacent to the Redevelopment Area, due to the lack of separation or buffering. In addition, the lack of storm water capacity has resulted in flooding on and adjacent to the Redevelopment Area. The fact that 50th Street is not a through street has limited accessibility throughout the area and further hinders commercial development.

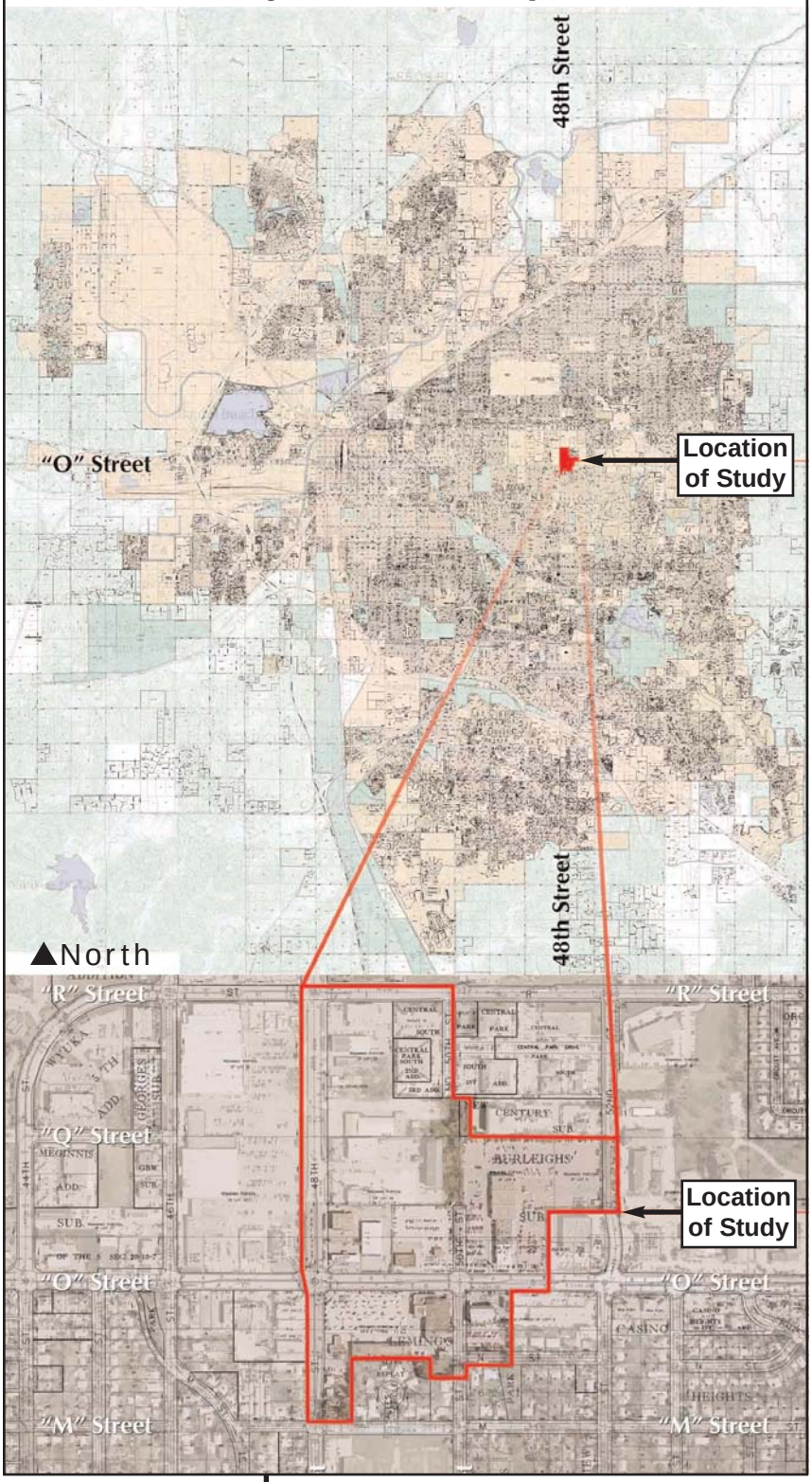
As a result of these conditions, the City of Lincoln commissioned a Blight and Substandard Determination Study. On August 23, 2004, the Lincoln City Council agreed with the findings of the Study and declared the area blighted and substandard.

The City recognizes that continuing blight and deterioration is a threat to the stability and vitality of the 48th and "O" Street area and that revitalization efforts cannot reasonably occur without pubic action. The 48th and "O" Street Redevelopment Plan represents the City's efforts to guide public and private redevelopment of the area.

Plan Requirements

Redevelopment activities are guided by Community Development Law, Neb. Rev. Stat., Section 18-2101, et. seq. (as amended). The statutes clearly state that the governing body must have declared the project area substandard and blighted in order to prepare a redevelopment plan.

Exhibit 1: City Context Map



The city has authorized its Urban Development Department to act as a redevelopment authority under the applicable Law.

The Urban Development Department has formulated, for the City of Lincoln, 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 including, 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 re-planning, 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 Community Development Law §18.2111 defines the minimum requirements of a redevelopment plan as follows:

> A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area...

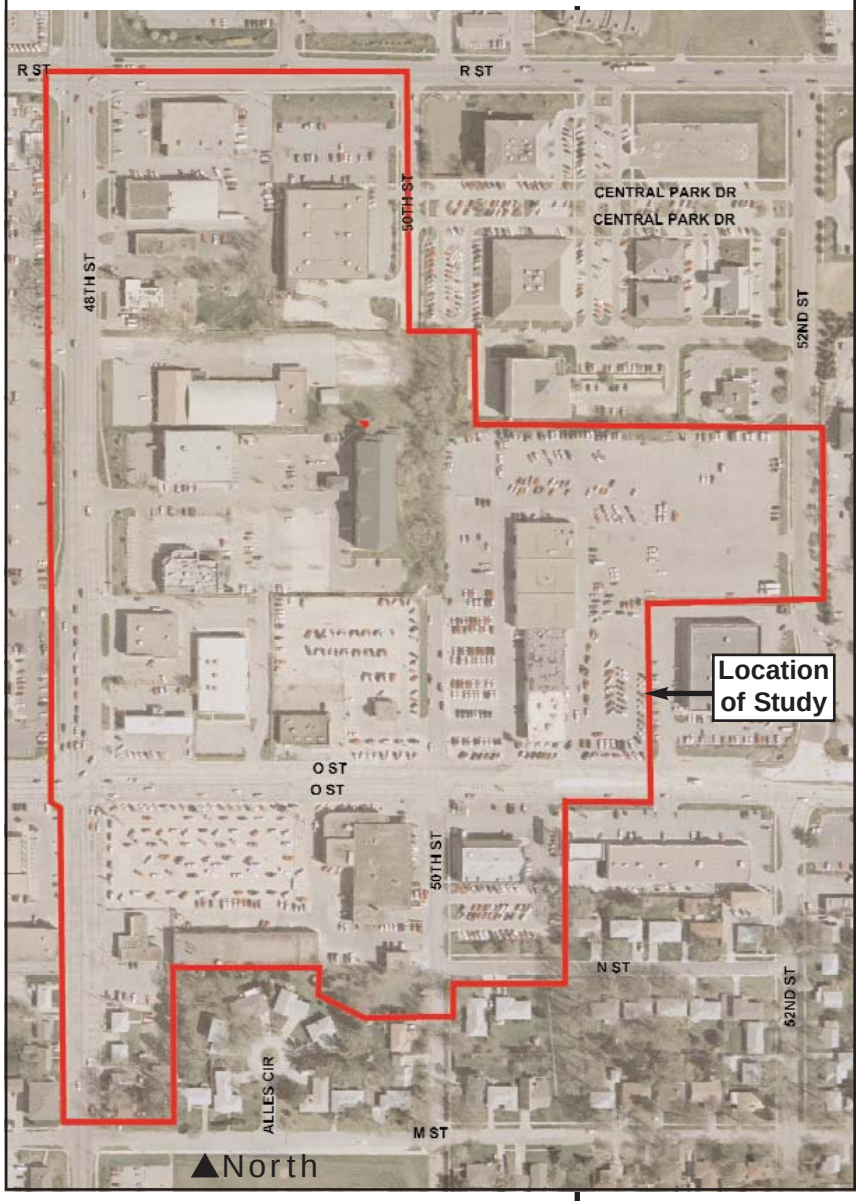
The statutes further identify six elements that, at a minimum, must be included in the redevelopment plan. They are:

1. The boundaries of the redevelopment project area with a map showing the

existing uses and condition of the real property within the boundaries;

2. A land-use plan showing proposed uses of the area;
3. Information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment;
4. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances;
5. A site plan of the area;
6. A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

Exhibit 2: 48th and "O" Street Redevelopment Area



In making its recommendation to approve this plan, the Urban Development Department has considered the land uses and building requirements and determined that they:

1. are in conformance with the general plan for redevelopment in the City and,
2. represent a coordinated, adjusted, and harmonious development of the city and its environs. These determinations are in accordance with:
   a) present and future needs to promote health, safety, morals, order, convenience, prosperity;
   b) the general welfare; and
   c) efficiency and economy in the process of development.

Factors considered in the determination included among other things:

1. adequate provision for traffic, vehicular parking;
2. the promotion of safety from fire, panic, and other dangers;
3. adequate provision for light and air;
4. the promotion of the healthful and convenient distribution of population;
5. the provision of adequate transportation, water, sewerage, and other public utilities;
6. schools, parks, recreational and community facilities, and other public requirements;
7. the promotion of sound design and arrangement;
8. the wise and efficient expenditure of public funds; and
9. the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

This plan will be reviewed by the Lincoln/Lancaster County Planning Commission for compliance with the Comprehensive Plan on December 8, 2004. Copies of the related staff report and Commission action are available from the Lincoln City Clerk.

Existing Conditions

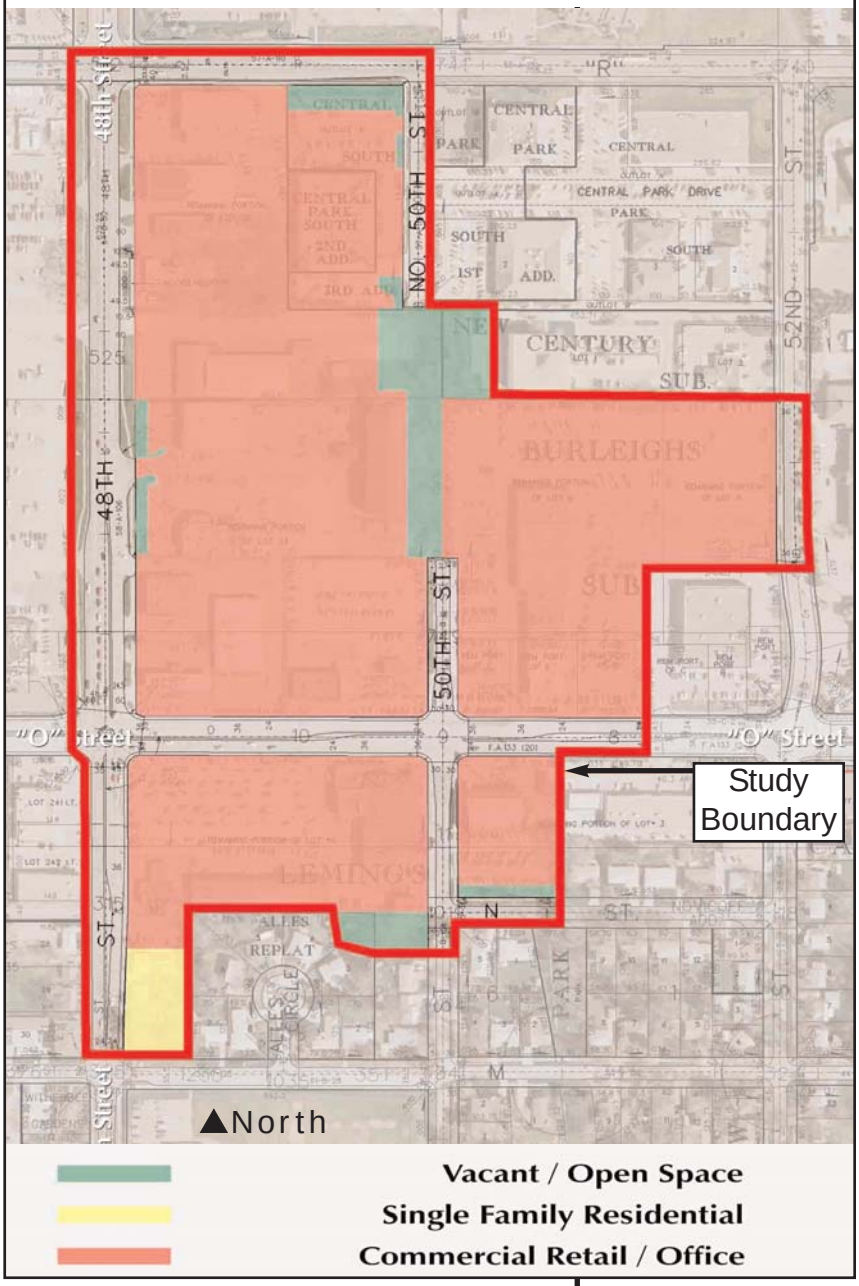
Land Use

The 48th and "O" Street Redevelopment Area is a generally rectangular block of land located in central Lincoln. Roughly speaking, the area extends from "N" Street on the south to R Street on the north, and 48th Street on the west, to 52nd Street on the east. The area is anchored by 48th and "O" Streets, which is one of Lincoln's busiest intersections. The area consists of 41.7 acres and features predominately commercial uses, including retail and vacant auto sales and service businesses.

The southern tip of the Redevelopment Area near 48th and M Streets represents the only residential portion of the Redevelopment Area, and includes four single family houses. However, the southern edge of the Redevelopment Area borders a predominately residential area.

The functional land use groups for the 48th and "O" Street Redevelopment Area can be seen in Exhibit 3.

