

**CITY OF LA VISTA  
AND  
LA VISTA COMMUNITY DEVELOPMENT AGENCY  
MARCH 3, 2020 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
GENERAL BUSINESS OCCUPATION TAXES & RELATED REVENUE NOTE – 84 <sup>TH</sup> STREET REDEVELOPMENT AREA	◆ RESOLUTION ◆ ORDINANCES RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

Proposed City Ordinances would authorize general business occupation taxes (“GBOT”) upon the businesses and users of space within a designated enhanced employment area in the 84<sup>th</sup> Street Redevelopment Area for the purpose of paying all or any part of the costs and expenses of any redevelopment project within such enhanced employment area, including payments pursuant to a La Vista Community Development Agency Revenue Note, secured by a pledge of GBOT revenues, as described in the proposed Agency Resolution also presented with this agenda item.

**FISCAL IMPACT**

Proposed actions would provide for potential GBOT revenues to pay costs of public improvements of redevelopment projects within the designated enhanced employment area.

**RECOMMENDATION**

Approval

**BACKGROUND**

The City Council in 2012 designated the 84<sup>th</sup> Street Redevelopment Area as a substandard and blighted area. A Redevelopment Plan “84<sup>th</sup> Street Redevelopment Area,” Redevelopment Agreement, and Subdivision Agreement, each as subsequently amended, (together “Documents”) were recommended, adopted, and/or approved by the Agency, City, and/or the Redeveloper, which Documents provide for initial occupation taxes on event venue businesses and retail sales businesses within an initial designated enhanced employment area, as recommended and agreeable to the Agency, City, and/or Redeveloper owning real estate within the initial enhanced employment area for the purpose of paying all or any part of the costs and expenses of any redevelopment project within such enhanced employment area, including payments pursuant to the La Vista Community Development Agency Revenue Note, which is secured by a pledge of GBOT revenues. An Agency Resolution and two City Ordinances are proposed for consideration as follows:

1. City Ordinance to add Municipal Code Section 113.30 authorizing general business occupation taxes.

2. Resolution of the La Vista Community Development Agency to approve an Agency Revenue Note, secured by a pledge of revenues from the initial general business occupation tax described in “3” below.
3. City Ordinance to approve initial occupation taxes on event venue businesses and retail sales businesses within an initial designated enhanced employment area.

## ORDINANCE NO.

AN ORDINANCE TO ENACT SECTION 113.30 OF THE LA VISTA MUNICIPAL CODE REGARDING ENHANCED EMPLOYMENT AREAS AND GENERAL BUSINESS OCCUPATION TAXES WITHIN SUBSTANDARD AND BLIGHTED AREAS, USE OF PROCEEDS, AND ADMINISTRATIVE PROVISIONS; PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; PUBLICATION; AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

### I. ENACTMENT OF SECTION 113.30 OF THE LA VISTA MUNICIPAL CODE.

Section 113.30 of the La Vista Municipal Code is hereby adopted and approved as follows:

#### **§113.30** ENHANCED EMPLOYMENT AREAS AND GENERAL BUSINESS OCCUPATION TAXES - SUBSTANDARD AND BLIGHTED AREAS

113.30.0 Definitions. As used in this section, the following words and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates or requires a different meaning:

- a. **Act** means the Community Development Law set forth in Neb. Rev. Stat. § 18-2101 et seq, as amended.
- b. **Agency** means the La Vista Community Development Agency.
- c. **City** shall mean the City of La Vista and areas within the corporate limits of the City of La Vista, as may be adjusted from time to time.
- d. **City Clerk** means the City of La Vista City Clerk.
- e. **Director** means the City of La Vista Finance Director or her or his designee.
- f. **Engaged in** means to conduct, offer to the public, carry on, or take part in the operation of a business or other activity as owner, operator, or agent in which products or services are sold, leased, or rented for purposes other than resale, sublease, or subrent. Not in limitation of foregoing parts of this subsection "f", a person renting or using a facility, place or premises for a taxable activity as a promoter, producer, one-time event, part-time, full-time, or otherwise, shall be considered to be engaged in a business and taxable activity.
- g. **Enhanced employment area** has the meaning provided in Neb. Rev. Stat § 18-2103(11)(a), as amended, the boundaries of which are specified by resolution, ordinance, or other action of the City or Agency.
- h. **General business occupation tax** means a tax imposed pursuant to the authority granted by this section.
- i. **Person** means any natural person, individual, partnership, association, organization, corporation, or entity of any kind or character engaging in any activity that is subject to a general business occupation tax authorized by this section.
- j. **Taxpayer** means any person engaged in a business or activity who is required to pay a tax imposed in accordance with this section.

#### 113.30.1 Intent and Purpose

- a. The city is authorized to levy a general business occupation tax pursuant to Neb. Rev. Stat. § 18-2142.02 upon the businesses and users of space within an enhanced employment area for the purpose of paying all or any part of the costs and expenses of any redevelopment project within such enhanced employment area.

- b. Any such tax shall be for revenue purposes. The collection of such a tax shall be made and enforced in such a manner as the city council shall by ordinance determine to produce the required revenue.
- c. The city council determines that it is necessary, desirable, advisable, and in the best interests of the city to periodically impose general business occupation taxes within certain enhanced employment areas, as authorized by the Act and from time to time approved by the city council.

#### 113.30.2 Taxes Authorized

- a. General business occupation taxes pursuant to this section and Neb. Rev. Stat. § 18-2142.02 are authorized and shall be imposed upon such businesses or users of space within such enhanced employment areas, at such times and rates, based on such classifications of businesses, users of space or transactions, for such purposes and periods of time, and subject to such other terms and conditions, as from time to time specified by the city council. Unless otherwise specified by the city council in connection with a particular general business occupation tax and enhanced employment area, taxes shall be payable each calendar month.
- b. Any taxes imposed pursuant to this section 113.30 shall be taxes on the taxpayers for the privilege of engaging in particular occupations within the City. A person engaged in an activity that is subject to a general business occupation tax may elect to itemize the tax levied and pass the cost of the tax through to customers or purchasers on bills, receipts, or other invoices provided to such customers or purchasers, but such itemization and pass-through of the cost of the tax shall not be required and each person engaged in the taxable activity shall remain liable for the tax imposed pursuant to this section.
- c. Taxes imposed pursuant to this Section shall be subject to applicable State or local laws, rules or regulations as adopted or amended from time to time.

#### 113.30.3 Taxes Cumulative

- a. Any tax pursuant to this section shall be in addition to all other fees, taxes, excises, and licenses levied or imposed under any contract or any other provisions of this code or ordinances of the city from time to time, and in addition to any fee, tax, excise, or license imposed by the state or federal government.
- b. Payment of the tax imposed pursuant to this section shall not relieve the person paying the same from payment of any other tax now or hereafter imposed by contract or ordinance or by this article, including those imposed for any business or occupation he/she may carry on, unless so provided therein. The occupation taxes imposed by this article shall be cumulative except where otherwise specifically provided.
- c. Provided, however, operation of a cable television system pursuant to a franchise agreement or operation of a keno lottery game pursuant to an operating agreement with the City shall not be subject to general business occupation taxes under section 113.30.

#### 113.30.4 Term

Any general business occupation taxes imposed pursuant to this section shall commence and remain in effect for such period as specified by the city council, and in any event shall not terminate so long as bonds are outstanding which were issued stating such occupation tax as an available source for payment.

#### 113.30.5 Use of Revenues

Proceeds of any tax imposed pursuant to this section shall be used for the purpose of paying all or any part of the costs and expenses of any redevelopment

project within such enhanced employment area or for such other purposes as from time to time authorized by the Act or other applicable law.

