

## COMMUNITY DEVELOPMENT AGENCY PROCEEDINGS

October 9, 2024

The Community Development Agency of the City of David City, Nebraska, convened in open public session at 7:25 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by posting of notice in four public places (City Office, US Post Office, Butler County Courthouse and Hruska Public Library). The Community Development Agency members acknowledged advance notice of the meeting. The advance notice to the Public, and Community Development Agency members conveyed the availability of the agenda, which was kept continuously current in the office of the Secretary and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the meeting.

Present for the meeting were: Community Development Agency Members—Jessica Miller, Kevin Woita, Bruce Meysenburg, Jim Angell, Pat Meysenburg, Community Development Agency Secretary Tami Comte and City Administrator Intern Raiko Martinez. CDA members Tom Kobus and Keith Marvin were absent. City Attorney David Levy joined the meeting via Zoom.

Also present were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, and Marlene Hein.

Chairman Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. She also asked anyone addressing the Agency to introduce themselves.

CDA member Pat Meysenburg made a motion to approve the minutes of the September 25, 2024 meeting of the CDA as presented. CDA Member Jessica Miller seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 2

CDA member Pat Meysenburg made a motion to pass and adopt Resolution No. 5-2024 CDA authorizing the CDA to execute a Purchase and Sale Agreement with Jack Reed and Bridget Novak-Reed thereby purchasing Parcel No. 120008312. CDA Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 2

### **CDA RESOLUTION NO. 5-2024 CDA**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING EXECUTION OF A PURCHASE AND SALE AND DEED OF TRUST AGREEMENT WITH JACK REED AND BRIDGET NOVAK-REED; AND AUTHORIZING ACCEPTANCE OF A WARRANTY DEED.**

**WHEREAS**, Jack Reed and Bridget-Reed, husband and wife (collectively, "**Owner**") owns that certain lot in the City of David City, Nebraska, described as follows:

LOT 3, BLOCK 1, NORTHLAND SUBDIVISION, A REPLAT OF A TRACT OF LAND CONSISTING OF PART OF LOT 6 AND PART OF LOT 7, DAVID CITY LAND AND LOT COMPANY'S SUBURBAN LOTS, CITY OF DAVID CITY, NEBRASKA, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE 6TH P.M., ALL IN BUTLER COUNTY, NEBRASKA (Parcel No. 120008312) ("**Property**"); and

**WHEREAS**, Owner purchased the Property from the Community Development Agency of the City of David City, Nebraska ("**Agency**") for twenty-seven thousand dollars and zero cents (\$27,000.00) ("**Purchase Price**") via that certain Survivorship Warranty Deed executed on June 7, 2023, and recorded with the Butler County, Nebraska, Register of Deeds as Instrument No. 2023-00720 on June 16, 2023; and

**WHEREAS**, the Property lies within the Northland Subdivision ("**Subdivision**"), which is subject to that certain Declaration of Irrevocable Restrictive Covenants, filed as Instrument No. 23-00373 with the Butler County Register of Deeds on March 31, 2023, and all amendments thereto (collectively the "**Covenants**"); and

**WHEREAS**, Article I, Section 5 of the Covenants provides that the Agency may repurchase any lot within the Subdivision for ninety percent (90%) of the original purchase price if the owner fails to commence construction thereon within 180 days of acquisition; and

**WHEREAS**, Owner purchased the Property on June 7, 2023, and as of the date of this Resolution, which is more than 180 days after June 7, 2023, has not commenced construction thereon; and

**WHEREAS**, the Agency desires to repurchase the Property pursuant to Article I, Section 5 of the Covenants, for ninety percent (90%) of the Purchase Price, which is \$24,300; and

**WHEREAS**, Agency desires to execute that certain Purchase and Sale Agreement, a copy of which is attached hereto and incorporated herein as **EXHIBIT A** ("**Agreement**"); and

**WHEREAS**, Agency finds it to be in Agency's best interest to execute the Agreement and repurchase the Property from Owner, under the terms and conditions of the Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, Agency hereby resolves as follows:

1. The Chairperson is authorized to execute the Agreement in substantially the same form as the attached **EXHIBIT A** and all other such related documents that are reasonably necessary to effectuate the purposes of this Resolution and in the Agreement, including without limitation a Form 521 Real Estate Transfer Statement in substantially the same form as **EXHIBIT B**, attached hereto and incorporated herein.

2. The Chairperson and Secretary may execute such other documents and take such other actions reasonably necessary and appropriate for the purposes herein.

3. Agency hereby repeals all other resolutions or portions of resolutions in conflict with this Resolution to the extent of any conflict herewith.

4. This Resolution is effective immediately upon passage.

Passed and approved this 9<sup>th</sup> day of October, 2024.

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Jessica Miller, Chairperson

ATTEST

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Tami Comte, Secretary

**EXHIBIT A**

**Form of Purchase and Sale Agreement**

[SEE ATTACHED]

**EXHIBIT B**

**Form of Form 521 Real Estate Transfer Statement**

[SEE ATTACHED]

CDA member Jessica Miller made a motion to adjourn. CDA Member Pat Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 7:26 p.m.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea

Yea: 5, Nay: 0, Absent: 2

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Secretary Tami L. Comte