Exhibit 3: Generalized Existing Land Use



Commerce Center

Based on the 2025 Lincoln City/Lancaster County Comprehensive Plan (Adopted May 28/29, 2002 As Amended through August 10, 2004) the area can be defined as a Commerce Center. According to the Comprehensive Plan:

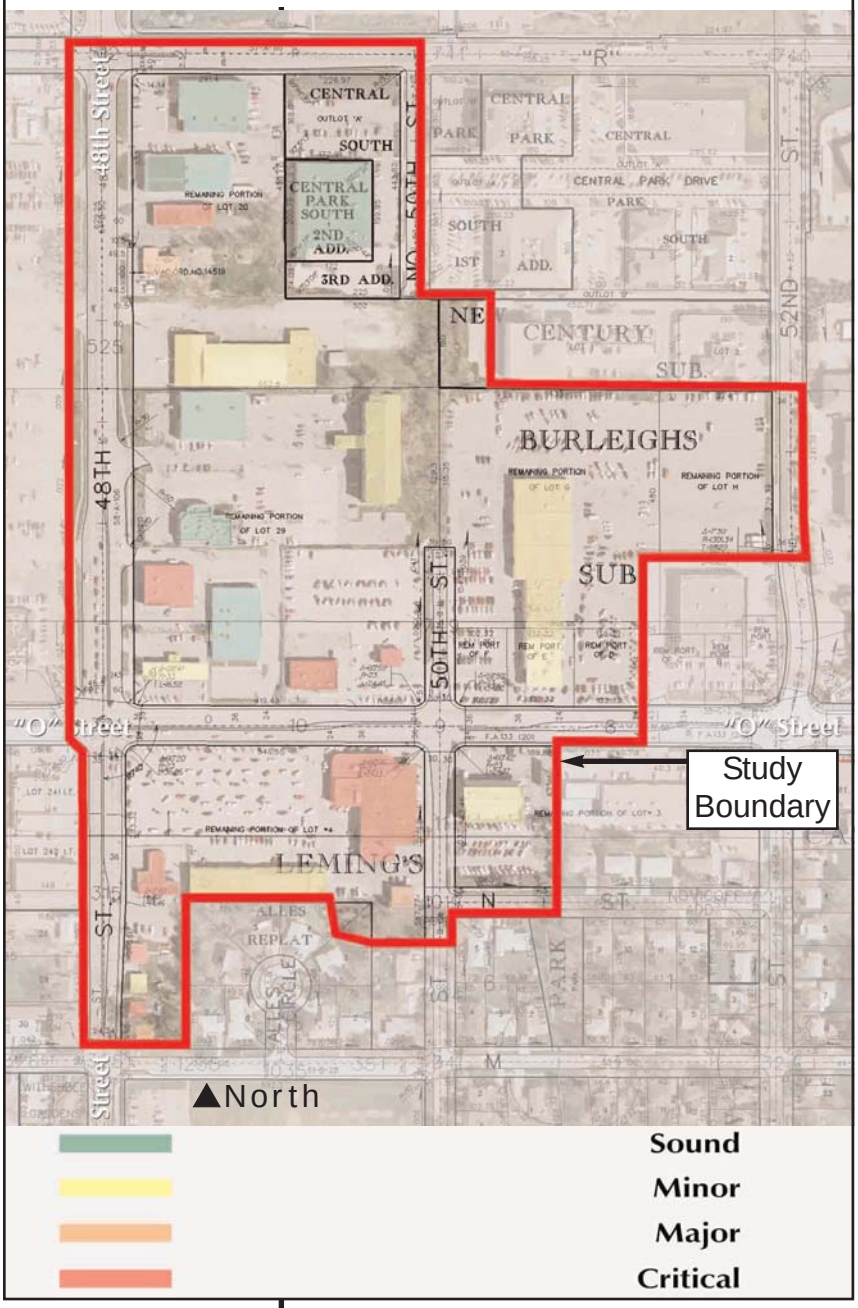
> "Commerce Centers" are defined as areas containing a mix of retail, office, services and residential uses, with some light manufacturing and warehousing in selected circumstances. Commerce Centers can include shopping centers or districts (such as neighborhood centers, large scale retail malls, strip centers, and traditional store-front retail settings), office parks, business parks, stand-alone corporate office campuses, research and technology parks, and Downtown Lincoln. The term "commerce center" is meant to be inclusive, not prescriptive....The Commerce Centers concept gives recognition to the evolving role of commercial and industrial uses in the life of cities. Commerce Centers encompass a broad range of land uses and are intended to encourage the mixing and integration of compatible land use types (p. F 40).

The Comprehensive Plan identifies three separate size categories for Commerce Centers. The variations in size distinguish between the uses occurring in the centers and the differing impacts the centers have on adjacent land uses and the pubic infrastructure (p. E 20). The 48th and "O" Redevelopment Area is likely to fit into the Comprehensive Plan's Community Center category, where square footage ranges from 300,000 to 1 million square feet.

Land Use Issues

Commercial disinvestment has resulted in empty, deteriorating buildings on large, empty, car lots on both sides of "O" Street in the Redevelopment Area. The Blight and Substandard Determination Study revealed that a large percentage of the commercial and residential structures are in poor condition. The building condition analysis for the Study (see p. 20, Blight and Substandard Determination Study, May, 2004) was based on an exterior inspection of all 25 existing structures and an interior inspection of 24. The purpose was to identify structural deficiencies and related environmental deficiencies for individual sites or parcels in the Redevelopment Area. The conclusion of the external structural survey is that 48 percent of the 25 structures are either deteriorating or dilapidated to a substandard condition (see Exhibit 4). The interior structural analysis confirmed the exterior survey results, indicating that 41.7 percent exhibited deteriorating or dilapidated conditions.

Exhibit 4:
Existing Structures Condition



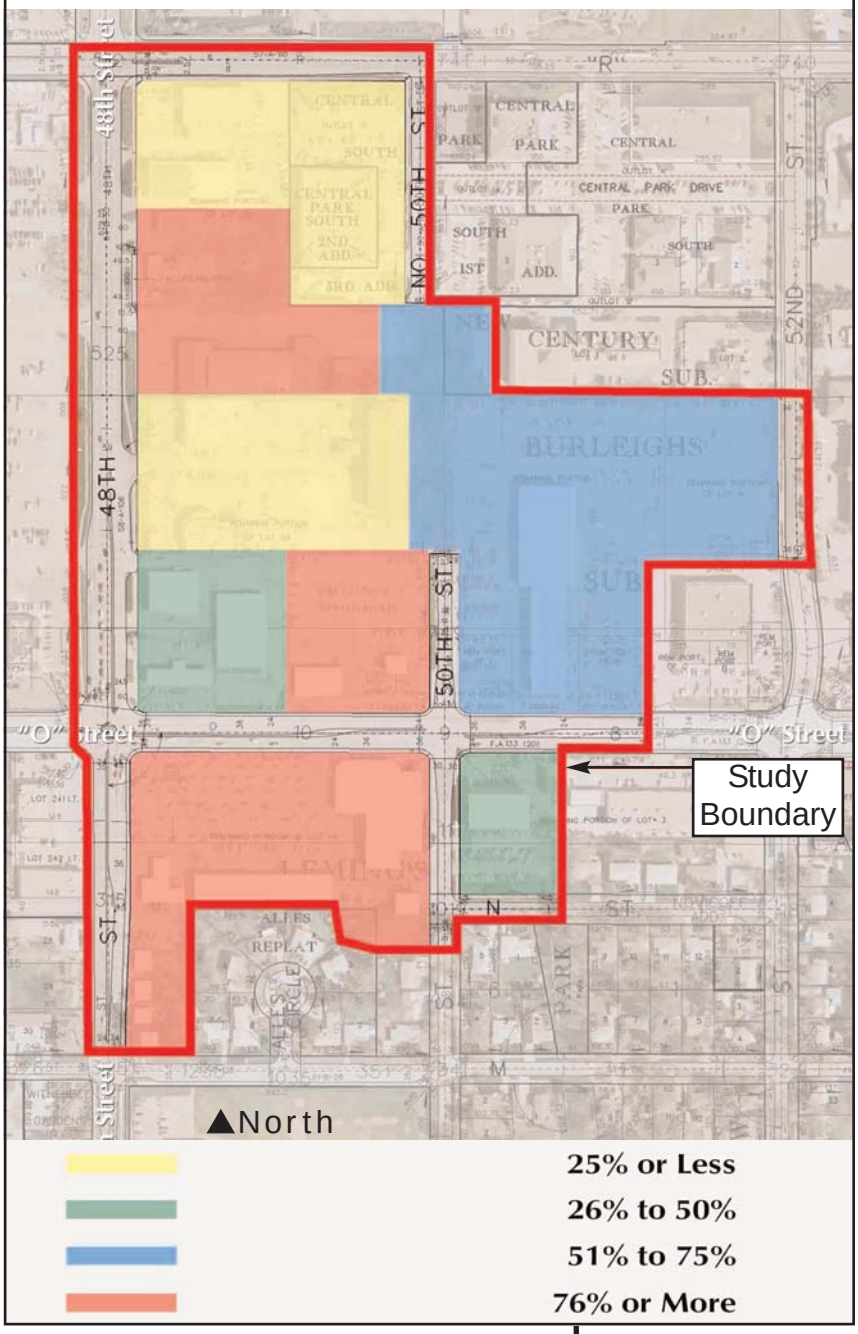
Functional and economic obsolescence is prevalent in the properties throughout the Redevelopment Area. The original auto dealership that was constructed on the south side of "O" Street in 1955, was constructed of reinforced concrete for a specific use. The basement is an underground auto parking and storage facility with concrete piers that support the two-story structure. The spacing of the piers, height of the ceilings and configuration of individual rooms and work spaces do not render the building compatible for rehabilitation or adaptive reuse. Similarly, the newer and larger 1974 auto dealership on the north side of "O" Street is also not suitable for adaptive reuse due to its size, and design for auto sales and service. Two other buildings on the north side of "O" Street are vacant, lack adequate maintenance and have deteriorated to the point where the structures may not be cost effective to rehabilitate (Blight and Substandard Determination Study, p. 46).

Overall site conditions (Exhibit 5) were evaluated as part of the Blight and Substandard Determination Study (p. 37). The field survey determined 57.7 percent of the parcels in the Redevelopment Area had overall site conditions that were in fair condition and 3.8 percent in poor condition. Nearly 12 percent of the parcels had excessive debris.

Furthermore, a strong presence of improper subdivision or obsolete platting exists throughout the Redevelopment Area. Almost none of the individual parcels within the study area meet today's standards of platting and subdivision procedures. The land acreage requirements of the former auto dealership required the accumulation of large tracts of land for the outside display of motor vehicles. Cases exist where multiple platted lots were assembled to support a single use, but were never replated into a single lot of record. The majority of individual parcels are only described by a metes and bounds description. Two examples of this exist at the northeast and southeast corners of 48th and "O" Streets. The original lot contained much more land than the parcel required by the auto dealership, thus the parcels were reduced in size by a metes and bounds description for use by adjacent commercial and residential uses. An additional example of this exists at the northeast corner of 50th and "O" Streets, where the former auto dealership acquired five full or partial lots to have a sufficient area to support the necessary outside storage of motor vehicles (Blight and Substandard Determination Study, p. 39).

Residential parcels along south 48th Street currently exceed the area requirements for residential property. However, the smallest residential parcel is 50' by 132'. If south 48th Street is widened, these residential lots would become non-conforming lots.

Exhibit 5:
Deterioration of Site Improvements

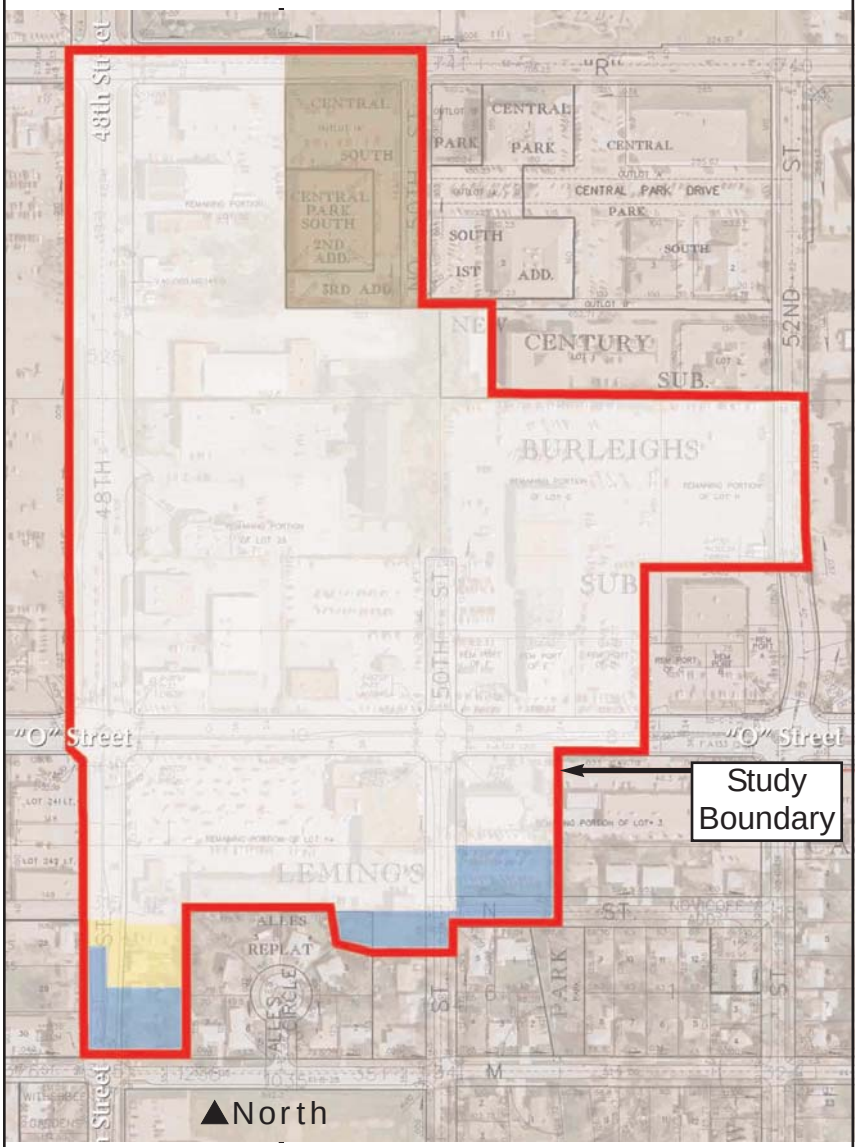


Zoning

Incompatible and mixed land uses exist south of "O" Street. A combination of residential and commercial uses are in close proximity. Conflicts exist due to the lack of proper land use separation or buffering.

The intersection of 48th and "O" Streets has had some four corner commercial zoning in place since at least 1940. The current pattern of H - 2 zoning (formally H - 1 prior to 1979) was essentially in place by 1953. This reflected its location as a "cross roads" of town. Zoning districts found in the Redevelopment Area are illustrated in Exhibit 6 and include the following:

Exhibit 6: Existing Zoning



H-2	Highway Business District
O-2	Suburban Office District
R-2	Residential District
I-2	Industrial Park District

H-2 Highway Business District, a general commercial zoning district. This Is the vast majority of these parcels, and represents all of the land facing "O" Street.

O-2 Suburban Office District, is on one lot located on the east side of S. 48th Street about ½ the distance between "O" Street and "M" Street.

R-2 Residential District is located on about three small lots/parcels on the south edge of the Redevelopment Area and in the area currently used as a parking lot on the east side of 50th Street, on the southern edge of the Redevelopment Area.

The H-2 District permitted uses, height and bulk regulations are found in the Lincoln Municipal Code chapter 27. 41 and could accommodate most commercial or office redevelopment opportunities.

Zoning Issues

Several elements of the H-2 zone present potential issues with redevelopment. For example, the H-2 zone has a 25 foot front yard setback but in Section 27.67.030, parking is allowed in the front yard setback in the H-2 District. Thus, any parking lot landscaping or parking setback is eliminated. Also, there is a 30 foot or 20% of lot depth rear yard setback, but all zoning districts allow parking in the rear yard. As a result there is not much of a buffer, landscaping or separation between commercial and existing residential uses. H-2 also allows off-premise signs (billboards) up to 700 square feet in area and one pole sign up to 100 square feet in size and 35 feet in height. Numerous signs and pole signs are perceived to contribute to the lack of streetscape beautification along "O" Street.

Public Facilities

Parks and Open Space

No parks exist within the Redevelopment Area. However, a city park borders the southeast portion of the Redevelopment Area at 51st and N St. The neighborhood park is 2.2 acres in size and features a small playground.

Transportation

Traffic

This is one of the highest traffic areas within the urban area with "O" Street functioning as the primary east-west thoroughfare providing connections to the central business district. Traffic on "O" Street is estimated at 36,000 to 45,000 vehicles per day. 48th Street is the north-south facility also with significant traffic flow with traffic estimated at 28,700 vehicles per day. These two roadways make the intersection of 48th and "O" Street the second busiest intersection in the City of Lincoln, following only 27th and Cornhusker. Nearly all of the regional traffic entering the 48th and "O" Street Redevelopment Area will need to use one of these two facilities.

Over 36,000 vehicles drive through the Redevelopment Area on "O" Street daily.