113.30.6        Return

- a.        Unless otherwise specified by the city council in connection with a particular general business occupation tax and enhanced employment area, each and every person engaged in an activity that is subject to a general business occupation tax for any period of time shall prepare and file with the City Administrator or the City Administrator's designee a return for each calendar month and at the same time pay to the City the tax imposed for such month. The return shall be on and in such form and content and include such supporting data as may be prescribed by the City Administrator or the City Administrator's designee from time to time, and shall be verified and sworn to by an officer responsible for the taxpayer, and shall be filed with the City Administrator or City Administrator's designee on or before the last day of the month immediately following receipt of any gross receipts included for purposes of calculating the tax. Returns and tax payments shall be filed and paid (i) by hand delivery or by United States mail, properly addressed, postage prepaid and postmarked no later than the last day of the appropriate month, or (ii) by electronic filing and payment by Automated Clearing House or Credit Card no later than the last day of the appropriate month, and in accordance with such procedures as prescribed by the City Administrator or the City Administrator's designee from time to time.
- b.        As reimbursement for any additional administrative costs and expenses connected with the tax, a taxpayer at the time of each tax payment may elect to deduct, withhold, and retain from such payment two percent (2%) of the amount that is otherwise due and payable to the City ("Administration Allowance"). Any payment that is made without reduction for the Administration Allowance shall be deemed an irrevocable election by the taxpayer to forego the Administration Allowance with respect to that payment.

113.30.7        Administration; Remedies

Except as otherwise provided in this Section or any subsequent Ordinance, general business occupation taxes shall be administered in accordance with, and any remedies shall be as provided in, Section 113.50 of the Code.

113.30.8        Construction

In accordance with the Act, powers conferred by this section, levy of any general business occupation taxes pursuant to authority granted by this section, and authority to issue any bonds secured by or payable from any general business occupation tax receipts, shall be additional and supplemental to, independent of and separate from any other occupation taxes or laws, and considered complete and independent and not amendatory or limited by any other provision of law. All provisions of this Section 113.30 and grants of power, authority, rights or discretion herein, and any related documents, instruments or actions of the City or Agency arising out of this Section 113.30, shall be liberally construed, and all incidental powers necessary to carry into effect said provisions are hereby expressly granted and conferred. This Section 113.30 shall be full authority for the powers herein granted, and no action, proceeding or election shall be required to exercise or carry out any such provisions. If the provisions of this Section 113.30 are inconsistent with any other provisions of the Municipal Code or ordinances, the provisions of this Section 113.30 shall control. Except as otherwise expressly provided herein, terms used in this Section 113.30 shall have the meaning as provided in the Act.

**II. REPEAL OF CONFLICTING PROVISIONS.** Any conflicting provision of any previously enacted ordinance is hereby repealed.

**III. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this

Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**IV. PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall be published in full and shall be in force and take effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF MARCH, 2020.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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**RESOLUTION NO. \_\_\_\_\_**

**OF THE**

**COMMUNITY DEVELOPMENT AGENCY  
OF  
THE CITY OF LA VISTA, NEBRASKA**

**ADOPTED MARCH 3, 2020**

**\$78,000,000  
OCCUPATION TAX REVENUE NOTE  
(84<sup>TH</sup> STREET REDEVELOPMENT PROJECT)  
SERIES 2020**

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**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A \$78,000,000 OCCUPATION TAX REVENUE NOTE (84<sup>TH</sup> STREET REDEVELOPMENT PROJECT), SERIES 2020, OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF LA VISTA, NEBRASKA, FOR THE PURPOSE OF PAYING CERTAIN PROJECT COSTS IN CONNECTION WITH REDEVELOPMENT PROJECTS IN THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA; PRESCRIBING THE FORM AND DETAILS OF SUCH NOTE AND THE COVENANTS AND AGREEMENTS TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

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**WHEREAS**, the City of La Vista, in the State of Nebraska, (the “**City**”) is a municipal corporation and first-class city organized and existing under the constitution and laws of the State of Nebraska;

**WHEREAS**, the City has established the Community Development Agency of the City of La Vista, Nebraska, under the Act (the “**Agency**”);

**WHEREAS**, Chapter 18, Article 21, Reissue Revised States of Nebraska, as amended (the “**Act**”) prescribes the requirements and procedures for the planning and implementation of redevelopment projects;

**WHEREAS**, pursuant to the Act, the Mayor and Council previously declared the Redevelopment Area to be blighted and substandard and in need of redevelopment pursuant to the Act;

**WHEREAS**, the City Council of the City previously adopted, and the City has in place a comprehensive plan, which includes a general plan for development of the City within the meaning of Section 18-2110 of the Act;

**WHEREAS**, pursuant to the Act, the Council approved the Redevelopment Plan for the Redevelopment Area;

**WHEREAS**, the City has undertaken to construct and improve portions of the Project;

**WHEREAS**, in order to pay a portion of the Project Costs incurred by the City, it is necessary, desirable, advisable, and in the best interest of the Agency to issue the Occupation Tax Revenue Note (84<sup>th</sup> Street Redevelopment Project), Series 2020 (the “**Note**”), in the principal amount of not to exceed \$78,000,000 and deliver such Note to the City in exchange for the City paying Project Costs, the proceeds of the Note thereby used to pay a portion of the Project Costs, to pay the costs of issuing the Note, and such Note to be issued and secured in the form and manner as hereinafter provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:**



## **ARTICLE I**

### **DEFINITIONS**

**Section 1.1. Definitions of Words and Terms.** In addition to words and terms defined elsewhere in this Resolution, the following capitalized words and terms as used in this Resolution shall have the following meanings:

**“Act”** means the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended.

**“Agency”** means the Community Development Agency of the City of La Vista, Nebraska.

**“Authorized Agency Representative”** means the Chair or such other person at the time designated to act on behalf of the Agency.

**“Business Day”** means a day on which the banking institutions in the City are scheduled in the normal course of operations to be open to the public.

**“Chair”** means the Chair of the Community Development Agency of the City of La Vista, Nebraska.

**“City”** means the City of La Vista, Nebraska.

**“Clerk”** means the Clerk of the City of La Vista, Nebraska.

**“Council”** means City Council of the City of La Vista, Nebraska.

**“Cumulative Outstanding Principal Amount”** means the aggregate principal amount of the Note issued and outstanding from time to time in accordance with the provisions of this Resolution, as reflected in the Note Register as provided in this Resolution.

**“Date of Original Issue”** means the date the Note is initially issued and delivered to the Purchaser.

**“Enhanced Employment Area”** means the enhanced employment area within the 84<sup>th</sup> Street Redevelopment Area established pursuant to, and described in, the Occupation Tax Ordinance.

**“Government Obligations”** means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

**“Mayor”** means Mayor of the City.

**“Note”** means the Occupation Tax Revenue Note (84<sup>th</sup> Street Redevelopment Project), Series 2020, in an aggregate principal amount not to exceed \$78,000,000, authorized and issued pursuant to this Resolution.

**“Note Counsel”** means Gilmore & Bell, P.C., or other firm of nationally recognized bond counsel acceptable to the Agency.

**“Note Payment Date”** means February 15, May 15, August 15 and November 15 of each year, beginning on February 15, 2021, and ending on November 15, 2060, or such other dates as determined by an Authorized Agency Representative and indicated in the Note.

**“Note Register”** means the books for the registration, transfer and exchange of the Note kept at the office of the Agency.

**“Occupation Tax Ordinance”** means an ordinance of the City providing for the initial general business occupation taxes and enhanced employment area of the 84<sup>th</sup> Street Redevelopment Area of the City, passed and approved on March 3, 2020.

**“Permitted Investments”** means any securities and obligations, if and to the extent the same are at the time legal for investment of the City’s moneys held in the funds and accounts referred to in **Section 5.1** hereof.

**“Project”** means the costs and expenses of any redevelopment project as approved or modified from time to time within 84<sup>th</sup> Street Enhanced Employment Area, including without limitation, all costs and expenses of the City or Agency in connection with payment, funding, refunding, reimbursing, financing, or refinancing of any costs or expenses previously, currently, or in the future incurred or paid by the City or Agency for or in connection with planning, designing, engineering, legal services, financing, capitalized interest, demolition, development, site acquisition, grading, preparation, utilities, relocations, improvements, construction, maintenance, operations, repairs, replacements, or any other works, expenditures, or undertakings with respect to the Mixed Use Redevelopment Project (as described in the Occupation Tax Ordinance) or Public Improvement Redevelopment Project (as described in the Occupation Tax Ordinance), as amended from time to time

**“Project Costs”** means the costs attributable to the Project and to work on any “redevelopment project,” as defined in the Act, that may be paid through Occupation Tax Revenues and such other costs allowed under the Redevelopment Plan.

