

Dear Citizens of Wayne,

Your help is needed to keep the City of Wayne from selling 7.94 acres of public use green space/recreation area to an out-of-state developer for the development of a large luxury apartment complex. (Resolution Nos. 2022-23 & 2022-24 and Ordinance 2022-5)

Background: At the March 15th City Council Meeting the City of Wayne approved the sale of 7.94 acres to an out-of-state developer for \$100,000. This property, Lot 3 Southeast addition, is located south of 4th and Jaxon Streets (upper soccer field property and the former community garden). R. Perry Construction is planning to build four 3-story apartment buildings for a total of 144 units. The purchase agreement is dependent on Tax Increment Funding, which gives the developer 15 years of property tax relief valued at \$4,000,000. The proposed monthly rent for these apartments are 1-bedroom \$850, 2-bedrooms \$1150, and 3-bedrooms \$1275.

Why this is wrong:

1. On November 30, 1961 the property in question, was acquired by the City of Wayne through condemnation. In an unfriendly move, our City used its sovereign power of eminent domain to take approximately 86.69 acres of land from the Perry family to build a municipal sewage disposal plant. Nebraska statute 14-366 is quite clear on how such property can be used in the future and all uses are for “public uses and purposes.” Selling this property for urban development will once again put the City of Wayne in the position of taking this land, not from one property owner but from all the citizens of Wayne who were promised, by the decision made in Case No. 1686, that this land’s future use would be for public use and purposes.
2. The US Constitution’s 5th Amendment “taking clause” prohibits the government from confiscating property (even with just compensation) if it is not doing so for public use.
3. On March 1, 2022 the Wayne City Council approved the January, 2022 Wayne, Nebraska Community Housing Study with Strategies for Affordable Housing. The R. Perry project does not address the current and future housing needs of Wayne. The study states: *The greatest challenge for the City of Wayne, during the next 5 years, will be to develop housing units for workforce persons and families, elderly households, off-campus students, and special populations.* The *Community Housing Study* projects a need for 56 rental units in the R. Perry luxury price range in the next 5 years, and calls for a variety of units to be built including single family dwellings, duplexes, triplexes, townhomes, and apartments to meet this need.
4. The R. Perry proposal is not a workforce, affordable housing project; and creates housing at a much faster pace than recommended by the Housing Study. In addition, the land being sold was never planned to be used for housing as seen in decades of comprehensive plans and future land use maps. The City changed its use during the dark days of Covid-19 and is now trying to tell us it's a great deal for our community.

5. The City of Wayne should be working with local entities (government, funding/lending institutions, businesses, developers/contractors, property owners, landlords, Wayne State College, Wayne Community Schools, etc.) to address and solve the current and future housing needs of Wayne, Nebraska before seeking out-of-state developers.

What can you do? Thankfully Nebraska Revised Statute 16-202 gives its citizens a way to challenge the decision of selling public land – called a remonstrance period – to petition the City to delay the sale of this property for one year. This will give the City time to work with local entities to meet Wayne’s current and future housing needs at all price points for persons and households of all income levels. Here’s what you can do:

1. Attend an information meeting – March 27, 5:00pm at the Wayne Fire Hall.
2. Sign the remonstrance petition. We have 30 days to gather 700 signatures from registered voters who are City of Wayne residents.
3. Join us on Facebook – Wayne Property Tax Payers: Wayne Rental Association
4. Contact us via email – wayne.rental.association@gmail.com

This is NOT a move against Wayne growing and I am the first to admit we need more housing. Multiple local people have been working with the City for years to keep things moving to meet the housing needs of Wayne. We have asked the City to work with locals first in a fair and transparent way, and although the City Council admits that the R. Perry project is not ideal, they continue to push forward ... trying to take away this public land for urban development.

Please help us stop this and find another piece of property for housing that was not taken for public use and keep this land for public park/sports fields.

Respectfully submitted,

B. J. Woehler, President Wayne Rental Association

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