The 48th and "O" Street Redevelopment Area is served by a rectilinear grid pattern street system that borders and intersects the area. The primary arterial streets or thoroughfares intersecting this area include 48th Street and "O" Street with "O" Street functioning as US-34 which crosses the urban area. Other arterials include 52nd Street which borders the east side of the Redevelopment Area connecting "O" Street with "R" Street to the north. "R" Street is located one-quarter mile north of "O" Street and one-eighth mile north of the north edge of the Redevelopment Area and is a critical link in the arterial street network.

The 50th Street corridor directly intersects the Redevelopment Area with a connection to "R" Street on the north, crossing "O" Street and continuing on the south. North of "O", the middle third (approximately 0.2 of a mile) of this corridor has never been developed leaving a gap in the internal street system. This gap in 50th Street has limited accessibility throughout the Redevelopment Area and hinders further commercial development. Establishing a traffic connection to "R" Street may also provide benefits in traffic circulation. The 50th Street connections to the south of "O" Street are fully developed and provide connections to the residential areas south of "O" Street.

As stated above, the 48th and "O" Street intersection is the second busiest in Lincoln, following only 27th and Cornhusker. A total of 64,200 vehicles per day pass through the intersection. Traffic volumes on "O" Street are currently 36,400 and 27,800 on 48th Street. In the 2025 Comprehensive Plan, volumes are projected to be:

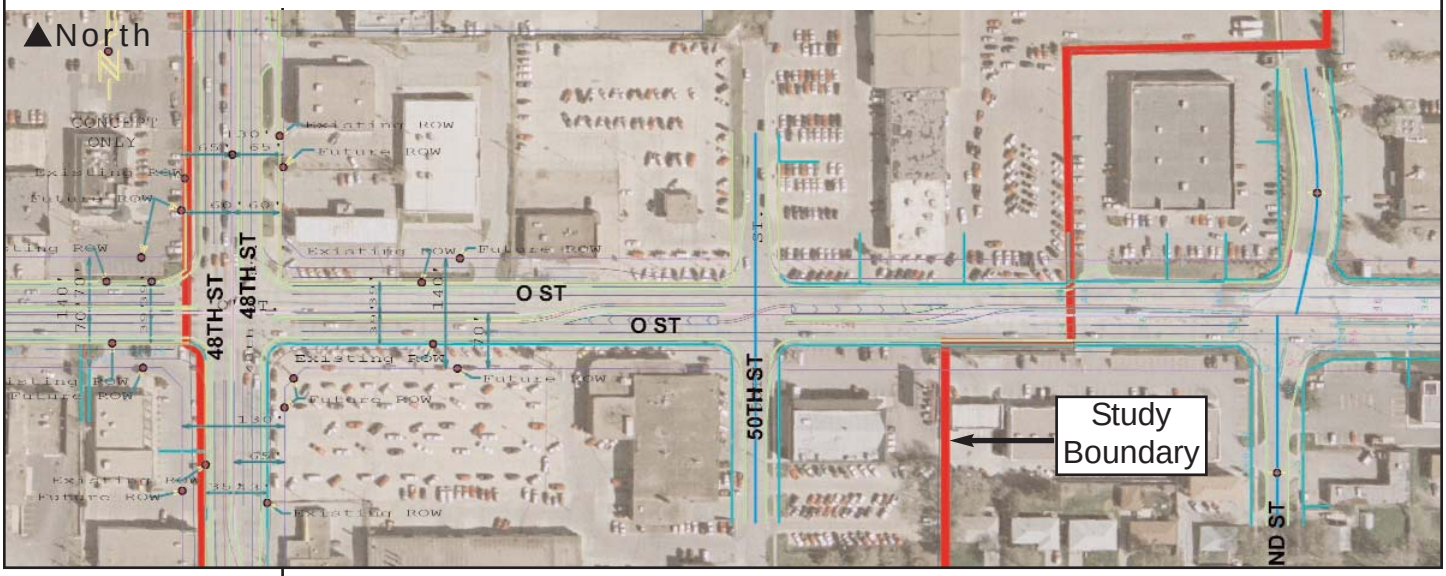
- 48th Street, "O" to "R" Street: 29,000
- 48th Street, south of "O" Street: 19,200
- "O" Street, west of 48th Street: 43,700
- "O" Street, east of 48th Street: 45,900

A significant number of vehicle crashes have occurred in the area. From June 30, 2001 to July 1, 2004, the intersection at 48th and "O" Street experienced 144 total crashes with a community cost of approximately $3.169 million. The intersection at 48th and "R" Street experienced 37 total crashes for a cost of approximately $868,000. During the same time frame, 48th Street between "O" and "R" Streets experienced 101

crashes for a cost of approximately $2.229 million. Out of these 101 crashes, over half were at the two main entrances to the shopping areas along the west side of the street and involved people turning into or out of the shopping center.

The capacity on a segment of "O" Street, 52nd Street to 74th Street, has recently been increased with the addition of a travel lane in each direction for 6 through travel lanes. The addition of a travel lane in each direction for 6 through travel lanes is also programmed for 42nd Street to 52nd Street, which includes the segment of "O" Street within the study area (see Exhibit 7). The purchase of right-of-way is currently underway with final design anticipated throughout the fall of 2004 with completion in the fall of 2005. As funding becomes available, construction is anticipated to begin in 2006. Before the widening project, right-of-way on "O" Street was 78 feet. For the project, an additional 31 feet will be acquired on both sides of "O" Street, increasing the right-of-way to 140 feet. Right-of-way on 48th Street will increase by about ten feet, from 120 to 130 feet, eventually from "L" Street on the south to north of the intersection at "R" Street.

Exhibit 7: Preliminary Concept for "O" St. Improvements



Multiple driveways along the arterials are a major issue because driveways create conflict points in traffic when vehicles enter or exit traffic flow, both impeding the flow of traffic and creating safety hazards. Given the high traffic volumes in the area and the number of crashes, the number of accesses into the Redevelopment Area should be focused onto points or access roads. When "O" Street is widened, no access will be permitted on "O" Street between 48th and 50th. Medians will restrict access until 50th Street, where turns permitted at 50th will include right in, right out, and left in. No left out movements will be permitted; however, u-turns will be allowed along this stretch of "O" Street.

Parking

No vehicle on-street parking is currently provided within the Redevelopment Area. The greatest demand for parking within the Redevelopment Area is anticipated to be a result of private development. Parking is anticipated to be constructed as a complement to the primary land uses.

Sidewalks and Pedestrian Activity

The Redevelopment Area is served with sidewalks along both sides of 48th Street and "O" Street. The "O" Street widening project will include replacing the existing sidewalks along these streets. Sidewalks are located along the east side of 50th Street as far as it extends into the Redevelopment Area and along both sides of 52nd Street. These

are all considered to be in good condition. The field analysis for the Blight and Substandard Determination Study identified approximately 26.9 percent of the sidewalks as being in either fair or poor condition.

The major conflicts to pedestrian movements are the high traffic volumes on both 48th and "O" Streets and the numerous drives that cross the sidewalks. There are no pedestrian walkways or facilities located internal to the study area.

The primary shortcoming in the sidewalk system is the lack of pedestrian connections along the 50th Street corridor into the neighborhood to the south; and the incomplete street and sidewalk along the 50th Street corridor to the north. Additionally, there are few sidewalks leading from the street to the stores or from one store to another.

Public Transportation Services

Public transportation service in the Redevelopment Area consists of one StarTran bus route - 48th Street Shuttle, that travels primarily north and south on 48th Street and serves the 27th and Superior commercial area and the 70th and Pioneer commercial area.

Pedestrian/Bicycle Trails

An on street route has been identified along 52nd Street which runs through the eastern edge of the Redevelopment Area. This route provides a connection between the MoPac Trail on the north and the Billy Wolff Trail on the south.

The MoPac Trail, located along the old MoPac Railroad corridor, is the nearest bike trail and is approximately 1/2 mile north of the Redevelopment Area. The trail extends from 30th and X street on the west to approximately 84th and "O" Street on the east within the city limits. The MoPac then extends east of 84th and "O" Street into the county. This trail will eventually connect with Antelope Valley on the west and Omaha and into Iowa on the east. The trail is identified in a Quad States Trail Plan as providing a major connection between Kansas, Nebraska, Iowa and Missouri.

Utilities

The basic infrastructure is in place within the Redevelopment Area; however, it is old and facing increasing demands. As a result, utilities are in need of maintenance and, in some cases, replacement. A detailed analysis should be conducted to identify specific needs and projects, particularly on a case by case basis as redevelopment projects occur.

The 48th and "O" Street Redevelopment Area is served by the following utilities:

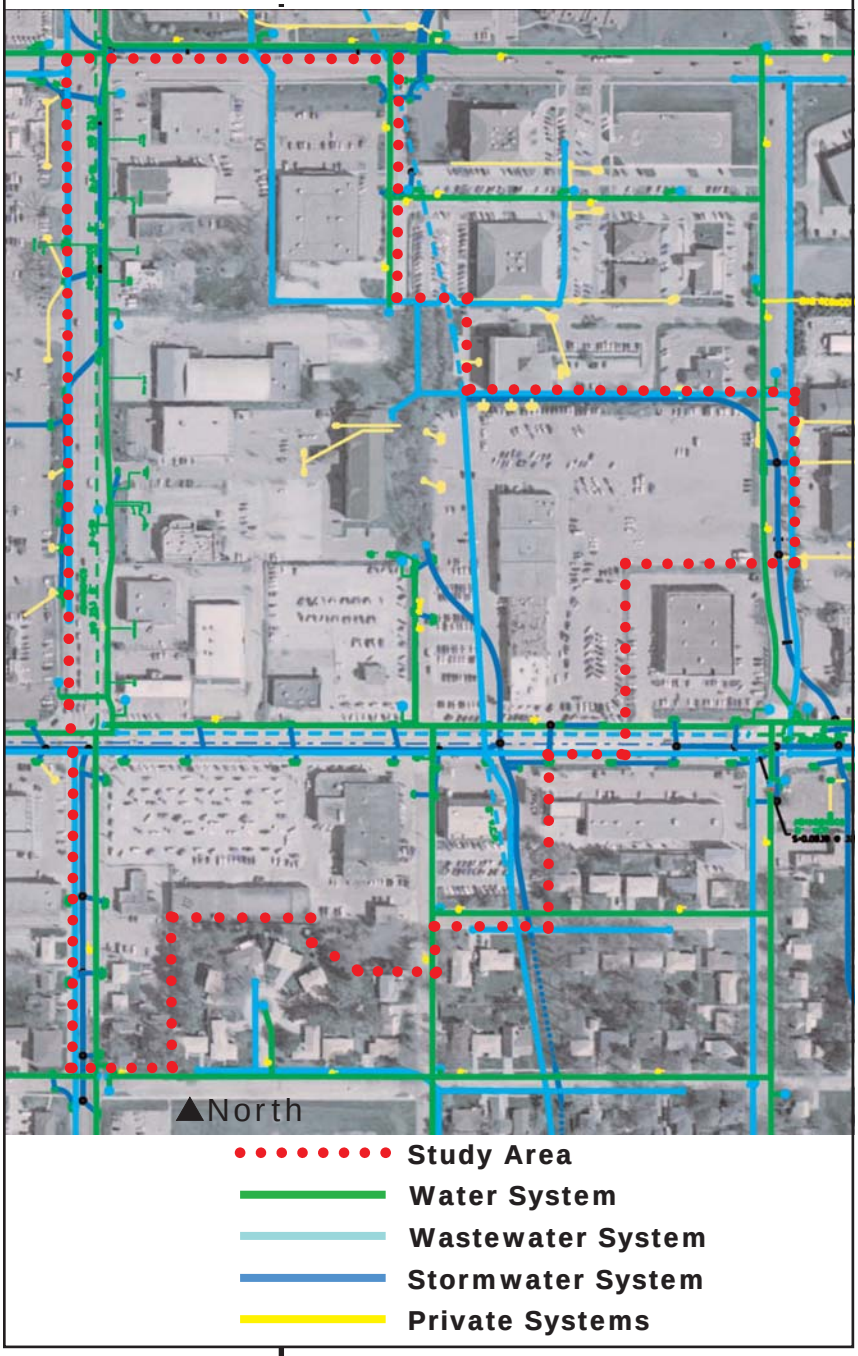
- Sanitary sewer system (underground)
- Storm sewer system (underground)
- Water system (underground)
- Gas lines (underground)
- Electrical conduits (overhead and underground)
- Telephone conduits (overhead and underground)
- Cable conduits (overhead and underground)

Existing utility piping is illustrated in Exhibit 8,(see next page).

Water System

According to today's development standards, a minimum 6" diameter residential water main and 8" in commercial districts is recommended to insure adequate water pressure for fire protection purposes. Water mains along "O" Street were replaced with a new 12" diameter main in 2001. Water mains west of 48th and "O" Street will be replaced with larger diameter mains when the "O" Street widening project occurs. A few under-

Exhibit 8: Existing Utility Piping



sized segments throughout the Redevelopment Area have been replaced, but overall, the system meets current needs.

Problems can exist not only in the water mains, but also in service lines which are owned and maintained by individual property owners. There are numerous service lines in the Redevelopment Area, installed during the 1950s through the 1970s. Usually, no attention is given to problems in the service lines until a break occurs. Undersized service lines, or service lines potentially constructed of lead are the types of problems the property owners will have to repair or replace in the near future.

Sanitary Sewer System

The Lincoln Wastewater System is a closed system, separate and independent from storm water functions. The Wastewater System operates on a gravity-flow basis and is treated by two waste water treatment facilities. The Theresa street facility provides the treatment for the 48th and "O" Street area. The area currently has waste water lines consisting of 8, 10, and 15 inch diameters. Most of the Redevelopment Area is serviced by VCP (vitrified clay pipe) with a few segments of PVC located at the 52nd and "R" street area. Overall, the sanitary sewer system in the Redevelopment Area is in good condition.

Issues that have been identified through the Wastewater TV inspection program include some cracking in the area between "P" and "Q" Streets, South 50th to South 52nd Streets, and a manhole that will need to be replaced in the parking area north of 50th and "O" Street.

Other issues include cracking and roots intruding into the joints and service connections on "N" Street between South 52nd and South 50th, and on "M" Street between South 52nd and South 50th. In addition, "O" Street between South 48th and South 50th Streets, has had two holes in the main capped. This stretch of "O" Street also includes a protruding service and cracked joints and services. Lastly, a manhole in the southwest corner of 52nd and "O" Street will require some channel repairs.

Stormwater System

The storm drain system in this area generally drains from south to north, and drains to a tributary of Dead Mans Run. The drainage system consists primarily of an underground pipe system for drainage of minor storm events, except for an approximate 500 foot open channel within the Redevelop-ment Area that is within the 50th Street alignment. The drainage system south of "O" Street is conveyed to the approximate 500

foot open channel through a 48" storm drain outlet north of "O" Street (88 acre drainage area) and a 60" storm drain outlet west of 52nd Street (142 acre drainage area). The drainage system in "O" Street is due for rehabilitation with the future "O" Street widening project. Most of the current system is typically of sufficient size to convey the frequent design storm events (5 year and 10 year) for which they were constructed. It is planned that the future "O" Street project will include replacing storm drains where they are currently undersized.

Flooding at 50th and "R" Streets, looking southeast at the intersection.

However, major storm events caused flooding in the New Century Building at 311 N. 52nd Street on August 28, 2002 and July 23, 2003, as well as major street flooding near 50th and "R" Streets. The major issue appears to be lack of an adequate overland flow path for sump drainage on 52nd Street near the Villager Inn (between "O" and "R" Streets) and at 52nd and "R". In both the major storms of 2002 and 2003 the resultant overland path during the storm events was through the New Century Building. The majority of the existing drainage was installed in the 1950s and 1960s with mostly reinforced concrete pipe.