**“Purchaser”** means the City, the original purchaser of the Note.

**“Record Date”** for the interest payable on any Note Payment Date means the 15th day (whether or not a Business Day) of the calendar month first preceding such Note Payment Date.

**“Redevelopment Area”** means the 84<sup>th</sup> Street Redevelopment Area as described in the Occupation Tax Ordinance.

**“Redevelopment Plan”** means the Redevelopment Plan as described in the Occupation Tax Ordinance.

**“Registered Owner”** or **“Note Owner”** when used with respect to any Note means the person in whose name such Note is registered on the Note Register.

**“Resolution”** means this Resolution as from time to time amended in accordance with the terms hereof.

**“Secretary”** means the Secretary of the Community Development Agency of the City of La Vista, Nebraska.

“**State**” means the State of Nebraska.

“**Occupation Tax Revenue Fund**” means the fund by that name described by **Section 5.1** hereof.

“**Occupation Tax Revenues**” means the moneys received by the City attributable to the general business occupation tax imposed pursuant to the Occupation Tax Ordinance, as the same may be amended from time to time.

## ARTICLE II

### AUTHORIZATION OF NOTE

**Section 2.1. Authorization of Note.** There is hereby authorized and directed to be issued a Note of the Agency, designated “Occupation Tax Revenue Note (84<sup>th</sup> Street Redevelopment Project) Series 2020,” in the principal amount of not to exceed \$78,000,000, for the purpose of paying a portion of the Project Costs, and paying the costs of issuance of the Note.

**Section 2.2. Description of the Note.** The Note shall be substantially in the form set forth in **Exhibit A** hereto, and shall be subject to registration, transfer and exchange as provided in **Section 2.4** hereof. The Note shall be dated the date of its initial issuance and delivery, shall mature on the final Note Payment Date (subject to prior prepayment and subject to extension as provided in **Section 3.1**), and shall bear interest, if any, at the rate per annum, as determined by the Authorized Agency Representative and as provided in the Note delivered to the Purchaser.

The Note shall bear interest (computed on the basis of a 360-day year of twelve 30-day months), if any, from its issuance date or from the most recent interest payment date to which interest has been paid or duly provided for.

**Section 2.3. Disbursement of Proceeds of Note** Proceeds of the Note shall be deemed advanced upon the City expending funds for the Project without need for further action by the City or Agency. The aggregate amount allocated to the Project from proceeds of the Note shall equal the aggregate amount expended by the City for the Project, which amount shall not exceed \$78,000,000.

The records maintained by the City as to principal amount advanced and principal amounts paid on the Note shall be the official records of the Cumulative Outstanding Principal Amount for the Note for all purposes.

**Section 2.4. Method and Place of Payment of Note.** The principal of and interest on the Note shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of debts due the United States of America.

Interest on the Cumulative Outstanding Principal Amount of the Note from the date of original issue or the most recent Payment Date to which interest has been paid or duly provided for on the Note, is payable on each Payment Date until the principal of the Note has been paid, whether at maturity or upon earlier redemption.

The principal and interest payable on the Note on any Note Payment Date shall be paid to the Registered Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed to such Registered Owner, or (b) by electronic transfer to such Registered Owner upon written notice given to the Agency by such Registered Owner not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. Such electronic transfer notice shall be effective until such Registered Owner gives the Agency written notice to the contrary.

**Section 2.5. Registration, Transfer and Exchange of Note.** The Agency covenants that it will, so long as the Note remains outstanding, cause to be kept at the office of the City books for the registration, transfer and exchange of the Note as herein provided. The Note when issued shall be registered in the name of the Registered Owner thereof on the Note Register.

The Agency may deem and treat the person in whose name any Note is registered as the absolute owner of such Note, whether the Note is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on said Note and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and the Agency shall not be affected by any notice to the contrary.

**Section 2.6. Execution, Authentication and Delivery of the Note.** The Note, including any Note issued in exchange or as substitution for the Note initially delivered, shall be signed by the manual or facsimile signatures of the officers of the Agency. In case any officer whose signature appears on any Note ceases to be such officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Note may be signed by such persons who at the actual time of the execution of such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Note. The Agency shall deliver the Note to the Purchaser.

**Section 2.7. Mutilated, Destroyed, Lost and Stolen Note.** If (a) any mutilated Note is surrendered to the Agency, or the Agency receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Agency such security or indemnity as may be required to save the Agency harmless, then, in the absence of notice to the Agency that such Note has been acquired by a bona fide purchaser, the Agency shall execute, register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Agency in its discretion may, instead of issuing a new Note, pay such Note when due.

Upon the issuance of any new Note under this Section, the Agency may require the payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Agency) connected therewith.

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Agency.

**Section 2.8. Sale of Note.** The delivery of the Note to the Purchaser is hereby ratified and confirmed. Delivery of the Note shall be made to the Purchaser as soon as practicable after the adoption of this Resolution.

**Section 2.9. Redemption of Note.** The Note is subject to redemption at the option of the Agency prior to the maturity thereof at any time as a whole or in part from time to time in such principal amount as the Agency shall determine, at a redemption price equal to 100% of the principal amount then being redeemed plus accrued interest thereon to the date fixed for redemption.

**Section 2.10. Determination of Outstanding Principal Amount of Note.** Notwithstanding the amount indicated on the face of the Note, the principal amount of the Note actually outstanding from time to time shall be determined and maintained by the City Finance Director.

### **ARTICLE III**

#### **TERMS AND PAYMENT**

**Section 3.1. Terms and Payment.** The Note shall be issued substantially in the form set forth in **Exhibit A**. The Note shall be dated the date of its initial issuance and delivery, shall become due and shall bear interest as set forth below and on the face of the Note.

On each Note Payment Date, an amount equal to all amounts then on deposit in the Occupation Tax Revenue Fund shall be due and payable, first to interest due and the remainder to principal. To the extent amounts in the Occupation Tax Revenue Fund are insufficient to pay all of the principal of or interest on the Note prior to or on the final Note Payment Date, the final maturity date of the Note shall be extended until such time as all such principal and interest on the Note has been paid in full or until the Registered Owner of the Note surrenders the Note and waives any remaining payment obligations in writing to the Agency.

The Agency may prepay all or any portion of the Note at any time and from time to time without premium or penalty of any kind.

### **ARTICLE IV**

#### **SECURITY FOR THE NOTE**

**Section 4.1. Security for the Note.** The Note shall be a limited, special obligation of the Agency payable solely from and secured as to the payment of principal and interest, subject to the provisions of **Section 4.2**, by a pledge of the Occupation Tax Revenues and no other moneys, revenues, funds or accounts. Other than the power to impose and collect the Occupation Tax Revenues, the taxing power of the Agency and the City are not pledged to the payment of the Note either as to principal or interest. The Note shall not constitute a general obligation of the Agency or the City, nor shall it constitute an indebtedness of the Agency or the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction.

**Section 4.2. Pledge of Certain Funds.** The moneys and securities now or hereafter held in, and moneys and securities to be deposited in the Occupation Tax Revenue Fund, and all interest and earnings thereon and proceeds thereof are hereby pledged to secure the payment of the Note. When the Note has been

paid in full and discharged, then the requirements contained in this Resolution and the pledge of revenues made hereunder and all other rights granted hereby shall terminate.

**Section 4.3. No Recourse.** Notwithstanding any other provisions of this Resolution, the City shall have no recourse of any kind against the Agency in the event of that the Occupation Tax Revenues are insufficient to pay the principal of or interest on the Note for any reason whatsoever.

## **ARTICLE V**

### **CREATION OF FUNDS AND ACCOUNTS; DEPOSIT AND APPLICATION OF NOTE PROCEEDS**

**Section 5.1. Creation of Occupation Tax Revenue Fund.** There are hereby created and ordered to be established within the treasury of the City the Occupation Tax Revenue Fund (the “**Occupation Tax Revenue Fund**”), which shall be a separate fund.

Such fund shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the Agency and the City and shall not be commingled with any other moneys, revenues, funds and accounts of the Agency or of the City. The Occupation Tax Revenue Fund shall be maintained and administered in the manner provided in this Resolution so long as the Note remains outstanding hereunder.

## **ARTICLE VI**

### **APPLICATION OF REVENUES**

**Section 6.1. Occupation Tax Revenue Fund.** The moneys in the Occupation Tax Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Resolution. The Occupation Tax Revenues shall be determined and collected in the manner provided by law.

All amounts paid and credited to the Occupation Tax Revenue Fund shall be expended and used for the sole purpose of paying the principal of and interest on the Note as and when the same become due on each Note Payment Date or as otherwise provided in **Section 3.1**.

## **ARTICLE VII**

### **DEPOSIT AND INVESTMENT OF MONEYS**

**Section 7.1. Deposit of Moneys.** Moneys in each of the fund created by and referred to in this Resolution and held by the Agency or the City shall be continuously and adequately secured as provided by the laws of the State and invested in Permitted Investments.

**Section 7.2. Investment of Moneys.** All earnings on any investments held in any fund shall accrue to and become a part of such fund.

## ARTICLE VIII

### ADDITIONAL NOTE

**Section 8.1. Additional Note.** The Agency covenants and agrees that so long as the Note remains outstanding, the Agency will not issue any additional bonds, notes or debt payable from the Occupation Tax Revenue Fund or any part thereof without the prior written consent of the Registered Owner.

## ARTICLE IX

### DEFAULT AND REMEDIES

**Section 9.1. Remedies.** The provisions of this Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Agency and the Registered Owner. Subject to the limitations set forth in **Section 9.2**, the Registered Owner shall have the following rights:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of the Registered Owner against the Agency and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Resolution or by the constitution and laws of the State of Nebraska;

(b) by suit, action or other proceedings in equity or at law to require the Agency, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owner.

**Section 9.2. Remedies Cumulative.** No remedy conferred herein upon the Registered Owner is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of the Registered Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owner by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceedings taken by the Registered Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to the Registered Owner, then, and in every such case, the Agency and the Registered Owner shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Registered Owner shall continue as if no such suit, action or other proceedings had been brought or taken.

## ARTICLE X

### MISCELLANEOUS PROVISIONS

**Section 10.1. Amendments.** The rights and duties of the Agency and the Registered Owner, and the terms and provisions of the Note or of this Resolution, may be amended or modified at any time in any respect by Resolution of the Agency with the written consent of the Registered Owner, such consent to be evidenced by an instrument or instruments executed by the Registered Owner and duly acknowledged, and such instrument shall be filed with the Clerk.

Without notice to or the consent of the Registered Owner, the Agency may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Registered Owner.

Every amendment or modification of the provisions of the Note or of this Resolution, to which the consent of the Registered Owner is given, as above provided, shall be expressed in a Resolution adopted by the governing body of the Agency amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental Resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the Clerk and shall be made available for inspection by the Registered Owner or a prospective purchaser or owner of the Note authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Resolution or of this Resolution will be sent by the Clerk to any such Registered Owner or prospective Registered Owner.

Notwithstanding anything to the contrary in this **Section 10.1**, before any Resolution supplementing or amending this Resolution pursuant to this **Section 10.1** shall become effective, there shall have been delivered to the Agency an opinion of Note Counsel stating that such supplemental Resolution is authorized or permitted by this Resolution and the Act, complies with their respective terms, will, upon the execution and delivery thereof, be valid and binding upon the Agency in accordance with its terms.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the Resolution of the Agency, duly certified, as well as proof of any required consent to such modification by the Registered Owner. It shall not be necessary to note on any outstanding Note any reference to such amendment or modification.

**Section 10.2. Payments Due on Days Other Than Business Days.** In any case where the date of maturity of principal or interest on the Note or the date fixed for prepayment of any Note is not a Business Day, then payment of principal or interest need not be made on such date but may be made on the first succeeding Business Day with the same force and effect as if made on the date of maturity or the date fixed for prepayment, with no adjustment in accrued interest for the period between such prepayment date and such first succeeding Business Day.

**Section 10.3. Notices, Consents and Other Instruments by Registered Owner.** Any notice, consent, request, direction, approval, objection or other instrument required by this Resolution to be signed and executed by the Registered Owner other than the assignment of the Ownership of the Note, may be in any number of concurrent writings of similar tenor and may be signed or executed by such Registered Owner in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of the Note, if made in the following manner, shall be



sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the Agency with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of the Note, the amount or amounts, numbers and other identification of the Note, and the date of holding the same shall be proved by the Note Register.

**Section 10.4. Further Authority.** The officers of the Agency, including the Mayor and the Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the Agency's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

**Section 10.5. Severability.** If any section or other part of this Resolution or the Note is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

**Section 10.6. Governing Law.** This Resolution shall be governed exclusively by and constructed in accordance with the applicable laws of the State.

**Section 10.7. Effective Date.** This Resolution shall take effect and be in full force from and after its passage by the governing body of the Agency.

*[This portion of the page intentionally left blank]*

**PASSED AND APPROVED THIS 3rd DAY OF MARCH 2020, BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACTING AS THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF LA VISTA.**

(Seal)

ATTEST:

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Mayor

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Clerk

**EXHIBIT A**  
**[FORM OF NOTE]**

**Registered  
No. 1**

**Registered  
Up to \$78,000,000  
(subject to reduction as described herein)**

**UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
  
COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF LA VISTA  
  
OCCUPATION TAX REVENUE NOTE  
(84<sup>TH</sup> STREET REDEVELOPMENT PROJECT)  
SERIES 2020**

**Interest Rate**

**8%**

**Maturity Date**

**November 15, 2060**

**Issue Date**

**April 1, 2020**

**REGISTERED OWNER:     CITY OF LA VISTA, NEBRASKA**

**PRINCIPAL AMOUNT: SEE SCHEDULE 1 ATTACHED HERETO**

*All capitalized terms used in this Note and not otherwise defined herein shall have the meanings set forth for such terms in the resolution authorizing the issuance of this Note adopted by the Agency on March 3, 2020 (the “**Resolution**”).*

The **COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF LA VISTA, NEBRASKA**, a community development agency pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, (the “**Agency**”) for value received, hereby promises to pay, but solely from certain specified tax revenues and other funds hereinafter specified, to the Registered Owner named above, or registered assigns, on the Date of Maturity stated above (or earlier as hereinafter referred to), the Principal Amount reflected above, or such lesser amount reflected on the books and records of the Agency, upon presentation and surrender hereof at the office of the registrar and paying agent herefor, and in like manner to pay interest on the Cumulative Outstanding Principal Amount reflected on the books and records of the Agency at the Rate of Interest stated above, calculated on the basis of a 360-day year consisting of twelve, 30-day months, from the Date of Original Issue stated above, or the most recent interest payment date to which interest has been paid or duly provided for, as specified below, to maturity or earlier redemption, payable on \_\_\_\_\_ of each year until payment in full of such Principal Amount, beginning \_\_\_\_\_, 202\_, by check or draft mailed to the Registered Owner hereof as shown on the bond registration books maintained by the Agency on the 15th day of the month preceding the month in which the applicable interest payment date occurs, at such Owner’s address as it appears on such bond registration books. The principal of this Bond and the interest hereon are payable

in any coin or currency which on the respective dates of payment thereof is legal tender for the payment of debts due the United States of America.