A concept report for resolving the overland flow issue was recently completed with possible alternatives for alleviating some of the flooding from 52nd Street. Two alternatives presented in the concept report include, 1) constructing an overland swale from 52nd to the open channel in the 50th Street alignment, or 2) constructing an additional underground pipe with an associated smaller overland swale for overland flow during a major flow event. The spring of 2005 is the earliest that any funding would be anticipated to be available for this drainage improvement.

The open channel mentioned above within the 50th Street alignment is heavily vegetated with trees. Based upon the standards for protecting Minimum Flood Corridors, it is recommended that alternatives be considered to leave the drainageway open. The open drainage provides natural functions and benefits of a riparian corridor related to water quality, habitat, and slowing an infiltration of stormwater. Redevelopment in this area should take advantage of opportunities for cooperative efforts between the City and the Lower Platte South Natural Resources District (LPSNRD) to explore alternative concepts to conserve and enhance the open drainageway in the 50th Street alignment as an amenity for the site.

Private Water and Sewer Systems

Creating private water and sewer systems internal to the development offers benefits during construction and for the future. With the vastness of the area, it is possible to create 2-4 private systems. How the development advances, and how lots are created or existing lots dissolved may guide the best choice in resolving the options that may be advanced on this issue. Advantages to creating private systems are:

- Offers the potential to save time and permit fees during the facility construction phases;
- Greater latitude in how the property can be used (i.e., buildings added in the future would require building permits, not tapping permits, and likely would not require additional water and wastewater impact fees);
- Avoids complications that may be caused by lots not abutting public facilities.

Examples of other developments using this method include Westfield Shoppingtown Gateway Mall, Southpoint Pavilions and the Home Depot located on Highway 2. These areas developed as single meter/private water and sewer systems.

Street Lighting

Street lights on "O" St. were replaced in 1986 with 40' galvanized poles, underground wire, and 400 watt HPSV luminaries. The system is in good condition. Street lights on 48th St., north of "O", were replaced in 1983 with 35' galvanized poles, underground wire, and 250 watt HPSV luminaries. This system is also in good condition. The lights on 48th St., south of "O" were installed more than 40 years ago. The poles are 30' painted with overhead wire and 150 watt HPSV luminaries. They are in fair to poor condition. The lights on 52nd St. are 150 watt HPSV on overhead distribution poles. All of the streets are adequately lit.

Historic Significance

Despite the long-standing importance of this intersection, it's relatively rapid and continuing evolution has the result than none of the buildings in the redevelopment area appear to have achieved sufficient age or historic significance, nor have they retained enough physical integrity, to be regarded as historic resources.

Blight and Substandard Determination Study

The City of Lincoln, through its Urban Development Department, entered into a contract with Hanna:Keelan Associates, P.C. to complete the *48th & "O" Streets Redevelopment Area Lincoln, Nebraska Blight and Substandard Determination Study*. The study was completed in May, 2004. This section of the Redevelopment Plan is taken directly from that study.

Blight Factors

The Community Development Law identifies 12 factors that, when the majority are present, are sufficient to determine a finding of blighted. In the *Blight and Substandard Determination Study* eight factors were found to have a "Strong Presence" in the area:

1. **A substantial number of deteriorated or deteriorating structures.** A total of 48 percent of the 25 structures were found to be deteriorated or dilapidated, from the exterior analysis, and 41.7 percent from the interior analysis.
2. **Faulty lot layout in relation to size, adequacy, accessibility or usefulness.** Conditions contributing to the presence of this factor include inadequate lot size, limited pedestrian circulation and lack of planned open space.
3. **Insanitary or unsafe conditions.** Contributing factors include age of structures and frame structural members of buildings.
4. **Deterioration of site or other improvements.** A significant number and percentage of parcels in the Area have fair to poor overall site conditions. Deteriorating infrastructure also contributes to the strong presence of this factor.
5. **Improper subdivision or obsolete platting.** Generally, lot sizes are too small for efficient development, based on today's planning standards. Several blocks have been reconfigured by metes and bounds descriptions, in the absence of individually platted lots, especially along 48th Street, between "M" and "R".
6. **The existence of conditions which endanger life or property by fire or other causes.** The age of infrastructure is the primary issue throughout the Redevelopment Area.
7. **Other environmental blighting factors.** Functional and economic obsolescence is prevalent in the properties throughout the Redevelopment Area.

8. **One of the other five conditions.** According to the field analysis, the average age of commercial and residential buildings is 40+ years of age.

The *Blight and Substandard Determination Study* also found the following factors had a "reasonable presence:"

1. **Defective or inadequate street layout.** A significant amount of streets and alleys exhibit fair to poor conditions.
2. **Diversity of ownership.** The total number of owners within the Redevelopment Area is 19.

Of the twelve factors set forth in the Nebraska Community Development Law, just two had little or no presence:

1. **Tax or special assessment exceeding the fair value of land.**
2. **Defective or unusual condition of title.**

Substandard Factors

The Community Development Law defines a substandard area as one in which there is a predominance of buildings or improvements, nonresidential or residential, with the presence of:

1. Deterioration/dilapidation of structures.
2. Age or obsolescence.
3. Inadequate provision for ventilation, light, air, sanitation, or open spaces; or
4. a. High density of population and overcrowding; or
   b. The existence of conditions which endanger life or property by fire and other causes; or
   c. Any combination of such factors is conductive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to public health safety, morals, and welfare.

Vacant, deteriorating site in the Redevelopment Area, south of "O" Street.

The *Blight and Substandard Determination Study* determined that three of the four factors had a strong presence in the area and one factor had a reasonable presence. Factors 1, 2 and 4b had a strong presence while factor 3 had a reasonable presence.

It was the conclusion of the study,

> ...that the number, degree, and distribution of substandard and blighting factors, as documented in this Study, are beyond remedy and control solely by regulatory processes in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the Nebraska Community Development Law. It was also the opinion of the Consultant, that the findings of this Blight and Substandard Determination Study warrant designating the Redevelopment Area as "substandard" and "blighted" (p. 10).

The Lincoln City Council, by resolution, declared the area blighted and substandard on August 23, 2004.

Summary of Existing Conditions

Following is a list of key existing conditions identified in this section that should be considered, in conjunction with Guiding Development Principles (p. 19), in the identification of projects for the Redevelopment Plan.

1. Commercial disinvestment has resulted in empty, deteriorating buildings on large, empty, car lots on both sides of "O" Street.
2. Functional and economic obsolescence is prevalent in the properties throughout the Redevelopment Area.
3. Few of the individual parcels within the study area meet today's standards of platting and subdivision procedures.
4. Incompatible and mixed land uses exist south of "O" Street. Conflicts exist due to the lack of proper land use separation or buffering.
5. Although existing zoning should accommodate most commercial or office redevelopment opportunities, issues with the H-2 zoning district do not necessarily make it the most appropriate zoning. Re-zoning should be considered.
6. No parks exist within the Redevelopment Area; however, a small, 2.2 acre neighborhood park borders the southeast portion of the Redevelopment Area.
7. The Redevelopment Area has one of the highest traffic areas within the city, with an estimated 36,000 to 45,000 vehicles per day on "O" Street and 28,700 vehicles per day on 48th Street.
8. North of "O" Street, the middle third of 50th street (approximately .2 of a mile) has not been completed, leaving a gap in the internal street system. This gap has limited accessibility and hinders further commercial development.
9. Traffic volumes in 2025 are anticipated to increase to between 19,200 and 29,000 on 48th Street and between 43,700 and 45,900 on "O" Street.
10. A significant number of vehicle crashes have occurred. 48th and "O" experienced 144 crashes between June 30, 2001 and July 1, 2004. 48th and "R" had 37 crashes and 101 occurred on 48th between "O" and "R". Over half were at the two main entrances to the shopping areas along the west side of the street and involved people turning into or out of the shopping center.
11. "O" Street was recently widened between 74th and 52nd Streets and the project is planned to continue through the Redevelopment Area, to 42nd Street. Right-of-way acquisition has begun and construction is anticipated as early as 2006, subject to the availability of funding.
12. Multiple driveways along the arterials impede traffic flow and create safety hazards. With construction of the "O" Street widening project, access into the Redevelopment Area should be focused onto points or access roads.
13. No vehicle on-street parking is provided within the Redevelopment Area. Parking is anticipated to be constructed as a complement to the private redevelopment.
14. Sidewalks will be replaced on "O" Street and 48th Street with the "O" Street widening project.
15. 27 percent of the sidewalks in the area are in fair or poor condition.
16. Major conflicts to pedestrian movements are the high traffic volumes on both 48th and "O" Streets and numerous drives that cross sidewalks.
17. There is a lack of pedestrian connections along the 50th Street corridor into the neighborhood to the south and the incomplete street and sidewalk to the north.
18. One StarTran bus route serves the area.

19. An on-street trail has been identified along 52nd Street on the eastern edge of the Redevelopment Area. The MoPac Trail is the nearest bike trail and is approximately ½ mile north of the Redevelopment Area.
20. The basic infrastructure in the Redevelopment Area is old and facing increasing demands. Many utilities are in need of maintenance and in some cases, replacement.
21. Overall, the current water system meets current needs. However, service lines were installed during the 1950s through the 1970s and may need to be repaired or replaced in the near future.
22. Most of the Redevelopment Area is serviced by vitrified clay pipe with a few segments of PVC located at the 52nd and "R" Street area. Overall, the sanitary sewer system is in good condition although some cracking, cracked joints and services, and manhole repairs are needed.
23. The lack of an adequate overland flow path for sump drainage on 52nd and "R" has caused flooding of area businesses. This is a serious issue when major storm events occur and possible alternatives for alleviating the problem have been identified in a recently completed concept report.
24. The street lights south of "O" on 48th Street were installed more than 40 years ago and are in fair to poor condition. However, all the streets in the Redevelopment Area are adequately lit and the system is in good condition.
25. There are no historic buildings in the Redevelopment Area.
26. The Lincoln City Council, by resolution, declared the area Blighted and Substandard on August 23, 2004.

Redevelopment Plan

Based on the 2025 Lincoln City/Lancaster County Comprehensive Plan, the 48th and "O" Street Redevelopment Area can be identified as a Community Center. According to the Comprehensive Plan:

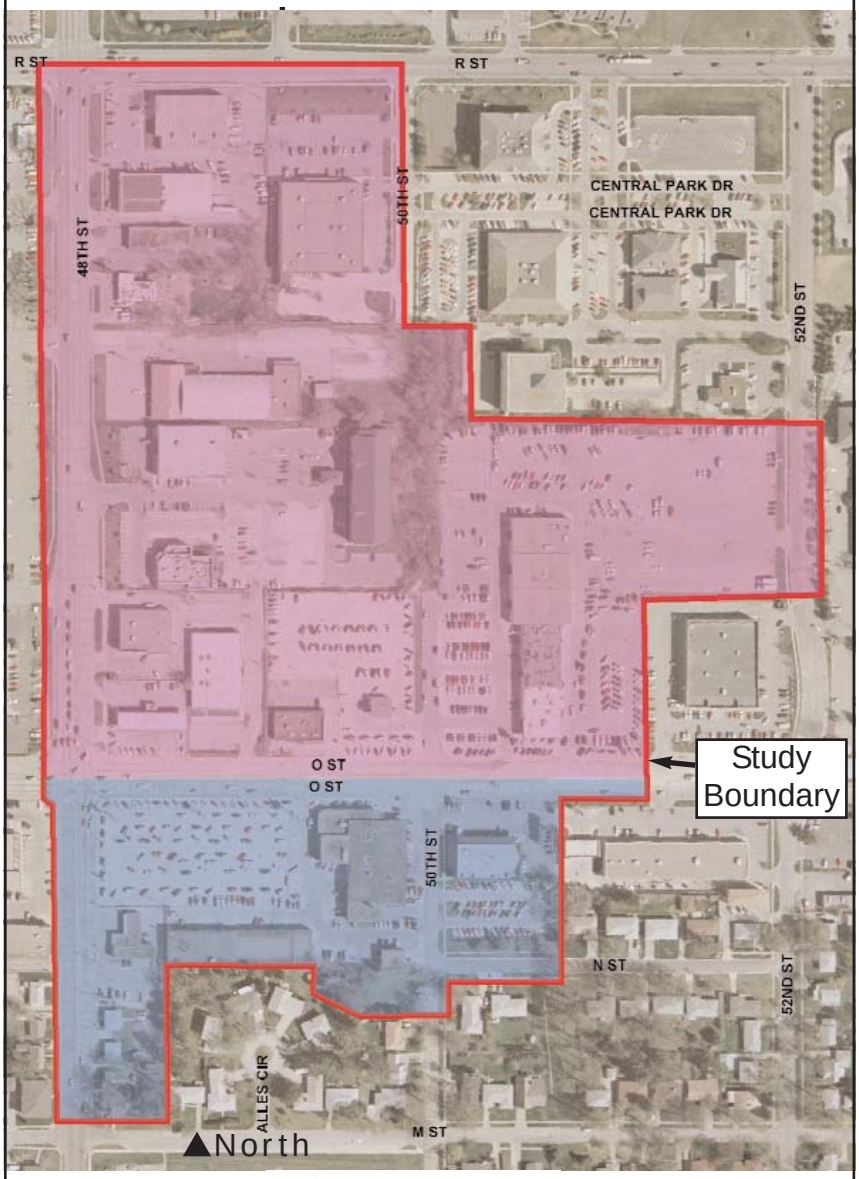
> Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities....One or two department stores or "big box" retail operations may serve as anchors to the Community Center with smaller general merchandise stores located between any anchors or on surrounding site pads...Community Centers can have a community wide appeal but primarily serve a geographic subarea within Lincoln and surrounding areas within the County. Depending on the mix of stores and other shopping opportunities in the area, existing Community Centers can have a market area that is quite extensive, even rivaling some Regional Centers (p. F 45).

Guiding Development Principles for the Area

Given this definition, several guiding principles identified in the Comprehensive Plan for all Commerce Centers (Regional, Community, and Neighborhood) should be used as a guide for redevelopment activities at 48th and "O". The following principles begin with those identified in the Comprehensive Plan, then also build on expectations of the Witherbee Neighborhood Association and general redevelopment principles. The redevelopment of the 48th and "O" Redevelopment Area to the extent possible should:

1. Encourage a diverse mix of uses, such as office, retail, multi-family residential and service uses.
2. Encourage redevelopment to occur as clusters or hubs with appropriate site design features to accommodate shared parking, ease of pedestrian movement within the site and possessing a unique urban (rather than suburban) character, while minimizing impacts on the adjacent residential area.
3. Redevelopment should occur in ways that strengthen and support the existing business communities outside the Redevelopment Area along, and in the vicinity of, the "O" Street and 48th Street corridors.
4. Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect the Redevelopment Area with adjacent development.
5. Encourage project designs which place commercial buildings rather than parking lots along 48th and "O" Streets.
6. Buildings should be designed to be compatible, in form and proportion, with the neighboring buildings and should include a variety of forms, materials and colors, yet these elements should be composed to maintain a unified appearance.
7. Buildings should include a richness of architectural detail to help define their scale, pedestrian access and visual rhythm and interest.
8. Building Entrances should be given emphasis or "pride of place."
9. The Redevelopment Area should provide a safe and positive environment for pedestrian movement by:
   A. Using pedestrian scale lighting and graphics within the Redevelopment Area.
   B. Encouraging public security design features including lighting and open spaces with a high degree of street visibility.