Payments hereon shall be due and payable on \_\_\_\_\_ of each year, beginning on \_\_\_\_\_, 202\_\_, and ending on November 15, 2060. Payments are to be applied first to interest due and the remainder to principal. The principal and interest payable on this Note on any payment date shall be paid to the person in whose name this Note is registered at the close of business on the 15th day (whether or not a business day) of the calendar month first preceding such payment date (a) by check or draft mailed by the Agency to such Registered Owner, or (b) by electronic transfer to such registered owner upon written notice given to the Agency by such Registered Owner not less than 15 days prior to such record date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States), ABA routing number and account number to which such registered owner wishes to have such transfer directed. The principal of and interest on this Note shall be payable in lawful money of the United States of America.

This Note is a duly authorized Note of the Agency designated "Occupation Tax Revenue Note (84<sup>th</sup> Street Redevelopment Project), Series 2020." The Note is being issued for the purpose of paying a portion of the Project Costs in connection with the Project, and paying costs related to the issuance of the Note, under the authority of and in full compliance with the constitution and laws of the State of Nebraska, including particularly the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended, and pursuant to the Resolution.

The records maintained by the City Finance Director as to the principal amount issued and principal amounts paid on this Note shall be the official records of the Cumulative Outstanding Principal Amount of this Note for all purposes.

At its option, the Agency may prepay all or any portion of the Note at any time and from time to time without premium or penalty of any kind. The Note is subject to redemption and payment in accordance with the terms and conditions as set forth in the Resolution.

The Note is a special obligation of the Agency payable solely from and secured as to the payment of principal and interest by a pledge of Occupation Tax Revenues deposited in the Occupation Tax Revenue Fund, as more fully provided in the Resolution.

Other than the imposition and collection of the Occupation Tax Revenues, the taxing power of the Agency and the City are not pledged to the payment of the Note either as to principal or interest. The Note shall not constitute a general obligation of the Agency or the City, nor shall it constitute an indebtedness of the Agency or the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. Reference is made to the Resolution for a description of the covenants and agreements made by the Agency with respect to the collection, segregation and application of the Occupation Tax Revenues to pay the Note, the nature and extent of the security for the Note, the rights, duties and obligations of the Agency with respect thereto, and the rights of the Registered Owner thereof.

Reference is hereby made to the Resolution, a copy of which is on file in the office of the City Clerk, and to all of the provisions of which the Registered Owner of this Note by its acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the security for this Note; the Occupation Tax Revenues pledged to the payment of the principal of and interest on this Note; the nature and extent and manner of enforcement of the pledge; the conditions upon which the Resolution may be amended or supplemented with or without the consent of the Registered Owner of this Note; the rights, duties and

obligations of the Agency, the City and the Registrar thereunder; the terms and provisions upon which the liens, pledges, charges, trusts and covenants made therein may be discharged at or prior to the maturity or redemption of this Note, and this Note thereafter no longer be secured by the Resolution.

This Note is subject to redemption prior to maturity, at the option of the Agency, in whole or in part at any time at a redemption price equal to 100% of the principal amount being redeemed, plus accrued interest on such principal amount to the date fixed for redemption. Reference is hereby made to the Resolution for a description of the redemption procedures and the notice requirements pertaining thereto.

This Note may be transferred and exchanged only upon the Note Register as provided in the Resolution. Upon surrender hereof at the principal office of the Agency, the Agency shall transfer or exchange this Note for a new Note of the same maturity and in the same principal amount as the principal amount outstanding on this Note at such time. The Agency may deem and treat the person in whose name this Note is registered on the Note Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

This Note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until this Note has been executed by the Agency.

**IT IS HEREBY CERTIFIED AND DECLARED** that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Note have existed, happened and been performed in due time, form and manner as required by law, and that before the issuance of the Note, provision has been duly made for the collection and segregation of the Occupation Tax Revenues and for the application of the same as hereinbefore provided.

**IN WITNESS WHEREOF, THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF LA VISTA, NEBRASKA**, has executed this Note by causing it to be signed by the manual or facsimile signature of the Mayor of the City of La Vista, Nebraska and attested by the manual or facsimile signature of the Clerk of the City of La Vista, Nebraska, and its official seal to be affixed hereto or imprinted hereon.

**COMMUNITY DEVELOPMENT AGENCY OF  
THE CITY OF LA VISTA, NEBRASKA**

This Note is the Note of the issue described in the within-mentioned Resolution.

By: \_\_\_\_\_  
Mayor

Registration Date: \_\_\_\_\_, 2020

(Seal)

ATTEST:

By: \_\_\_\_\_  
City Clerk

## ASSIGNMENT

**FOR VALUE RECEIVED**, the undersigned hereby sells, assigns and transfers unto

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Print or Type Name, Address and Social Security Number  
or other Taxpayer Identification Number of Transferee

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ agent to transfer the within Note on the books kept by the City for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Note in every particular.

Signature Guaranteed By:

\_\_\_\_\_  
[Name of Eligible Guarantor Institution (as defined by SEC Rule 17Ad-15 (12 CFR 240.17Ad-15) or any similar rule which the City deems appropriate)]

By \_\_\_\_\_  
Title: \_\_\_\_\_

*[The remainder of this page intentionally left blank]*

## ORDINANCE NO.

AN ORDINANCE PROVIDING FOR INITIAL GENERAL BUSINESS OCCUPATION TAXES AND ENHANCED EMPLOYMENT AREA OF THE 84TH STREET REDEVELOPMENT AREA; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

Section 1. Findings and Determinations. The Mayor and City Council hereby find, determine, declare, adopt, and approve as follows:

- A. Pursuant to the Community Development Law set forth in Sections 18-2101 et seq of Nebraska Statutes ("Act"), including without limitation Neb. Rev. Stat. Section 18-2142.02, and section 113.30 of the La Vista Municipal Code, the City is authorized to levy a general business occupation tax ("GBOT") upon the businesses and users of space within an enhanced employment area for the purpose of paying all or any part of the costs and expenses of any redevelopment project within such enhanced employment area, based on a reasonable classification of businesses, users of space, or kinds of transaction for purposes of imposing such tax.
  1. An enhanced employment area as defined in Neb. Rev. Stat. Section 18-2103(22) includes an area up to 600 acres within a community redevelopment area which is designated by the La Vista Community Development Agency ("Agency") as eligible for the imposition of an occupation tax.
    - a. A community redevelopment area pursuant to Neb. Rev. Stat. Section 18-2103(20) is a substandard and blighted area which the Agency designates as appropriate for a renewal project.
    - b. The City Council in 2012 designated the 84<sup>th</sup> Street Redevelopment Area as a substandard and blighted area, and the Agency in initially recommending and adopting the Redevelopment Plan "84<sup>th</sup> Street Redevelopment Area" in 2013 ("Redevelopment Plan") designated the 84<sup>th</sup> Street Redevelopment Area as appropriate for one or more renewal projects, making it a community redevelopment area, which designation the Agency ratified and affirmed in connection with its approval and recommendation of Amendment No. 1 to the Redevelopment Plan ("Amendment No. 1"). The Agency, in recommending and adopting Amendment No. 1, further designated the 84<sup>th</sup> Street Redevelopment Area, which does not exceed 600 acres, as eligible for imposition of occupation taxes, to be carried out in one or more actions, enhanced employment areas, occupation taxes, levies or rates as determined by the City from time to time.
  2. A redevelopment project is any work or undertaking described in Neb. Rev. Stat. Section 18-2103(12), in one or more community redevelopment areas. Amendment No. 1 as approved by the City included initial Mixed Use Redevelopment Project and Public Improvement Redevelopment Project (together "Projects") within the community development area comprised of the 84<sup>th</sup> Street Redevelopment Area, which Projects constitute works, undertakings and redevelopment projects pursuant to Neb. Rev. Stat. Section 18-2103(12) to eliminate and prevent recurrence of the substandard and blighted area for the benefit of the City and its residents, businesses, owners, and users of space, including without limitation those in and around the 84<sup>th</sup> Street Redevelopment Area.
- C. An Agency, pursuant to Neb. Rev. Stat. Section 18-2107(14), is authorized to agree with the City Council for the imposition of an occupation tax for an enhanced employment area pursuant to Neb. Rev. Stat. Section 18-2142.02. The Agency in recommending, and the City Council in approving, Amendment No. 1, agreed to imposition of occupation taxes pursuant to Neb. Rev. Stat. Section 18-2142.02 within boundaries of one or more enhanced employment areas up to the entire 84<sup>th</sup> Street Redevelopment Area as determined by the City.
- D. It is necessary, desirable, advisable, and in the best interests of the City that an initial enhanced employment area be designated and initial general business

occupation tax be imposed on certain businesses and users of space within parts of the community development area comprised of the 84<sup>th</sup> Street Redevelopment Area for the purpose of paying costs and expenses of redevelopment projects within such area.

- E. An initial enhanced employment area within the 84<sup>th</sup> Street Redevelopment Area is proposed as described below as 84<sup>th</sup> Street Enhanced Employment Area 1 or Enhanced Employment Area 1. Redeveloper consented to such designation, which consent will be recorded with respect to redeveloper real estate and shall be binding upon all future owners of such real estate. City Administrator or her designee, based on information Redeveloper provided, advised that new investment within areas included in 84<sup>th</sup> Street Enhanced Employment Area 1 will satisfy minimum requirements of Neb. Rev. Stat. Section 18-2116(2), which determination is ratified, affirmed, adopted, and approved.
- F. Imposition of an initial general business occupation tax pursuant to Neb. Rev. Stat. Section 18-2142.02 and Municipal Code Section 113.30 is proposed on Event Venue Businesses and Retail Sales Businesses within proposed 84<sup>th</sup> Street Enhanced Employment Area 1. Event Venue Businesses and Retail Sales Businesses, as described below, are reasonable classifications of businesses, users of space, or kinds of transactions for purposes of the initial general business occupation tax within such area pursuant to this Ordinance.

Section 2. DESIGNATION OF INITIAL ENHANCED EMPLOYMENT AREA. An initial enhanced employment area within the 84<sup>th</sup> Street Redevelopment Area is hereby designated, established and approved as an initial enhanced employment area within the 84<sup>th</sup> Street Redevelopment Area, the boundaries of which shall be as follows ("84<sup>th</sup> Street Enhanced Employment Area 1" or "Enhanced Employment Area 1"):

A TRACT OF LAND LOCATED IN PART OF THE WEST HALF OF SECTION 14 AND THE EAST HALF OF SECTION 15 BOTH IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 14, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE ON THE SOUTH LINE OF SAID SECTION 15 ON AN ASSUMED BEARING OF S87°26'31"W, 145.43 FEET; THENCE N02°33'29"W, 79.12 FEET TO A POINT INTERSECTING THE NORTH RIGHT-OF-WAY LINE OF GILES ROAD AND THE WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) N02°08'01"W, 1157.96 FEET TO A POINT INTERSECTING SAID WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF BRENTWOOD DRIVE; (2) N02°26'33"W, 100.00 FEET TO A POINT INTERSECTING SAID WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF SAID BRENTWOOD DRIVE; (3) N02°17'47"W, 1310.78 FEET TO THE SOUTHEAST CORNER OF LOT 13, PARK VIEW HEIGHTS, A PLATTED AND RECORDED SUBDIVISION IN SAID WEST HALF OF SECTION 15; THENCE ON THE PROPERTY LINE OF SAID LOT 13, PARK VIEW HEIGHTS FOR THE FOLLOWING TEN (10) DESCRIBED COURSES: (1) S87°20'51"W, 878.96 FEET TO THE SOUTHWEST CORNER OF SAID LOT 13, PARKVIEW HEIGHTS; (2) N02°39'15"W, 297.01 FEET; (3) N53°48'51"W, 40.56 FEET TO THE NORTHEAST CORNER OF LOT 12, SAID PARK VIEW HEIGHTS; (4) AND ON THE NORTH LINE OF SAID LOT 12, PARK VIEW HEIGHTS S76°32'34"W, 106.60 FEET TO THE NORTHWEST CORNER OF SAID LOT 12, PARKVIEW HEIGHTS, SAID CORNER ALSO BEING A POINT OF CURVATURE ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 87TH STREET; (5) ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH 87TH STREET ON A 920.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 285.18 FEET (LONG CHORD BEARS N22°20'15"W, 284.04 FEET) TO A POINT OF CURVATURE INTERSECTING THE SOUTH RIGHT-OF-WAY LINE OF PARK VIEW BOULEVARD AND SAID EAST RIGHT-OF-WAY LINE OF



SOUTH 87TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF PARK VIEW BOULEVARD; (6) AND ON SAID SOUTH RIGHT OF WAY LINE OF PARK VIEW BOULEVARD ON A 395.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 34.16 FEET (LONG CHORD BEARS N51°34'30"E, 34.14 FEET) TO THE NORTHWEST CORNER OF SAID LOT 13, PARK VIEW HEIGHTS; (7) S53°48'51"E, 70.00 FEET; (8) S66°23'29"E, 266.38 FEET; (9) S76°34'35"E, 354.35 FEET; (10) N87°20'20"E, 448.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 13, PARK VIEW HEIGHTS, SAID POINT ALSO BEING ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE ON SAID WEST RIGHT-OF -WAY LINE OF SOUTH 84TH STREET N02°50'02"W, 1145.76 FEET TO THE NORTHEAST CORNER OF LOT 16A3A, PARK VIEW HEIGHTS, SAID CORNER ALSO BEING A POINT INTERSECTING SAID WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET AND SAID SOUTH RIGHT-OF-WAY LINE OF PARK VIEW BOULEVARD; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF PARK VIEW BOULEVARD S87°09'44"W, 43.00 FEET; THENCE N02°52'29"W, 487.53 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PLAZA BOULEVARD, SAID POINT ALSO BEING THE SOUTH LINE OF LOT 159C, SAID PARK VIEW HEIGHTS; THENCE ON SAID NORTH RIGHT-OF-WAY LINE OF PLAZA BOULEVARD N87°07'31"E, 42.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 159C, PARK VIEW HEIGHTS, SAID CORNER ALSO BEING A POINT INTERSECTING SAID NORTH RIGHT-OF-WAY LINE OF PLAZA BOULEVARD AND SAID WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET N02°53'18"W, 683.60 FEET TO A POINT ON THE NORTH LINE OF SECTION 15; THENCE ON SAID NORTH LINE OF SECTION 15 N87°24'22"E, 145.04 FEET TO THE NORTHEAST CORNER OF SAID SECTION 15, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 14; THENCE ON THE NORTH LINE OF SAID SECTION 14 N87°13'03"E, 173.02 FEET; THENCE S02°46'57"E, 50.10 FEET TO A POINT INTERSECTING THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET AND THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH 84TH STREET, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 1, PARSLEY PLACE, A PLATTED AND RECORDED SUBDIVISION IN THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET FOR THE FOLLOWING FOUR (4) DESCRIBED COURSES: (1) S43°01'11"W, 142.11 FEET; (2) S01°46'17"E, 936.23 FEET TO A POINT INTERSECTING SAID EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF SAID PARK VIEW BOULEVARD, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 1, HOGAN MURPHY PARTNERSHIP ADDITION, A PLATTED AND RECORDED SUBDIVISION IN THE NORTHWEST QUARTER OF SAID SECTION 14; (3) S03°06'55"E, 89.66 FEET TO A POINT INTERSECTING SAID EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET AND SAID SOUTH RIGHT-OF-WAY LINE OF PARK VIEW HEIGHTS, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 1354, LA VISTA, A PLATTED AND RECORDED SUBDIVISION IN SAID NORTHWEST QUARTER OF SECTION 14; (4) S02°04'54"E, 281.02' TO THE SOUTHWEST CORNER OF SAID LOT 1354, LA VISTA; THENCE ON THE SOUTH LINE OF SAID LOT 1354, LA VISTA N87°21'18"E, 139.23 FEET TO A POINT OF CURVATURE, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 1354, LA VISTA; THENCE ON THE EAST LINE OF SAID LOT 1354, LA VISTA FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) ON A 675.56 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 171.44 FEET (LONG CHORD BEARS N13°59'15"E, 170.98 FEET TO A POINT OF REVERSE CURVATURE; (2) ON A 290.59 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 120.48 FEET (LONG CHORD BEARS N09°15'52"E, 119.62 FEET TO THE NORTHEAST CORNER OF SAID LOT 1354, LA VISTA, SAID CORNER ALSO BEING ON THE WEST LINE OF PART OF TAX LOT 12 IN SAID WEST HALF OF SECTION 14, SAID CORNER ALSO BEING ON SAID SOUTH RIGHT-OF-WAY LINE OF PARK VIEW BOULEVARD; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF PARK VIEW BOULEVARD FOR THE FOLLOWING TWO (2)