Exhibit 9: Sub-Project Areas



C. Encouraging public amenities such as plazas, squares and other types of facilities or meeting areas for pedestrians.

10. Where feasible, provide for transit opportunities in the design of the area.

11. Redevelopment should not encroach upon, or expand into, the existing residential neighborhood to the south and should protect and enhance it by:

    A. Establishing defensible edges between the residential and non-residential uses. Use streets or green ways to provide boundaries, thus realizing the benefits of mixed use while screening the negative effects of commercial growth on residential environments. A front yard setback, landscape screening, and a pedestrian system with continuity into and through the site is preferable.

    B. Locating the most intensive commercial uses nearer to the major streets and furthest from the residential area. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.

    C. The major access points to the area should not bring outside traffic through the residential area.

The Guiding Principles of the Redevelopment Plan, along with issues identified in the Existing Conditions section of this plan, provide the basis for the redevelopment projects.

The Redevelopment Plan is divided into two Sub-project areas with specific redevelopment activities identified within each sub-project. Activities will be undertaken as funding and private development proceed. Sub-project areas are illustrated in Exhibit 9.

Sub-Project Areas

Sub-Project A is the area located south of "O" Street.

Sub-Project B includes only the area north of "O" Street.

The next section of this Redevelopment Plan details specific redevelopment activities. Table 1 on page 24 identifies the redevelopment activities included within each sub-project area.

Redevelopment Activities: Infrastructure Improvements

Infrastructure issues that include streets, alleys, sidewalks, and utilities - impede new development throughout the Redevelopment Area and contribute to the blighting conditions. Therefore, the following public improvement activities should occur:

Streets and Alleys

1. North of "O", the middle third (approximately 0.2 of a mile) of the 50th Street corridor has never been developed leaving a gap in the internal street system. If correcting the 50th Street gap enhances and benefits redevelopment by establishing a traffic connection to "R" Street and benefitting traffic circulation, the connection should be constructed.
2. The excessive number of driveways and access points along 48th and "O" Streets impedes traffic flow and creates unsafe driving conditions. Identify access points to the Redevelopment Area and close/consolidate existing drives to help maintain traffic flows and increase safety along the main thoroughfares of 48th and "O" Streets.
3. Dedicate and build public alleys as needed in conjunction with redevelopment activities.

Sidewalks and Connectors

The Blight and Substandard Determination Study identified 27 percent of the sidewalks as in either fair or poor condition. Additional surveys will be completed and sidewalks repaired or replaced as necessary in conjunction with redevelopment projects.

1. Replace existing sidewalks along 48th and "O" Streets with the "O" Street widening project.
2. The major conflict to pedestrian movements are the numerous drives that cross the sidewalks. Consolidate and eliminate vehicular access points (see #2 above, under Streets and Alleys).
3. Construct pedestrian walkways or facilities internally within the Redevelopment Area.
4. Construct pedestrian connections along the 50th Street corridor into the neighborhood to the south and along the 50th Street corridor to the north if the 50th Street connection is built.

Public Transportation

Provide transit opportunities within and adjacent to the Redevelopment Area, when feasible. May include construction of bus shelters and kiosks with transit information.

Pedestrian/Bicycle Trails

Continue to identify 52nd Street as an on-street bike route, providing a connector between the MoPac Trail on the north and the Billy Wolf Trail on the south. Continue to monitor hiker/biker trail needs in the area.

Streetscape Beautification

Design and implement a design plan for 48th and "O" Streets beautification. Elements should include but not be limited to lighting, thematic entrances, landscaping and streetscape.

Public Utilities

In the Existing Conditions section of this Plan, much of the infrastructure in the area was identified as inadequate - in need of maintenance and, in some cases, replacement. In order for new development to occur, the following public improvements should occur:

1. Complete a detailed analysis of storm water sewers, sanitary sewers, and the water system to determine additional needed improvements. Complete improvements as required to support current and anticipated development.
2. Based on the Wastewater TV inspection program, repair or replace as needed (although some improvements extend beyond the Redevelopment Area boundaries, construction should be coordinated):
   - Multi-quad cracking between "P" and "Q", south 50th to 52nd Streets
   - Replace a manhole in the area north of 50th and "O" Streets.
   - Multi-quad cracking and roots intruding into the joints and service connections on both "M" and "N" Street between south 50th and south 52nd Streets.
3. Evaluate water mains within the Redevelopment Area to assure fire fighting and service requirements are met. Identify where main extensions and abandonments may be appropriate in conjunction with redevelopment.
4. Abandon services to existing buildings for both water and wastewater.
5. With construction of the "O" Street widening project, replace water mains west of 48th and "O".
6. Identify and construct solutions to inadequate storm water drainage issues. Solutions may include providing an overland flow path, swale, storm water conduit, and construction of a bioretention/rain garden or similar innovative storm water technology solution.

Redevelopment Activities: Commercial

The Redevelopment Area is highly visible and includes vacant blighted buildings and underutilized land. Major redevelopment will occur and require land assembly with new mixed use commercial development. Projects include:

1. South of "O" Street: property acquisition of vacant, underutilized land and blighted buildings to create the opportunity for new, mixed use development that may include one or two story commercial retail, office and multi-family housing. Project elements include:
   - Acquisition of lots:
     - Leming's Sub Lot 4 ex W 135' S 423' & ex S 221' E 135' & ex that part deeded for street, generally known as 4949 "O" St.
     - Leming's Sub Lot 3 N 156' W 240' ex W 30' N ½ & ex N 6', generally known as 5001 "O" St.
     - Leming's Sub S 129.2' W 240' N ½ Lot 3 ex W 30' for street & ex street, generally known as 5038 "N" St.
     - Leming's Sub Lot 4 S 170 of N 377 W 135 ex 1622 sq. ft for street, generally known as 140 S. 48th St.
     - Lemings Sub Part of Lot 4 ex rd N 60' S 253' W 135' L4, generally known as 200 S. 48th St.
     - Leming's Sub ex rd N 60' S 193' W 135' L4, generally known as 224 S. 48th St.
     - Leming's Sub Lot 4 N 50 of S 133 of W 135 ex street, generally known as 230 S. 48th St.
     - Leming's Sub N 58' S 83' W 135' Lot 4, generally known as 240 S. 48th St.
   - Relocation of tenants, if any.
   - Demolition of existing structures.
   - Grading and site preparation.
   - Elimination of environmental hazards.

- Paving off-street parking and construction on on-street parking (except on arterial streets).
- Relocating/upgrading utilities as needed including relocation of overhead utility lines.
- Eliminating driveways and curb cuts, constructing consolidated entrances as required, including paving and landscaping driveways, approaches and sidewalks outside property lines.
- Construction of turn lanes and frontage roads, as required.
- Vacation of alleys and streets as required.
- Subdivision and rezoning if necessary.
- Obtaining access easements as required.

2. North of "O" Street: property acquisition of vacant, underutilized land and blighted buildings to create the opportunity for new, one story mixed use development that may include commercial retail, office and multi-family housing. Project elements include:

- Acquisition of lots:
  - J G Millers Sub (S ½ 20-10-7) N 125' W ½ Lot 20 ex road, generally known as 366 N. 48th St.
  - Central Park south third Add Outlet A
  - J G Millers Sub (S ½ 20-10-7) S 125' N 250' W ½ ex road & N 15' S 100' N 350' W, generally known as 360 N. 48th St.
  - Central Park south second Add Lot 1, generally known as 333 N. 50th St.
  - J G Millers Sub (S ½ 20-10-7) S 85' N 350' W ½ Lot 20 ex W 60', generally known as 330 N. 48th St.
  - J G Millers Sub (S ½ 20-10-7) S 100' N 450' W ½ Lot 20 ex road, generally known as 320 N. 48th St.
  - J G Millers Sub (S ½ 20-10-7) Lot 20 S 179.3' W ½ ex road, generally known as 300 N. 48th St.
  - J G Millers Sub (S ½ 20-10-7) Lot 20 E 302' of S 179 & 25 hundredths ft., generally known as 300 N. 48th St.
  - Cool Crest Condo base account located on: J G Millers sub 20-10-7: N ½ lot 29 E
  - Burleighs Sub Lots D, E & F ex S 6' for street & Lot G ex S 150' E 36' & Lot H ex S, generally known as 5000 "O" St.
  - Cool Crest Condominium Unit #A, generally known as 222 N. 48th St.
  - Cool Crest Condominium Amended Unit C, generally known as 216 N. 48th St.
  - Cool Crest Condominium Unit #B, generally known as 210 N. 48th St.
  - J G Millers Sub (of 20-10-7) W 137' E 167' S ½ ex street & W 143' E 310' N 150.65' S, generally known as 4940 "O" St.
  - J G Millers Sub (of 20-10-7) Lot 29 E 142' W 352' S ½ ex S 6', generally known as 4850 "O" St.
  - J G Millers Sub 20-10-7 N 150' S 300' E 150' W210' or W 210' S ½ Lot 29 ex S 150', generally known as 140 N. 48th St
  - J G Millers Sub 20-10-7 W 143' E 310' S 166' Lot 29 ex S 6', generally known as 4900 "O" St.
  - J G Millers Sub 20-10-7 Lot 29 S 150' of S 300' E 150' W 210' ex S 6', generally known as 4802 "O" St.
- Relocation of tenants, if any.
- Demolition of existing structures.

- Grading and site preparation.
- Elimination of environmental hazards.
- Paving off-street parking.
- Relocating/upgrading utilities as needed including relocation of overhead utility lines.
- Construction of facility to eliminate storm water hazards.
- Eliminating driveways and curb cuts, constructing consolidated entrances as required, including paving and landscaping driveways, approaches and side-walks outside property lines.
- Construction of 50th Street.
- Construction of turn lanes and frontage roads, as required.
- Vacation of alleys and streets as required.
- Subdivision and rezoning if necessary.
- Obtaining access easements as required.

Activities by Sub-Project Areas

The redevelopment activities within each sub-project area are listed in Table 1, below.

Table 1: Redevelopment Activities within Sub-Project Areas

Activity	Sub-Project Area
Streets and Alleys	
Completion of 50th Street gap, north of "O"	B
Identify access points and close/consolidate existing drives	A, B
Dedicate and build public alleys	A, B
Sidewalk Repair and Replacement	A, B
Public Transportation Opportunities	A, B
Pedestrian/Bicycle Trails	A, B
Streetscape Beautification	A, B
Public Utilities	
Analysis of and improvements to stormwater sewers, sanitary sewers and water system	A, B
Improvements identified in Wastewater TV inspection program	A, B
Evaluate water mains for fire fighting and service needs; identify need for main extensions and abandonments	A, B
Abandon services to existing buildings, sewer and wastewater	A, B
Replace water mains west of 48th and "O" with street widening project	A, B
Construct solution to stormwater issues north of "O"	B
Commercial, Mixed Use Activities	
South of "O"	A
North of "O"	B

Future Land Use

Exhibit 10 is a Proposed Future Land Use map for the Redevelopment Area. The overall population density of the Redevelopment Area will generally remain stable. However, If multi-family housing is constructed, density could increase. Land coverage and building density will increase.

Redevelopment Process

Public improvements and redevelopment activities may require construction easements; vacation of street and alley rights-of-way; temporary and permanent relocation of families, individuals and businesses; demolition, disposal/sale of property; and site preparation (may include driveway easements; paving driveways, approaches and sidewalks outside property line; relocation of overhead utility lines; and rerouting/upgrading of underground utilities; as needed). The processes for these activities include:

Property Acquisition

The City may acquire the necessary fees, easements, property and covenants through voluntary negotiations (see Land Acquisition Policy Statement, Appendix A). However, if voluntary agreement is not possible, the City may institute eminent domain proceedings.

Relocation

Relocation may involve the temporary or permanent relocation of families, individuals or businesses to complete redevelopment activities. Relocation will be completed according to local, state and federal relocation regulations (see Appendix B, Relocation Assistance).

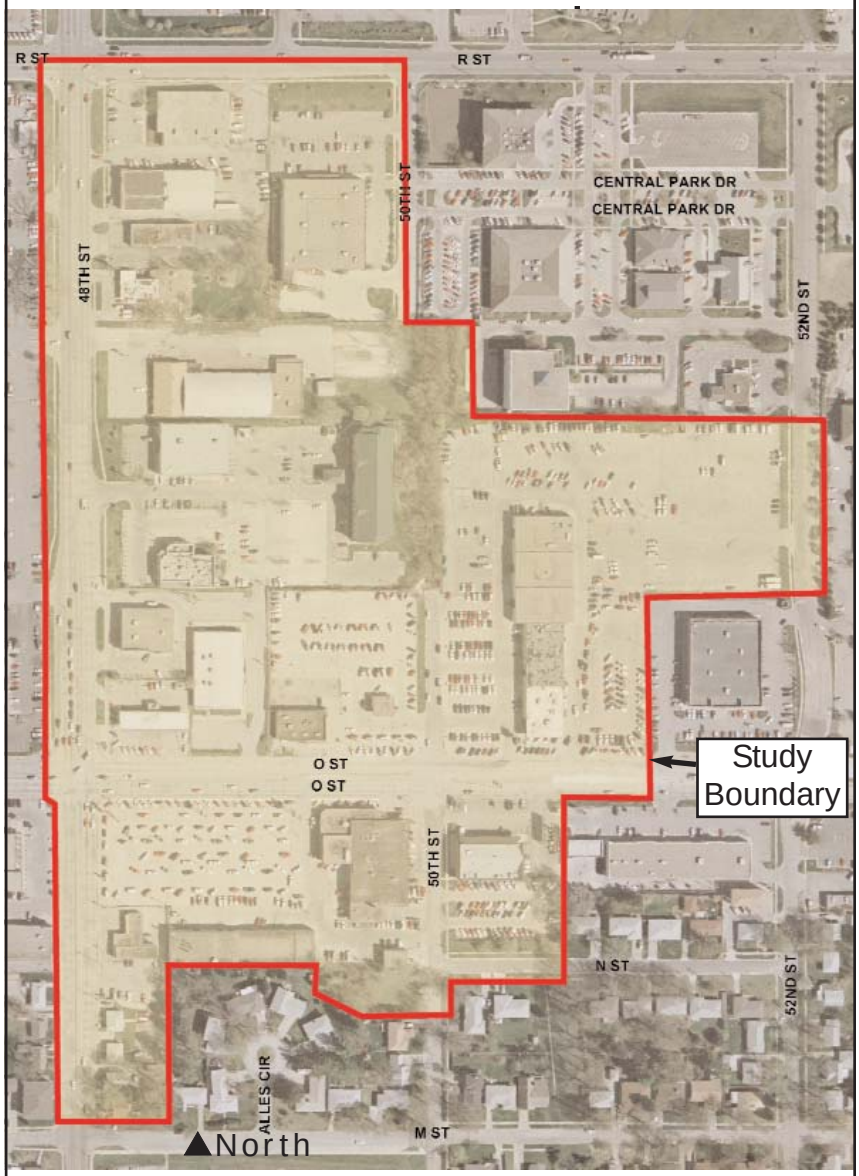
Demolition

Demolition will include clearing sites on property proposed for public improvements; necessary capping, removal or replacing utilities; site preparation; securing insurance and bonds; and taking other necessary measures to protect citizens and surrounding properties. Measures to mitigate environmental findings may also be necessary, if determined by site testing.

Redevelopment/Land Disposition Agreement

Sub-area projects will include the sale of land to private developers for redevelopment purposes. Developers will be selected in an equitable, open and competitive proposal process using the City's standard selection processes. After the redeveloper is selected and the city and redeveloper have created a mutually agreeable proposal, they will enter into a formal agree-

Exhibit 10: Sub-Project Areas



Mixed Use Land Use

ment. This agreement will specify each party's specific roles and obligations in the implementation of the project. The negotiated Redevelopment/Land Disposition agreement will be subject to public hearing and review and final approval by the City Council. It is anticipated the redevelopment would be able to proceed within 12-18 months of the final selection of a redeveloper.

Requests for Proposals

Architects and engineers will follow the City's standard selection processes to design the public facilities and improvements. Primary contractors will also be competitively selected. The selection process involves issuing a Request for Proposals (RFP). Standard City practices are used for the selection process.

Estimated Expenditures

Preliminary estimates of project costs are included in Table 2 and are estimated to be $41,395,000 over 15 years, including public and private expenditures.

Conformance With Comprehensive Plan

The 2025 Lincoln City/Lancaster County Comprehensive Plan (Adopted May 28/29, 2002 As Amended through August 10, 2004) represents the local objectives, goals and policies of the City of Lincoln. The 48th and "O" Redevelopment Plan was developed to be consistent with the Comprehensive Plan.

Financing

The primary burden for revitalization of the Redevelopment Area must be on the private sector. The City must provide public services and public improvements and participate where necessary in the redevelopment process, but the needs of the area are beyond the City's capacity to do alone. Financing of proposed improvements will require participation by both the private and public sectors. Where appropriate, the City may participate by providing financial assistance for the rehabilitation of structures. The development of new complexes and the reuse of existing structures will be the responsibility of the private sector.

Sources of funding may include:

1. Special Assessments - Business Improvement Districts
2. Private Contributions
3. Sale of Land Proceeds (Proceeds from the sale of land acquired for redevelopment, as identified in the Redevelopment Plan, shall be reinvested in the Redevelopment Area).
4. Municipal Infrastructure Redevelopment Fund (MIRF)
5. Community Development Block Grants
6. Home Investment Partnership Act (HOME)
7. HUD Section 108 Loan Program

Table 2: Project Expenditure Summary

Activity	Private Sector Expenditures	Public Sector Expenditures
Streets and Alleys		$200,000
Sidewalk Repair /Replacement		$ 70,000
Public Transportation		$7,500
Streetscape Beautification		$900,000
Public Utilities		$217,500
Commercial Activities	$40,000,000	
Subtotal	$40,000,000	$1,395,000
Total Private and Public Expenditures: $ 41,395,000		

8. Community Improvement (Tax Increment) Financing (Ad Valorem Tax)
9. Capital Improvements Program Budget
10. Federal and State Grants
11. Interest Income
12. Advance Land Acquisition Fund - property rights/easements, public facility site acquisition.
13. Brownfields funding

Project activities will be undertaken subject to the limit and source of funding authorized and approved by the Mayor and City Council.

According to the Community Development Law, any ad valorem tax levied upon real property in the redevelopment project for the benefit of any public body shall be divided, for a period not to exceed 15 years after the effective date of such provision, by the governing body as follows:

- That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and
- That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

The effective date for the Community Improvement Financing provisions of The 48th and "O" Street Redevelopment Plan for each Sub Project is declared to be the date rehabilitation, acquisition, or redevelopment of substandard and blighted property in the sub-project area first commences.

Impact Fees

Impact Fees Redevelopment will be subject to impact fees. However, since buildings will likely be demolished, Lincoln Municipal Code §27.82.050 (7) states:

> In the case of a demolition or termination of an existing use or structure, the impact fee for future redevelopment of that site shall be based upon the net increase in the impact fee for the new or proposed land use as compared to the previous use. Credit for the prior use shall not be transferable to another location, except that if the old location was acquired by the City for use for an Impact Fee Facility and will not be redeveloped, the City will receive a credit against future impact fees equal to the impact fee that would have been assessed against the relocated use which may be transferred by the City to a community redevelopment project in another location within the same benefit area.

Appendix A

Land Acquisition Policy Statement

LAND ACQUISITION POLICY STATEMENT

I. ADMINISTRATIVE ORGANIZATION FOR LAND ACQUISITION OPERATIONS

A. All land acquisition functions, including negotiations and closings, will be performed by the City of Lincoln, or its agents. The conduction of condemnations will be performed by the Legal Counsel for the City. The staff is experienced and capable in the conduct of acquisition programs.

B. The City of Lincoln approved land acquisition policies and procedures within the limits prescribed by the statutes of the State of Nebraska. Each individual property purchase, and the disbursement of payment, therefore, is approved by the Mayor. Condemnation proceedings are instituted by the City Law Department only after all efforts to reach a negotiated settlement have failed. Legal services will be performed by the Legal Counsel for the City.

II. POLICIES

A. Real Estate appraisals are made by staff or selected fee appraisers. Second real estate appraisals, if required, may also be by fee appraisers.

The following are policies for Real Property Acquisition:

1. Every reasonable effort will be made to expeditiously acquire real property by negotiation.
2. Real property will have separate appraisals before initiation of negotiations and the owner, or his representative, will be given the opportunity to accompany the appraisers on their inspection tour of the property.
3. Before initiation of negotiations for real property, the City's Reviewing Appraiser will establish an amount considered to be just compensation and the City shall make prompt effort to acquire the property for that amount.
   a. The established amount shall not be less than the approved appraisal of fair market value for the property.
   b. Any decrease or increase in the fair market value of the property, prior to the date of valuation, caused by public improvement; by physical deterioration within reasonable control of the owner, has been disregarded by the City and by the Appraisers in making the determination of fair market value.
   c. The City's negotiator shall provide the owner with a written statement summarizing the basis for the amount established as just compensation. Where appropriate, compensation for property acquired and for damages to any remaining real property shall be separately stated.
4. No owner shall be required to surrender possession until the City of Lincoln pays the agreed purchase price, or deposits with the Court the amount of award determined by the Condemnation Appraisers.
5. Improvements will be scheduled so the owner or tenant shall receive a minimum 90 days written notice before having to move. Every effort will be made by the City to provide such notice as is required without undue hardship to the owner or tenant. (This is applicable to total acquisition of property.)
6. If Owner or Tenant is permitted to rent property, the amount of rent shall not exceed fair rental value of subject property.
7. The City of Lincoln will not take any action coercive in nature to compel an agreement on price for property.
8. If acquisition must be by eminent domain, the City of Lincoln shall institute formal condemnation proceedings. The City shall not intentionally make it necessary for the owner to institute legal proceedings to prove fact of taking of his real property.
9. If the owner feels the City of Lincoln's offer does not represent the true value of his property, he

may refuse to accept it. He should then provide evidence concerning value, or damage, that warrants a change in the City's determination of just compensation. Should the City determine the additional information is valid, the price will be adjusted accordingly.

10. If as a result of the real estate acquisition there is a portion of your property which is considered by the City of Lincoln to be an uneconomic remnant, you have the right to request an offer from the City of Lincoln to acquire the remnant.

B. Owner will be reimbursed for the following expenses incidental to conveyance of real property:

1. Recording fee, transfer taxes and similar expenses.
2. Penalty cost for repayment of any pre-existing recorded mortgage encumbering real property, provided the mortgage was entered into in good faith.
3. Pro-rate portion of real property taxes paid which are allocable to a period subsequent to date of vesting title, or effective date of possession, whichever is earlier.
4. The cost of abstract continuation and/or evidence of assurance of title.
5. Litigation expenses such as legal, appraisal, engineering fees, etc., when:
   a. Court determines that condemnation was unauthorized.
   b. City of Lincoln abandons a condemnation.
   c. Property owner brings inverse condemnation action and obtains award of compensation.

C. If a separate fixture appraisal is obtained, it shall contain the following immovable fixtures and personal property:

1. Determination of division of appraisal coverage, enumerating and classifying improvements in-place.
2. Appraisal of improvable fixtures, correlating their findings with both real estate appraisers.

D. All appraisal contracts shall provide terms and conditions and fix the compensation for expert witnesses. These services will be utilized by the City of Lincoln to the extent necessary.

E. Both real estate acquisition appraisals and immovable fixture appraisals will be reviewed by the City Appraisal Staff. All appraisals will be reasonable free of error and conferences with appraisers will ascertain that methods of approach and documentation are compatible, with no elements of value being omitted from consideration. City staff will conduct relocation interviews to verify ownership of certain fixtures and personal property claimed. Said claims will then be checked against existing leases and through interviews with fee owners.

F. Preparation for acquisition includes:

1. Preliminary title information supplied by local abstract companies; contents reviewed and entered in individual parcel folios.
2. Individual parcel folios prepared; chronological activity indexed and all pertinent historical information entered.
3. Basic forms of Real Estate Agreement (real estate, personal property and fixtures) reflecting policy for negotiations to acquire all classifications of property.
4. Closing methods and policy determined.
5. Policy for possession, property management, salvage and demolition, timetable of activities prepared.
6. Closing statement form prepared together with such internal administration forms for notice to various units of inspection, accounting, property management, finance and legal counsel as may be required.
7. Information letters prepared for distribution to all owners and tenants.
8. Deed forms for conveyance of real estate, bill of sale forms for personal property, and condemnation forms for eminent domain procedure prepared.

(NOTE: Paragraphs G, H, and portions of I cover items of notice, relocation assistance, etc., relating to total property acquisitions as well as general policies.)

G. The "single offer" system for acquisition will be utilized in all negotiations. The City will establish fair market value and be prepared to justify and substantiate the determination in the event it is challenged. Staff will present and explain forms, terms and conditions of purchase in personal interviews with each property owner and tenants. The date of this interview will establish the beginning of negotiations which regulates many relocation payments.

   For the purpose of all negotiated transactions, the City will require conveyance of real estate by Warranty Deed or deed instrument sufficient to place marketable title in the City of Lincoln. Standard forms of such instruments conforming to Nebraska Law are on hand and will be used in every case. Each owner executing a Real Estate Agreement should furnish a current abstract of title as specified in said offer. Legal Counsel for the City will render an opinion of the condition of said title, and upon determination that in his opinion said title appears merchantable, will assist with the closing process. Title to all property will be vested in the City of Lincoln on the date of closing, which will also be the date of payment of the purchase price and the date of conveyance instruments. The City of Lincoln shall have the right to possession within 90 days of closing date, (or 90 days from date of written notice if later than closing date), or as provided in the Real Estate Agreement. A statement by a responsible City Official, resulting from an inspection of the property acquired, will be contained in each acquisition folio. This statement will precede payment and closing and must determine that all property purchased is present and in place in substantially the condition as of the date appraised.

H. Immovable items attached to the Real Property, that would incur substantial economic damage if removed, will be negotiated for and acquired at the appraised value-in-place for continued use in the present location. A "Single Offer" at the maximum price will be offered the owner of such property, but if the owner elects to move any such appraised item it will be relocated rather than acquired and the appraised amount deducted. Until the business to be displaced has definitely located a relocation site, it is almost impossible to determine whether certain process fixtures can be relocated or should be acquired by the City of Lincoln. When such fixtures have been acquired, paid for, and a bill of sale conveyed, and the seller then finds it would have been desirable to have relocated them, it shall be the City of Lincoln's policy to reconvey such items to the original owner in return for the exact amount of value-in-place price paid for them, and then pay for their relocation. Under no circumstances will fixtures sold back to the original owner by the City of Lincoln be at salvage value, or any amount less than that paid for them. Generally, the terms and conditions of existing leases and pre-acquisition conferences with owners and tenants by all appraisers and City Staff will have clarified ownership.

   NOTE: Process utilities that are service entrances and concealed utilities are ineligible for compensation as relocation expenses and will be treated as immovable fixtures. The utilities listed by the fixture appraiser as "Eligible for Relocation" formerly would have been compensated in relocation for those items. Therefore, process utilities are appraised even though eligible for relocation compensation. However, the claimant may still enter a claim for payment for replacement of those eligible utilities at the new location providing the appraised value-in-place of the claimed utilities is deducted from the relocation claim.

   Immovable fixtures and process utilities not appraised will be handled through the direct loss of property process. It is expected that claims for severance damages caused by partial taking will be minimal.

   All fixtures and improvements appraised and acquired become the property of the City of Lincoln as clarified in the Real Estate Agreement and may not be removed by any other than authorized personnel or the demolition contractor.

I. Upon thoroughly exhausting every avenue of negotiation available, the City of Lincoln will direct their Legal Counsel to prepare for the appropriation of all property to be acquired through eminent domain proceedings. Such petitions will be drafted by the Legal Counsel clearly defining the property to be acquired and the ownership thereof, land, improvements, immovable and movable property (if any) located therein, with such particularity that the petitions and the resulting action of the condemnation appraisers, or district court appeals, will clearly establish such ownership and rights to compensation. Owner-Occupants of dwelling units that may be eligible for the Replacement Housing Payment will be made aware that the award received through eminent domain proceedings (excluding interest thereon, or consequential damages), determined by the condemnation appraisers, or by District Court will become the basis for any Replacement Housing Payment to be claimed. Immediately preceding preparation of petitions, preliminary title information will be updated. Fee appraisals and fixture appraisals will be reviewed.

To the extent necessary, a reinspection of each property to be condemned will be conducted by the appraisers to determine that the property, on the date of taking, is in substantially the same condition as it was on the date of their original appraisal and that their opinions of value, therefore, hold true as of the date of taking. Each appraiser's testimony may then be presented to the condemnation appraisers and, in case an appeal is filed, to the District Court.

The City of Lincoln will not require any owner to surrender the right to possession of his property until the City pays or causes to be paid, to the Lancaster County Court the amount due each interest acquired for the taking thereof as determined by the condemnation. Immediately following the determination of the amount of the condemnation award for the property, or each separate interest therein taken, the City will direct that payment to be made in an amount equal to the City's offer by the issuance of warrants drawn in favor of those entitled thereto to the County Court of Lancaster County, Nebraska, for payment of the condemnation appraiser's fees connected with the taking. Upon approval of the City's Legal Counsel, such warrants shall be deposited with the County Court and will represent full compensation for the property taken, subject to appeal to District Court. In any event, title to the property rests with the City of Lincoln as of the date of payment of the condemnation award, as does the right to possession thereof within 90 days of said date, provided compensation due has been paid as prescribed and proper notice given.

Nebraska statutes provide a 30-day period from the award of condemnation during which an appeal can be filed by either party. Acceptance of the award deposited with the County Court extinguishes the right of appeal as to that particular party. In the event an award is not claimed and no appeal is filed during the statutory period, the right to appeal is barred and the County Judge immediately causes the condemnation papers to be recorded in the records and transfer books of Lancaster County, Nebraska.

In case an appeal is filed, the County Judge forwards copies of all pertinent papers to the Clerk of District Court for subsequent trial and determination of the damages in the condemnation appealed from. At that point, the City of Lincoln, with or without the consent of condemnee, may petition the District Court to order payment immediately of the award appealed from, thereby reducing interest costs on the award while the case is being prepared and subjected to trial.

Although title and right to possession is vested in the City of Lincoln as of the date of payment of the condemnation award, no lawful occupant of property taken will be required to surrender possession without at least 90 days written notice (a separate notice in addition to the notice of condemnation) from the City of Lincoln stating the date on which possession will be required. Terms and conditions for temporary rental of condemned property for owner-occupants and tenants are detailed in the project property management policy.

District Court trial of all condemnation awards appealed will be defended by the City of Lincoln's Legal Counsel utilizing the services of contract appraisers as expert witnesses for the City. Compensation for witness services is provided for in existing appraisal contracts. After condemnation suits, awards and appeals therefrom have been filed, agreements as to value may be entered into by stipulation. Appeal cases will be diligently prosecuted to bring the case to trial and judgment in the shortest time

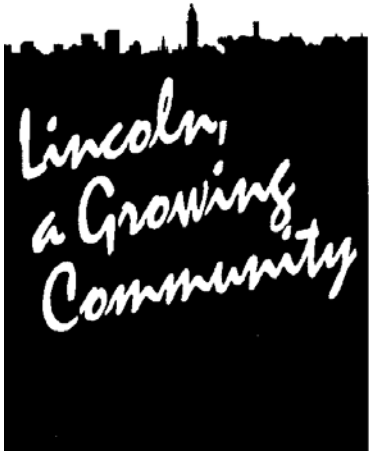
possible and necessary for the preparation of an adequate defense. In this manner, and with the court directed partial payments of awards outlined previously, interest and court costs will be held to a minimum level.

In most instances, the sale of privately-owned property to the City of Lincoln for public purposes is considered "involuntary conversion" by the Internal Revenue Service, and the owner may not have to pay capital gains tax on any profit from the sale of the property to the City of Lincoln, if the money is reinvested in similar property within two years. Internal Revenue Service Publication 549, entitled "Condemnations of Private Property for Public Use", is available from the IRS. It explains how the federal income tax applies to gains or loses resulting from the condemnation of property, or its sale under the threat of condemnation, for public purposes. IRS Publication 17, "Your Federal Income Tax", available from the IRS contains similar guidance. The owner is advised to discuss his particular circumstances with his personal tax advisor or local IRS office. State income tax considerations should also be discussed as appropriate.

Appendix B

Relocation Assistance

Introduction



One of the unfortunate, but sometimes unavoidable, consequences of a modern, progressive nation is the necessary displacement of a comparatively small percentage of the population for the greater good of the whole.

If you are required to move as the result of a publicly-financed construction project, you may be eligible for relocation assistance, advisory services and payments provided by federal and state law.

It is the policy of federal and state government that displaced persons shall receive fair and humane treatment, and shall not suffer unnecessarily as a result of programs designed for the benefit of the public as a whole.

This brochure contains only general information designed to acquaint you with available relocation services and benefits. The relocation agent from the City of Lincoln will be happy to explain them in detail.

City of Lincoln
Housing Rehabilitation & Real Estate Division
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Lincoln, NE 68508
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urbandev@ci.lincoln.ne.us

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8. Ownership of the property will transfer to the acquiring agency, either through agreement or by eminent domain procedures. (If you are still in occupancy, you will now pay your rent to the agency.)
9. Advance relocation payments will be readied, if necessary.
10. Move to the replacement.
11. Final relocation payments will be made.

Important Definitions

Acquiring Agency *This can be the City of Lincoln, Nebraska or any other county, municipal or political subdivision of the State of Nebraska having the authority to acquire private property for public use. The relocation program for the City of Lincoln's projects is administered by the Housing Rehabilitation & Real Estate Division of the Urban Development Department. Political subdivisions may administer their own programs or may contract for that service.*

Business *Any lawful activity, except a farm operation, conducted primarily for: the purchase, sale, lease and rental of personal and real property; or for the manufacture, processing, or marketing of an article of commerce; or for the sale of services to the public; or for an outdoor advertising display when forced to move.*

Displaced Person *Any individual, family, business, farm or association that moves from real property or moves their personal property from real property as a result of actions by a governmental agency. This can be as a direct result of: a written notice of intent to acquire, the negotiations for the acquisition of, or the rehabilitation or demolition of such real property.*

Family *Two or more individuals living together in a single family dwelling unit, either related or by mutual consent.*

Farm *The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.*

Initiation of Negotiations *This term means the date the City of Lincoln delivers to the owner of the real property a written offer for the purchase of property, or a notice of its intent to acquire such real property.*

Small Business *A business having at least one, but not more than 500 employees working at the site being acquired by the City of Lincoln.*

Relocation Assistance Advisory Services

Any person, family, business or farm displaced by a project shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the City of Lincoln. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate.

Your relocation agent will provide you with assistance sufficient to meet your needs. You will be assisted in completing application and claim forms for payments and all relevant financial information concerning replacement housing will be explained. Every displaced person will be offered assistance in order to minimize hardships encountered in searching for and locating a decent, safe, and sanitary replacement property. This includes transportation to inspect housing which we have referred to you, if you need it.

If you have a special problem, your agent will make every effort to secure the services of other public and private agencies in your community which are equipped to help you. So please make your needs known to your agent. If the agent can't personally help you with a specific problem, perhaps he or she can find someone who can help.

No one will be required to move from their existing dwelling for at least 90 days after a decent, safe and sanitary replacement dwelling has been made available to them. If decent, safe and sanitary housing is not available, the City of Lincoln will take whatever steps are necessary to provide housing through their Last Resort Housing methods.

Remember - your agent is there to help and advise you; be sure to make full use of their services. Don't hesitate to ask questions, and be sure you understand fully all of your rights and relocation benefits.

Do not move until you have contacted your relocation agent or are given an official notice to vacate the premises.

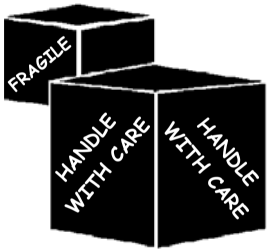
Residential Moving Payments

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you should contact the relocation agent from the City of Lincoln before you move. You can choose from either:

Commercial Move

1. You hire the mover.
2. You pay the bills.
3. We reimburse you.

OR



Move Yourself

1. Amount is based on number of rooms *(see Moving Cost Schedule)*.
2. No receipts required.

If you hire a commercial mover, ***actual reasonable moving expenses*** may be reimbursed. Certain other expenses are also reimbursable if the City of Lincoln determines that such costs are necessary, such as transportation costs to the new location, temporary quarters, storage of personal property, insurance costs while personal property is in storage or transit, reconnection of utilities, and other related costs. Your expenses must be reasonable and supported by receipted bills. Reimbursement is also limited to a 50-mile moving distance in most cases. Before taking this option you must submit to us at least two competitive bids from qualified commercial movers.

If you move yourself, you will be paid on the basis of the ***moving cost schedule***. Moving cost schedules are prepared to provide adequate reimbursement for your moving expenses. The amount of the payment is based on the number of rooms in your dwelling. If you choose this option, your expenses need not be supported by receipted bills. Under this option you will not be eligible for reimbursement of related expenses.

Persons moving from a rooming or dormitory type situation, and who have a minimal amount of personal possessions, will be limited to a total moving payment of $50. This amount also applies to anyone whose move is performed by the City of Lincoln at no cost to the person.

Moving Cost Schedule

Occupant Provides Furniture

Number of Rooms of Furniture								Each Add'l Room
1	2	3	4	5	6	7	8	
$345	$485	$620	$760	$865	$965	$1,070	$1,175	$105

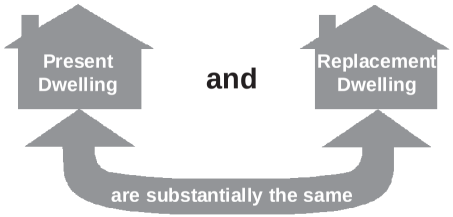
Occupant Does Not Provide Furniture

First Room	Each Additional Room
$275	$35

Replacement Housing Payments

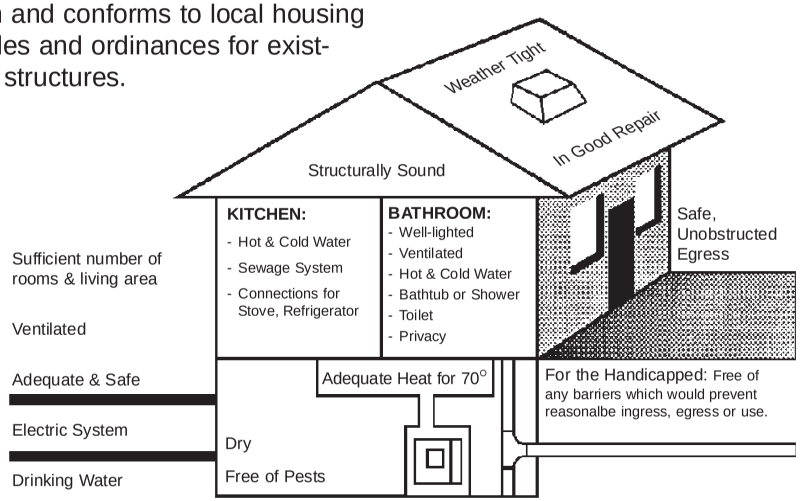
Replacement Housing Payments are to compensate the displaced person for increases in housing costs caused by acquisition of their dwelling. These payments represent the difference between the acquisition cost of your present dwelling and the purchase price of a comparable dwelling chosen by the City of Lincoln, or of the replacement dwelling you occupy, whichever is less. A ***comparable replacement dwelling*** means that your present dwelling and your replacement dwelling are substantially the same.

A comparable replacement dwelling is functionally equivalent and substantially the same as the original dwelling acquired, regarding the number of rooms, area of living space, construction, age and condition. It must be located in an area with comparable public utilities, public and commercial facilities. It must be reasonably accessible to your place of employment and adequate to accommodate your needs.



It must be located in an equal or better neighborhood and within your financial means. A comparable replacement dwelling must also be available on the open market and be fair housing, open to all persons regardless of race, color, religion, sex or national origin.

A comparable replacement dwelling must also be ***decent, safe and sanitary***. Often referred to a "DSS housing," decent, safe and sanitary housing meets all of the minimum requirements established by regulation and conforms to local housing codes and ordinances for existing structures.



The kinds of Replacement Housing Payments that you may be eligible for depends on whether you are an owner or tenant and how long you have lived in the property being acquired prior to negotiations. There are three categories of payments:

- **Owner Occupants of 180 Days or More**
- **Owner Occupants & Tenants of 90 Days or More, and**
- **Owner Occupants of 90 - 179 Days & Tenants of 90 Days or More.**

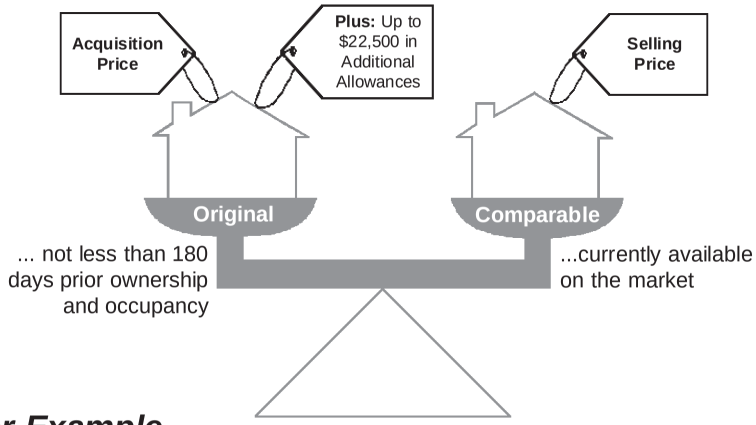
■ Owner Occupants of 180 Days or More

Purchase Supplement

If you are an owner and have occupied your home for 180 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible for a ***purchase supplement*** - in addition to the acquisition price of your property. This purchase supplement cannot exceed $22,500 for all costs necessary to purchase a comparable DSS replacement dwelling. The City of Lincoln will compute the maximum payment you are eligible to receive, attempting to balance the scale illustrated below.

To qualify for this supplemental payment, you must purchase and occupy a DSS replacement dwelling within one year after the latter of:

1. the date you receive final payment for the acquired dwelling or,
2. in the case of condemnation, the date the required amount is deposited in the court.

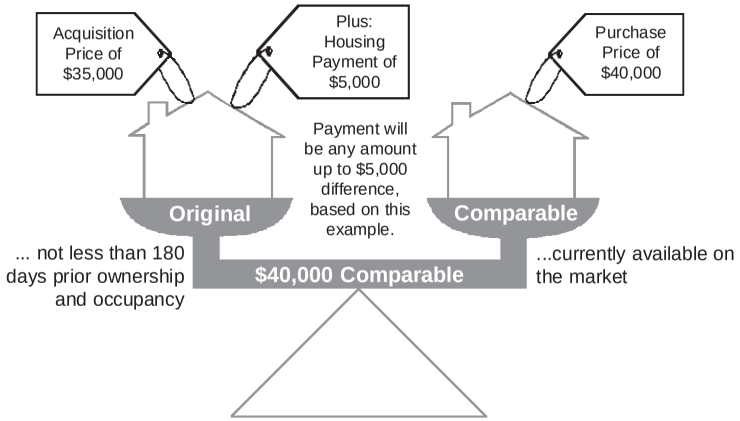


For Example...

Assume that the City of Lincoln purchased your property for $35,000. After a thorough study of all available decent, safe and sanitary dwellings on the open market comparable to your dwelling, the City of Lincoln made the determination that a replacement property will cost you $40,000. The City will pay you a maximum replacement housing payment of $5,000 if you, in fact, purchase a replacement property costing $40,000 or more. If your purchase price exceeds $40,000, you must pay the difference in excess of $5,000. For example, if you purchased a replacement property for $42,000, you would receive a

purchase payment of $5,000 and you would pay the difference of $2,000. If you purchased a replacement property for $38,000, you would receive a payment of only $3,000 on the basis of actual cost. Your payment cannot exceed actual cost difference or the amount determined by the City whichever is less.

Purchase Price of Replacement	Comparable Replacement Property	Acquisition Price of Your Property	Maximum Purchase Supplement
	$40,000	$35,000	$5,000
$42,000	40,000	35,000	5,000
40,000	40,000	35,000	5,000
38,000	40,000	35,000	3,000



Reimbursement for Other Costs

The City of Lincoln will also reimburse you for other costs that may be involved in the purchase of a replacement dwelling. However, your total payment, including the purchase supplement, cannot exceed $22,500 according to the law. The purchase supplement and other incidental costs are payments in addition to the purchase price of the dwelling acquired from you.

It is the intent of the relocation program to compensate the displaced person for their actual relocation expenses. However, those reimbursements must be reasonable and should not unfairly enrich the displacee. With this in mind, here are some of the items which will be reimbursed, and the conditions which must be met for doing so.

▪ *Increased Interest Cost*

Persons eligible for this payment must have had a mortgage on the acquired dwelling, which was a valid lien, for at least 180 days prior to the initiation of negotiations.

This payment, when added to the down payment on the replacement, is designed to reduce a person's replacement mortgage to an amount which can be amortized at the same monthly payment, for principal and interest, over the remaining term on the old mortgage, or if less, the remaining term on the new mortgage. This procedure is commonly known as a "buydown."

Your payment will be reduced if you actually borrow less than the amount we calculate as your new mortgage.

In order to compute the payment, all pertinent information must be available to the agent, such as old and new interest rates and points, the remaining term and principal balance on the old and new mortgage, and the old and new monthly p&i payment. To make this payment work, please discuss it with your agent before you secure a new mortgage.

▪ *Incidental Expenses*

You may be reimbursed for some of your closing costs connected with the purchase of your replacement dwelling, but not for prepaid expenses such as taxes or insurance. Here is a list of some of those items and the conditions for their being eligible:

- *Notary fees*
- *Deed recording fees*
- *Termite inspection*
- *Title search*
- *Survey*
- *Inspections when warranted or required.*
- *Title insurance - buyer's half, not to exceed the cost for the comparable.*
- *Mobile home sales tax - not to exceed the cost for the comparable.*
- *Legal fees - for preparing contracts or for closing, when reasonable.*
- *Appraisal fee - if acquired property had a mortgage.*
- *Application fee - if acquired property had a mortgage.*
- *Credit report - if acquired property had a mortgage.*
- *Loan recording fees - if acquired property had a mortgage.*

▪ *Property Tax Increase*

If there is an increase in your real property taxes, you will be reimbursed over a three year period. The payment will not exceed the difference between your old taxes and the comparable's taxes.

The first computation and payment is made at the time of closing on your replacement. The second computation and payment will occur in the first months of the following year, with the third and final payment coming a year later. In some cases the displacee may take the first computed amount, times three, in a lump sum.

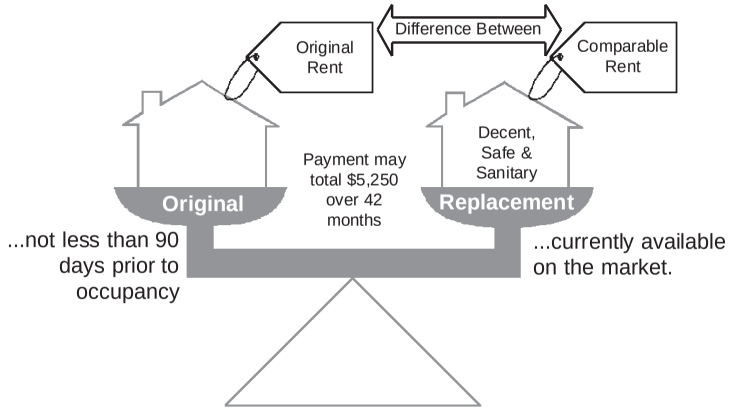
■ Owner Occupants and Tenants of 90 Days or More

Owner occupants and tenants of 90 days or more may be eligible for a rent supplement. To be eligible for this type of payment, tenants and owners must have been in occupancy at least 90 days prior to the initiation of negotiations for the acquisition of the property. This type of payment is a supplement, enabling you to rent a DSS replacement dwelling for three and one-half years, or 42 months. If you choose to rent a replacement dwelling and the rental payments are higher than you have been paying, you may be eligible for payments not to exceed $5,250.

The maximum payment which you qualify for, if any, will be determined by the City of Lincoln in accordance with established procedures. The rent supplement payment will be disbursed in equal installments.

In addition to the occupancy requirements, you must rent and occupy a DSS replacement dwelling within one year after:

1. for a tenant, the date you move from the acquired dwelling; or
2. for an owner occupant, the latter of:
   a. the date you receive final payment for the acquired dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or
   b. The date you move from the acquired dwelling.



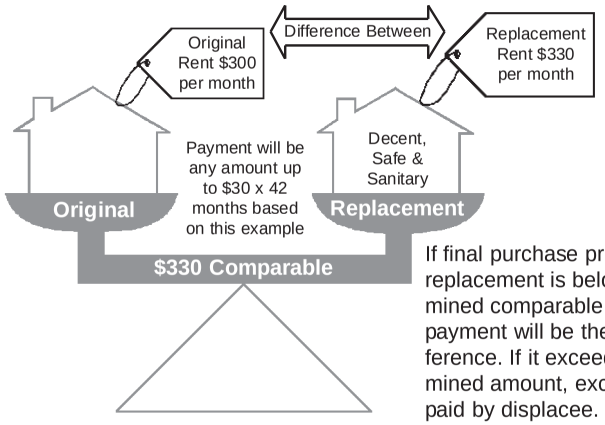
For Example...

As an example of how a rent supplement is computed, let's assume that you have been paying $300 per month rent for the dwelling occupied by you and purchased by the City of Lincoln. After a study of the rental market, the City makes the determination that a replacement rental unit which is DSS and comparable to your present dwelling will rent for $330 per month. The ***maximum*** rent supplement you can receive in this case is $30 per month for a 42-month period.

If you select a replacement dwelling which rents for $350 per month, despite the availability of comparable DSS replacement rental units that rent for $330 per month, you will still receive only the maximum payment computed by the City of Lincoln as indicated above. In other words, you must pay the additional $20 per month out of your own pocket. And, if you select a replacement dwelling which rents for more than your present rent, but less than the amount determined by the City, you will be paid on the basis of actual cost.

For example, assume you select a replacement dwelling unit that rents for $320 per month. On the basis of actual cost you will be eligible for a payment of $20 per month for 42 months.

The computations above are based on all dwellings having utilities included in the rent. Computations for an owner occupant are basically the same, except that a fair market rental amount will need to be established on your dwelling, for comparison with available rental dwellings.



If final purchase price of the replacement is below determined comparable amount, payment will be the actual difference. If it exceeds the determined amount, excess must be paid by displacee.

■ For Owner Occupants of 90 to 179 Days and Tenants of 90 Days or More

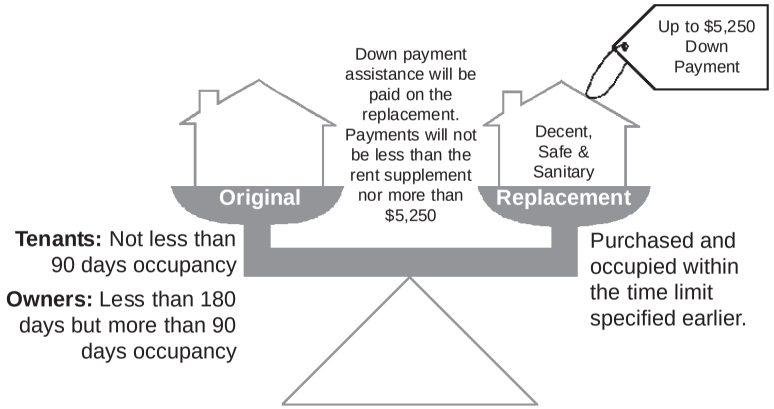
Owner occupants of 90 days to 179 days and tenants of 90 days or more who purchase a replacement dwelling are entitled to a down payment assistance payment in the amount the person would receive as a rent supplement as described previously. If the amount of the required down payment is greater than the computed rent supplement, that amount will be paid, not to exceed $5,250.

The term “required down payment” means the down payment ordinarily required to obtain conventional loan financing for the decent, safe and sanitary dwelling actually purchased and occupied by the displaced person.

The payment to an owner occupant of 90 days to 179 days shall not exceed the amount the owner would receive as a purchase supplement if the owner met the 180 day occupancy requirement.

The full amount of the down payment assistance payment must be applied to the purchase price of the replacement dwelling and related incidental expenses.

Although this may sound complicated, the relocation agent from the City of Lincoln will explain the procedure to you personally.



Non-Residential Moving Cost Reimbursement

Businesses, Farms & Nonprofit Organizations

Owners or tenants are eligible for payments designed to reimburse them for:

1. Their costs in moving personal property.
2. Their time in searching for a new location.
3. Actual loss of tangible personal property.
4. Their expenses in re-establishing at a new site.

OR

5. They can take a fixed payment in lieu of the other relocation benefits. This payment is between $1,000 and $20,000, based on the net earnings of the business or farm.

Not all businesses, farms, or nonprofit organizations qualify for all payments. A relocation study will determine the extent of your eligibility.

Moving Expenses

When there is personal property to move, the owner of it has two methods to choose from:

- ***Commercial Move.*** You may be paid the actual reasonable costs of your move provided by the services of a commercial mover. All of your expenses must be supported by receipted bills in order to assure payment of your moving claim.
- ***Self-Move.*** If you decide to move yourself you may be paid an amount which does not exceed the lower of two firm bids by two qualified moving firms. If bids can't be obtained, your payment may be based on your actual, reasonable moving expenses supported by receipted bills or other evidence of expenses incurred.

You must first provide the City of Lincoln with an inventory of the items to be moved. The relocation agent will make a moving estimate, or will secure two bids from commercial movers. You will be offered an amount to move yourself, or you can hire a commercial mover; reimbursement not to exceed the low bid.

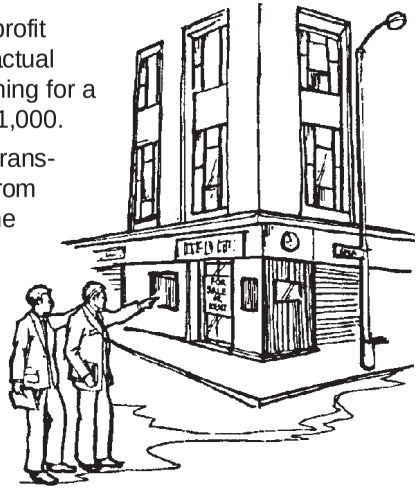
You must give your agent advance notice of the start of your move so that the move can be monitored, if needed.

Some, but not all, of the elements of the move eligible for reimbursement are: transportation costs; packing costs; disconnect and reconnection of equipment; storage costs, if necessary; insurance; unused portions of licenses or permits; costs of obsolete signs and stationery.

Searching Expenses

Displaced businesses, farms and nonprofit organizations may be reimbursed for actual reasonable expenses related to searching for a replacement property, not to exceed $1,000.

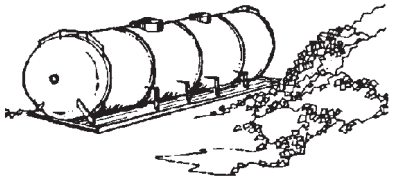
Expenses may include costs such as transportation, meals, lodging when away from home, and the reasonable value of time actually spent in search. All expenses must be supported by receipted bills. The value of time spent in the search must be supported by W-2 forms, pay stubs, tax returns, or other documentation. A detailed record of your searching activities must be kept and submitted before payment can be made.



Actual Direct Losses of Tangible Personal Property

A business or farm operation may decide not to move certain items of personal property, or to discontinue the operation. If so, this payment is designed to compensate for some of that loss. There are two situations and methods of computing your payment:

1. Item is not replaced. Payment will be the lower of:
   a. Fair market value of item (in place value); Minus the proceeds of the sale of the item (must at least attempt); Plus reimbursement of the sale expenses; or
   b. Estimated cost of moving the item (up to 50 miles).
2. Item to be replaced with new. Payment will be the lower of:
   a. Cost of substitute item, including installation costs; Minus proceeds from the sale or trade-in of the old item; or
   b. Estimated cost of moving and reinstalling the old item.



Re-establishment Expenses

In addition to the previous benefits, a small business, farm or nonprofit organization may be eligible for reimbursement of expenses actually incurred in relocating and reestablishing at a replacement site. Expenses must be reasonable and necessary, as determined by the City of Lincoln, and the payment will not exceed $10,000. Some of these expenses may include, but are not limited to:

1. Repairs to the replacement real property, as required by law or code.
2. Modifications to the property to adapt it to the business's needs.
3. Construction and installation costs, up to $1,500, for exterior advertising signing.
4. Provision of utilities from right-of-way to improvements.
5. Necessary redecoration or replacement of worn surfaces, such as paint or carpeting.
6. Feasibility surveys, soil testing, and market studies.
7. Advertisement of new replacement location, up to $1,500.
8. Professional fees in connection with the purchase or lease of a new site.
9. Impact fees or one-time assessments for anticipated heavy utility usage.

10. Estimated increased costs of operation during the first two years at the new site, not to exceed $5,000, for such items as:
    a. lease or rental charges
    b. personal or real property taxes
    c. insurance premiums
    d. increased utility charges, excluding impact fees.

Ineligible Expenses

The following is a nonexclusive list of re-establishment expenses not eligible for reimbursement:

1. Purchase of capital assets, such as office furniture, machinery, or trade fixtures.
2. Purchase of materials, supplies, or other items used in the course of normal operations.
3. Interest on money borrowed to make the move or purchase the replacement site.
4. Payment to a part-time business in the home which does not contribute substantial income.

Fixed Payment

Displaced businesses, farms and nonprofit organizations may be eligible for a fixed payment ***IN LIEU*** of actual moving expenses, reestablishment expenses, actual direct loss of tangible personal property, and searching expenses. Such payment may not be less than $1,000 nor more than $20,000. For the owner of a business to be eligible for this payment, the City of Lincoln must determine that:

1. the business owns or rents personal property to be moved.
2. the business cannot be relocated without a substantial loss of its existing patronage (income).
3. the business contributes materially to the owner's income.
4. the displaced business is not part of an enterprise having at least three other similar entities not being acquired.
5. the business is not solely for the purpose of rental property.

For the owner of a farm operation to be eligible for this payment, it must be determined that:

1. The operation contributes materially to the operator's income.
2. The acquisition of part of the land causes the operator to be displaced from the remaining land.
3. The partial acquisition causes a substantial change in the nature of the farm operation.

Computation of Your Fixed Payment...

The amount of the actual payment for businesses and farms is determined by the average of the annual net earnings for the operations in the two years preceeding the taxable year during which the enterprise is relocated.

For Example:

3rd Prior Year	**2nd Prior Year**	**Year of Acquisition**
Annual Net Earnings $8,000	Annual Net Earnings $14,000	Year of Relocation

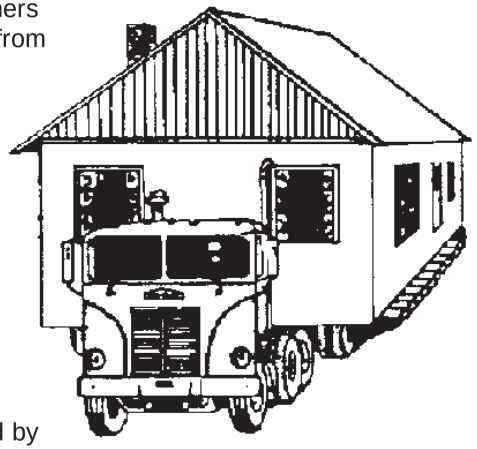
Average

$11,000 = Fixed payment; also called IN LIEU payment

A nonprofit organization is eligible for this payment when it cannot be relocated without a substantial loss of its membership or clientele. Any payment above $1,000 is based on annual gross revenue minus administrative expenses.

You must provide tax information to the City of Lincoln to support your net earnings. If you've been in business less than two years, the net earnings for the actual period will be projected to an annual rate. Net earnings include compensation paid to the owner, the owner's spouse or dependents.

Miscellaneous Information



In the case of mobile home owners and tenants who are displaced from non-decent, safe and sanitary mobile homes, the replacement housing payments described earlier are applicable. For those mobile homes that are decent, safe and sanitary and can be moved, the provision of rental replacement housing payments, a purchase down payment on another site, or a purchase differential are applicable. Further explanation of these payments will be provided by your relocation agent.

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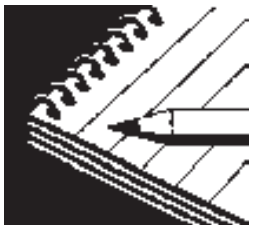
If you choose to retain your present dwelling and move it to a new location, the replacement housing payment if any, will be the amount by which the cost to relocate the retained dwelling exceeds the acquisition price of the dwelling. This payment may not exceed the computed replacement housing payment based on the purchase of an available, comparable DSS dwelling.

No relocation payment received shall be considered as income for the purpose of the Internal Revenue Code of 1986 or the state tax laws. These payments are not income for determining the eligibility of any person for assistance under the Social Security Act or any other federal law, except for any federal law providing low income housing assistance.

Your Right of Appeal



If you have been refused a relocation payment, or if you believe that the payment offered was not adequate to relocate, you may file an appeal. To do that, request an appeal form by calling Urban Development Department at 441-7864. Fill out the appeal form and return it to: Housing Rehabilitation & Real Estate Division, 808 P Street, Suite 400, Lincoln, NE 68508.

Your appeal will be reviewed by the City of Lincoln's Real Estate Supervisor, who will make a decision after consulting everyone involved with the original determination. If you are unsatisfied with that decision, you may appeal it to the Director of the Urban Development Department.

If you are unsatisfied with the Director's decision, you may appeal it to the Mayor. The Mayor will appoint a Relocation Appeal Board to preside over an information hearing. After reviewing the facts as presented by the Relocation Appeal Board, the Mayor makes the City's final determination. If still disatisfied, you may appeal that determination to the District Court of Lancaster County.