DESCRIBED COURSES: (1) N04°12'26"W, 5.00 FEET TO THE NORTHWEST CORNER OF SAID PART OF TAX LOT 12; (2) N87°25'37"E, 170.40 FEET TO THE NORTHEAST CORNER OF SAID PART OF TAX LOT 12; THENCE ON THE EAST LINE OF SAID PART OF TAX LOT 12 FOR THE FOLLOWING TEN (10) DESCRIBED COURSES: (1) S01°31'54"E, 233.44 FEET; (2) S44°18'08"E, 870.35 FEET TO THE SOUTHWEST CORNER OF LOT 1339, SAID LA VISTA, TO A POINT OF CURVATURE; (3) ON THE SOUTH LINE OF SAID LOT 1339 ON A 180.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 55.92 FEET (LONG CHORD BEARS N54°44'24"E, 55.70 FEET); (4) CONTINUING ON SAID SOUTH LINE OF LOT 1339 N45°23'01"E, 70.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1339, LA VISTA, SAID CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF VALLEY ROAD; (5) N70°36'55"E, 55.18 FEET TO THE SOUTHWEST CORNER OF LOT 1312, SAID LA VISTA, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF VALLEY ROAD; (6) ON THE SOUTH LINE OF SAID LOT 1312, LA VISTA N46°10'41"E, 109.94 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1312, LA VISTA; (7) S44°17'22"E, 604.78 FEET TO THE SOUTHWEST CORNER OF LOT 1301, LA VISTA, SAID CORNER ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SOUTH 78TH STREET; (8) S18°01'40"E, 33.70 FEET; (9) S44°17'20"E, 163.60 FEET; (10) S24°23'26"E, 106.70 FEET TO THE SOUTHWEST CORNER OF LOT 883, SAID LA VISTA; THENCE ON THE SOUTH LINE OF SAID LOT 883, LA VISTA N62°00'29"E, 130.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 883, LA VISTA, TO A POINT OF CURVATURE, SAID CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF PARK VIEW BOULEVARD; THENCE ON A 770.10 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 205.19 FEET (LONG CHORD BEARS S33°12'28"E, 204.58 FEET TO THE NORTHEAST CORNER OF LOT 887, SAID LA VISTA; THENCE ON THE NORTH LINE OF SAID LOT 887, LA VISTA S45°26'42"W, 138.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 887, LA VISTA; THENCE S44°34'13"E, 701.84 FEET TO A POINT OF CURVATURE; THENCE ON A 802.72 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 223.66 FEET (LONG CHORD BEARS S52°33'08"E, 222.94 FEET) TO THE SOUTHEAST CORNER OF TAX LOT 13, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 901, SAID LA VISTA, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF EDGEWATER BOULEVARD; THENCE ON SAID NORTH RIGHT-OF-WAY LINE OF EDGEWATER BOULEVARD FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) S25°38'39"W, 189.83 FEET TO A POINT OF CURVATURE; (2) ON A 813.58 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 177.49 FEET (LONG CHORD BEARS S31°53'38"W, 177.14 FEET); (3) S38°10'24"W, 89.63 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 13, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF LOT 64, BRIARWOOD, A PLATTED AND RECORDED SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14; THENCE ON THE WEST LINE OF SAID TAX LOT 13 FOR THE FOLLOWING ELEVEN (11) DESCRIBED COURSES: (1) N44°33'36"W, 419.01 FEET TO THE NORTHEAST CORNER OF LOT 59, SAID BRIARWOOD; (2) N49°03'53"W, 79.34 FEET TO THE NORTHEAST CORNER OF LOT 58, SAID BRIARWOOD; (3) N62°33'23"W, 79.53 FEET TO THE NORTHEAST CORNER OF LOT 57, SAID BRIARWOOD; (4) N74°33'19"W, 79.53 FEET TO THE NORTHWEST CORNER OF LOT 56, SAID BRIARWOOD; (5) N88°02'50"W, 79.34 FEET TO THE NORTHWEST CORNER OF LOT 55, SAID BRIARWOOD; (6) S87°26'54"W, 130.00 FEET TO THE NORTHWEST CORNER OF OUTLOT 3, SAID BRIARWOOD; (7) N02°33'06"W, 41.12 FEET TO THE NORTHEAST CORNER OF LOT 51, SAID BRIARWOOD; (8) N16°59'21"W, 85.95 FEET TO THE NORTHEAST CORNER OF LOT 50, SAID BRIARWOOD; (9) N14°23'31"W, 107.46 FEET TO THE NORTHEAST CORNER OF LOT 49, SAID BRIARWOOD; (10) S87°23'06"W, 161.36 FEET TO THE SOUTHEAST CORNER OF LOT 45, SAID BRIARWOOD; (11) N02°44'58"W, 357.91 FEET TO A CORNER OF LOT 40, SAID BRIARWOOD; THENCE ON THE SOUTH LINE OF SAID PART OF TAX LOT 12 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) N44°34'52"W, 242.04 FEET TO A CORNER

OF LOT 38, SAID BRIARWOOD, SAID CORNER ALSO BEING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14; (2) ON SAID SOUTH LINE OF THE NORTHWEST QUARTER S87°29'05"W, 386.87 FEET TO A CORNER OF LOT 34, SAID BRIARWOOD, SAID CORNER ALSO BEING ON THE WEST LINE OF LOT 14, LA VISTA CITY CENTRE, A PLATTED AND RECORDED SUBDIVISION IN THE SAID WEST HALF OF SECTION 14; THENCE S02°33'02"E, 1794.49 FEET TO THE SOUTHEAST CORNER OF OUTLOT C, SAID LA VISTA CITY CENTRE; THENCE ON THE SOUTH LINE OF SAID OUTLOT C, LA VISTA CITY CENTRE S87°27'29"W, 610.91 FEET; THENCE S02°32'31"E, 547.70 FEET; THENCE N87°27'29"E, 95.49 FEET TO A POINT OF CURVATURE; THENCE ON A 106.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 166.66 FEET (LONG CHORD BEARS S47°30'02"E, 150.02 FEET; THENCE S02°27'31"E, 21.93 FEET TO A POINT OF CURVATURE ON THE EAST LINE OF LOT 4, WILTHAM PLACE REPLAT 1, A PLATTED AND RECORDED SUBDIVISION IN SAID SOUTHWEST QUARTER OF SECTION 14; THENCE ON A 470.50 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 130.16 FEET (LONG CHORD BEARS S05°30'56"W, 129.75 FEET) TO THE SOUTHEAST CORNER OF SAID LOT 4, WILTHAM PLACE REPLAT 1, SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF GILES ROAD; THENCE ON SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD S87°32'29"W, 33.00 FEET; THENCE N02°27'31"W, 193.72 FEET TO A POINT OF CURVATURE; THENCE ON A 70.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 38.20 FEET (LONG CHORD BEARS N47°19'20"W, 37.73 FEET); THENCE S87°27'29"W, 159.98 FEET; THENCE N02°32'31"W, 583.71 FEET TO A POINT ON THE NORTH LINE OF LOT 3, SAID WILTHAM PLACE REPLAT 1; THENCE ON SAID NORTH LINE OF LOT 3, WILTHAM PLACE REPLAT 1 S87°27'29"W, 188.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, WILTHAM PLACE REPLAT 1, SAID CORNER ALSO BEING ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET; THENCE ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH 84TH STREET FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES: (1) S02°27'02"E, 37.18 FEET; (2) S09°08'40"E, 132.73 FEET; (3) S02°37'19"W, 168.73 FEET; (4) S02°32'24"E, 55.60 FEET; (5) S02°35'44"E, 156.04 FEET; (6) S02°27'16"E, 88.34 FEET; (7) S15°45'55"E, 140.41 FEET TO THE SOUTHWEST CORNER OF LOT 1, WILTHAM PLACE, A PLATTED AND RECORDED SUBDIVISION IN SAID SOUTHWEST QUARTER OF SECTION 14; THENCE S02°29'13"E, 80.08 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 14; THENCE ON SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 14 S87°30'47"W, 70.92 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 5,068,281.98 SQUARE FEET OF 116.352 ACRES, MORE OR LESS.

Section 3. CLASSIFICATIONS OF BUSINESSES, USERS OF SPACE, OR KINDS OF TRANSACTIONS. The following classifications of businesses, users of space, or kinds of transactions are found and determined to be reasonable and hereby established for purposes of imposing and levying the initial general business occupation tax on businesses and users of space within Enhanced Employment Area 1 pursuant to this Ordinance:

- A. Event Business, which means presenting, producing, or otherwise providing, offering or engaging in any performances, functions, events, or activities for admissions, fees, or other consideration within Enhanced Employment Area 1; and
- B. Retail Sales Business, which means engaging in retail sales within Enhanced Employment Area 1, as "retail sales" is defined in the Nebraska Revenue Act of 1967, as amended from time to time.

If a business or user of space engages in more than one Event Business or Retail Sales Business within Enhanced Employment Area 1, the Area 1 GBOT shall apply and be determined and due and owing to the City with respect to each Event Business or Retail Sales Business.

Section 4. GENERAL BUSINESS OCCUPATION TAX LEVY

A. On and after the Effective Date, the City, in addition to any other applicable occupation, sales or other taxes imposed by the City from time to time, hereby imposes and levies the following general business occupation tax ("84<sup>th</sup> Street Enhanced Employment Area 1 GBOT" or "Area 1 GBOT") on all persons engaged in an Event Business or a Retail Sales Business within 84<sup>th</sup> Street Enhanced Employment Area 1, the amount of which Area 1 GBOT shall be determined as follows:

<u>Classification of Business</u>	<u>Area 1 GBOT Rate</u>
Event Business	Area 1 GBOT shall be calculated as 3.5% of total gross receipts derived by the taxpayer from the Event Business, including without limitation, all ticket sales, admissions, fees, event space or related personal property rentals, or other consideration ("Event Business Gross Receipts"), and
Retail Sales Business	Area 1 GBOT shall be calculated as 1.5% of total gross receipts derived by the taxpayer from the Retail Sales Business;

Provided, however, the Area 1 GBOT of an Event Business or Retail Sales Business shall be subject to the following conditions:

1. Gross receipts for purposes of determining the amount of any occupation taxes of any Event Business or Retail Sales Business pursuant to this Ordinance shall mean the total amount of receipts, revenues, consideration, donations, contributions, or monetary charges of any nature received without any deduction on account of expenses, taxes, or other costs. Provided, however, gross receipts shall exclude:
  - a. The amount of gross receipts from any sale or lease of any equipment or other tangible personal property in connection with construction of buildings or other improvements to real estate located within Enhanced Employment Area 1;
  - b. The amount of gross receipts from food or beverages sales that is included for purposes of calculating the amount of occupation tax of a Restaurant or Drinking Place pursuant to Code Section 113.10. Any such Restaurant or Drinking Place shall pay the Restaurants and Drinking Places Occupation Tax rather than the Area 1 GBOT with respect to such gross receipts. In addition, gross receipts for purposes of the Area 1 GBOT also shall exclude the amount of any gross receipts that Section 113.10 provides shall be excluded for purposes of calculating the occupation tax on Restaurants and Drinking Places;
  - c. The amount of gross receipts from hotel or motel room rentals that are included for purposes of calculating the amount of lodging occupation tax due and owing to the City ("Hotel/Motel Occupation Tax"). Any such business shall pay the Hotel/Motel Occupation Tax rather than the Area 1 GBOT with respect to such gross receipts.
  - d. The amount of any gross receipts that are exempt or otherwise not subject to Nebraska sales and use taxes under the Nebraska Revenue Act of 1967, as amended from time to time.
2. Gross receipts for purpose of calculating the Retail Sales Business occupation tax shall exclude any
  - a. Event Business Gross Receipts that are included for purposes of calculating the Area 1 GBOT on the Event Business,
  - b. Gross receipts that are included for purposes of calculating any occupation tax or franchise fee payable to the City for engaging in any cable television, telecommunications services, other communications services, or utilities business pursuant to a franchise or right of way agreement with the City, and

- c. Gross receipts of the City's keno lottery collected by the City's keno lottery operator or its designee pursuant to a lottery operator agreement with the City.
3. The City or Agency at any time shall be authorized to increase any Area 1 GBOT Rate if proceeds from the Area 1 GBOT are insufficient to pay debt service of any bonds or refunding bonds that identify the Area 1 GBOT as an available source of payment, without obtaining further consent, agreement, or approval of any other party.
4. In addition to provisions of this Ordinance, the Area 1 GBOT will be levied and payable at such times and subject to applicable provisions, terms or conditions of Nebraska Statutes or the Municipal Code or other ordinances, resolutions, regulations, policies, guidance, agreements, documents, or instruments of the City or La Vista Community Development Agency as may be adopted, enacted, implemented, or amended from time to time, including without limitation Municipal Code Section 113.30.
5. If any Event Business or Retail Sales Business on the Effective Date is operating from any permanent location and improvements within the following described area, and such operations, location and improvements of such Event Business or Retail Sales Business continue after the Effective Date without material modification, imposition of the Area 1 GBOT pursuant to this Ordinance shall be subject to such owner or operator consent of such Event Business, Retail Sales Business, location, or improvements in form and content satisfactory to the City Administrator or the City Administrator's designee:

#### LOT 2 LA VISTA CITY CENTRE

The Agency and City Council agree to imposition of the Area 1 GBOT within 84<sup>th</sup> Street Enhanced Employment Area 1. The tax imposed by this Ordinance is a tax on the taxpayer for the privilege of engaging in the particular occupations within Enhanced Employment Area 1 of the City.

- B. **Use of Proceeds.** Proceeds of the Area 1 GBOT shall be deposited in a separate fund established by the City and used to pay all or any part of the costs and expenses of any redevelopment project as approved or modified from time to time within 84<sup>th</sup> Street Enhanced Employment Area 1, including without limitation, all costs and expenses of the City or Agency in connection with payment, funding, refunding, reimbursing, financing, or refinancing of any costs or expenses previously, currently, or in the future incurred or paid by the City or Agency for or in connection with planning, designing, engineering, legal services, financing, capitalized interest, demolition, development, site acquisition, grading, preparation, utilities, relocations, improvements, construction, maintenance, operations, repairs, replacements, or any other works, expenditures, or undertakings with respect to the Mixed Use Redevelopment Project or Public Improvement Redevelopment Project, as amended from time to time. Proceeds of any such taxes shall be pledged or used in such manner as specified or approved from time to time by the City Council or City Administrator, or its or her designee.
- C. **Effective Date; Term.** The Area 1 GBOT shall commence April 1, 2020 ("Effective Date") at 4:00 a.m. and continue and remain in effect until November 15, 2060, unless otherwise specified in the City's Master Fee Ordinance or modified, extended, revoked or superseded by the Mayor and City Council; provided, however, the Area 1 GBOT shall not terminate and such tax shall continue in effect so long as any bonds are outstanding which were issued stating such occupation tax as an available source for payment.

**Section 5. REPEAL OF CONFLICTING PROVISIONS.** Any part of any previously enacted ordinance that conflicts with any part of this Ordinance is hereby repealed.

**Section 6. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 7. **PUBLICATION AND EFFECTIVE DATE OF ORDINANCE.** This Ordinance shall be published and shall be in force and take effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF MARCH, 2020.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk