

MOTION BY 

I hereby move that the maps attached Exhibit "A" to Ordinance No. 43660 on the December 19, 2023 Agenda of the City Council be amended by deleting Exhibit "A" in its entirety and substituting, in lieu thereof, the maps attached hereto, as Exhibit "A".

APPROVED AS TO FORM:

 12/15/2023  
DEPUTY CITY ATTORNEY                      DATE

ORDINANCE NO. 431aeD

AN ORDINANCE approving the creation of an inland port authority, pursuant to Neb. Rev. Stat. §§13-3301 to 13-3313, the Municipal Inland Port Authority Act; to establish the boundaries of an inland port district; to provide for the powers and administration of an inland port authority and its dissolution; and providing for an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, the City of Omaha ("City") is a city of the metropolitan class, authorized to create an inland port authority pursuant to the provisions of the Municipal Inland Port Authority Act, Neb. Rev. Stat. §§13-33-1 to 13-3313 ("Act").

WHEREAS, the City has considered the desirability and economic feasibility of locating an inland port authority within the corporate boundaries or extraterritorial zoning jurisdiction or both of the City; and

WHEREAS, the City has considered the technical and economic capability of the City, and any other public and private entities, to plan and carry out development within the proposed inland port district; and

WHEREAS, the City has considered the strategic location of the proposed inland port district in proximity to existing and potential transportation infrastructure that is conducive to facilitating regional, national, and international trade and the businesses and facilities that promote and complement such trade; and

WHEREAS, the City has considered the potential impact that development of the proposed inland port district will have on the immediate area; and

WHEREAS, the City has considered the regional and statewide economic impact of development of the proposed inland port district.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. Designation of Inland Port District.

- (a) In accordance with Neb. Rev. Stat. 13-3305(2), the City hereby designates the area depicted on Exhibit A attached hereto, which consists of more than three hundred (300) acres and is within the corporate limits of the City, to comprise the Inland Port District.
- (b) As of the Effective Date hereof, the Inland Port District is located within: (i) one (1) mile of a navigable river or other navigable waterway, (ii) one (1) mile of a major rail line, (iii) two (2) miles of any portion of the federally designated National System of Interstate and Defense Highways or any other four-lane divided highway, and (iv) two (2) miles of a major airport.
- (c) Upon the creation of the Authority in accordance with Neb. Rev. Stat. 13-3304, the boundaries of the Inland Port District shall be filed with the City Clerk and shall become effective upon such filing of such boundaries. The City may from time to time enlarge or reduce the area comprising the Port District, except that the Inland Port District shall not be reduced to an area less than three hundred (300) acres. Any change of boundaries shall be filed with the City Clerk and become effective upon such filing.

Section 2. Purposes of the Inland Port Authority.

The purposes of the Authority are as follows:

- (a) To provide the economic development tools necessary to acquire and develop large shovel-ready commercial and industrial sites, and the creation of one or more inland port authorities in Nebraska could serve as a mechanism to develop such sites.
- (b) To provide a location in the state of Nebraska that is ideally situated as an industrial and logistical hub for multiple industries across the rest of the country.
- (c) To provide a location in the state of Nebraska for major companies to locate their headquarters or expand operations by providing large shovel-ready commercial and industrial sites, commonly referred to as mega sites.

- (d) In addition to the development of large shovel-ready commercial and industrial sites, the creation of this Authority will serve as a regional merging point for multi-modal transportation and distribution of goods to and from ports and other locations in other regions.
- (e) To perform all other actions to complete and operate the Inland Port Authority and Inland Port District, and to accommodate other future needs within the City or State, as deemed necessary or appropriate by the Inland Port Authority Board.

Section 3. Powers of the Inland Port Authority.

The Inland Port Authority shall have only such powers as are allowed herein or by the Act, or any other applicable laws, rules, regulations, or agreements, and any amendments thereto. Such powers shall include, but shall not be limited to, the following powers to:

- (a) Plan, facilitate, and develop the Inland Port District in conjunction with other public and private entities, including the development of publicly owned infrastructure and improvements within the Inland Port District;
- (b) Engage in marketing and business recruitment activities and efforts to encourage and facilitate development of the Inland Port District;
- (c) Apply for and take all other necessary actions for the establishment of a foreign trade zone, as provided under federal law, within the Inland Port District;
- (d) Issue and sell revenue bonds as provided in Neb. Rev. Stat. §13-3308;
- (e) Acquire, own, lease, sell, or otherwise dispose of interest in and to any real property and improvements located thereon, and in any personal property, and construct buildings and other structures necessary to fulfill the purposes of the Inland Port Authority;
- (f) Acquire rights-of-way and property of any kind or nature within the Inland Port District necessary for its purposes by purchase or negotiation;



- (g) Enter into lease agreements for real or personal property, either as lessee or lessor;
- (h) Sue and be sued in its own name;
- (i) Enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, agreements under the Interlocal Cooperation Act, with the City, County, or any other political subdivision of this or any other state;
- (j) Borrow money from private lenders, from the state, or from the federal government as may be necessary for the operation and work of the Inland Port Authority;
- (k) Accept appropriations, including funds transferred by the legislature pursuant to Neb. Rev. Stat. §81-12,146, contributions, gifts, grants, or loans from the United States, the State of Nebraska, political subdivisions, or other public and private agencies, individuals, partnerships, or corporations;
- (l) Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, administrative, or other assistance as may be deemed advisable, or to contract with independent contractors for any such assistance;
- (m) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted, except that such bylaws, rules, and regulations shall not exceed the powers granted to the Inland Port Authority by the Act;
- (n) Enter into agreements with private operators or public entities for the joint development, redevelopment, reclamation, and other uses of property within the Inland Port District;
- (o) Own and operate an intermodal facility and other publicly-owned infrastructure and improvements within the boundaries of the Inland Port District;

- (p) Establish and charge fees to businesses and customers utilizing the services offered by the Inland Port Authority within the Inland Port District as required for the proper maintenance, development, operation, and administration of the Inland Port Authority;
- (q) Exercise such other powers as are available under applicable law; provided, however, that the Inland Port Authority shall neither possess nor exercise the power of eminent domain.

Section 4. Inland Port Authority Board.

(a) Authority Board. The Authority shall be administered by a board of commissioners (the "Authority Board") which shall consist of nine (9) members (each, a "Commissioner"). Upon creation of the Authority pursuant to Neb. Rev. Stat. 13-3304(2), the mayor of the City, with the approval of City Council, shall appoint the initial Inland Port Authority Board to govern the Inland Port Authority, subject to the terms and limitations of this section. The initial Inland Port Authority Board shall be appointed within sixty (60) days following the creation of the Authority pursuant to Neb. Rev. Stat. 13-3304(2).

- (1) Each Commissioner shall be a resident of the City.
- (2) Each Commissioner shall be appointed to staggered terms of four (4) years in such manner to ensure that the terms of no more than three (3) Commissioners expire in any one year.
- (3) Any Commissioner may be removed from the Inland Port Authority Board upon written notice from the mayor of the City, with the approval of the City Council.
- (4) Any vacancy on the Inland Port Authority Board shall be filled in the same manner as the vacating Commissioner was appointed to serve the unexpired portion of the vacating Commissioner's term.

(b) Commissioner Eligibility.

- (1) No individual may serve as a Commissioner or an employee of the Authority if:

- (i) The individual or a family member of the individual owns an interest in any real property located within the boundaries of the Inland Port District; or
  - (ii) The individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, company, or other entity that the individual reasonably believes is likely to (1) participate in or receive a direct financial benefit from the development of the Inland Port District, or (2) acquire an interest in any facility located within the Inland Port District.
- (2) Before taking office as a Commissioner or accepting employment with the Inland Port Authority, an individual shall submit to the Inland Port Authority a statement verifying that the individual's service as a Commissioner or an employee will not violate subsection 4(b)(i) of this section.
- (3) An individual shall not, at any time during the individual's service as a Commissioner or an employee of the Inland Port Authority, acquire or take any action to initiate, negotiate, or otherwise arrange for the acquisition of an interest in any real property located within the boundaries of the Inland Port District.
- (4) A Commissioner or an employee of the Inland Port Authority shall not receive a direct financial benefit from the development of any real property located within the boundaries of the Inland Port District.
- (d) The Inland Port Authority Board shall cause minutes of meetings and a record to be kept of all its proceedings. Meetings of the Inland Port Authority Board shall be subject to the Open Meetings Act.
- (e) The Inland Port Authority's records and documents, except those which may be lawfully excluded, shall be considered public records for purposes of sections 84-712 to 84-712.09.

Section 5. Real Property.

- (a) The State of Nebraska and any municipality, county, or other political subdivision of the state may, in its discretion, with or without consideration, transfer or cause to be transferred to the Inland Port Authority or place in the Inland Port Authority's possession or control, by lease or other contract or agreement, either for a limited period or in fee, any real property within the Inland Port District.
- (b) Nothing in this subsection shall:
- (1) in any way impair, alter, or change any obligations of such entities, contractual or otherwise, existing prior to August 28, 2021.
  - (2) require that any real property located within the boundaries of the Inland Port District be owned by the Inland Port Authority or the city or county or counties in which such real property is located.

Section 6. Bonds.

- (a) The Inland Port Authority may issue and sell revenue bonds necessary to provide sufficient funds for achieving its purposes, including the construction of intermodal facilities, buildings, and infrastructure and the financing of port improvement projects, except that the Inland Port Authority shall not issue or sell general obligation bonds. The Inland Port Authority may pledge any revenue derived from the sale or lease of property of the Inland Port Authority to the payment of such revenue bonds.
- (b) The State of Nebraska shall not be liable for any bonds of the Inland Port Authority. Any such bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.



- (c) No Commissioner or any other authorized person executing Inland Port Authority bonds shall be personally liable on such bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 7. Exempt from Taxes.

The Inland Port Authority shall not be required to pay any taxes or any assessments whatsoever to the State of Nebraska or to any political subdivision of the state, except for assessments under the Nebraska Workers' Compensation Act and any combined tax due or payments in lieu of contributions as required under the Employment Security Law. The bonds of the Inland Port Authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for inheritance and gift taxes and taxes on transfers.

Section 8. Dissolution.

- (a) The duration of the Authority shall be perpetual, commencing upon the Effective Date, and shall continue in effect until the Authority dissolves pursuant to this section or pursuant to applicable law; provided, however, that the Authority shall not dissolve if any bonds described in Section 5 above (including any and all refunding thereof) are outstanding under the terms of any bond resolution adopted by the Inland Port Authority pursuant to applicable law.
- (b) The City Council may dissolve the Inland Port Authority if the Inland Port Authority has no outstanding obligations. The Authority shall be dissolved as of the date of approval by each of the City Council. Upon such dissolution, all funds and other assets of the Authority shall be transferred to the City.

Section 9. This Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

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INTRODUCED BY COUNCILMEMBER

*Peter Steiner*

APPROVED BY:

*Tom Stoltz* 1/10/24  
MAYOR OF THE CITY OF OMAHA DATE

PASSED JAN 09 2024 6-1

ATTEST:

*Kimberly Hoising* 1/10/24  
CITY CLERK OF THE CITY OF OMAHA DATE

**DEPUTY**

APPROVED AS TO FORM:

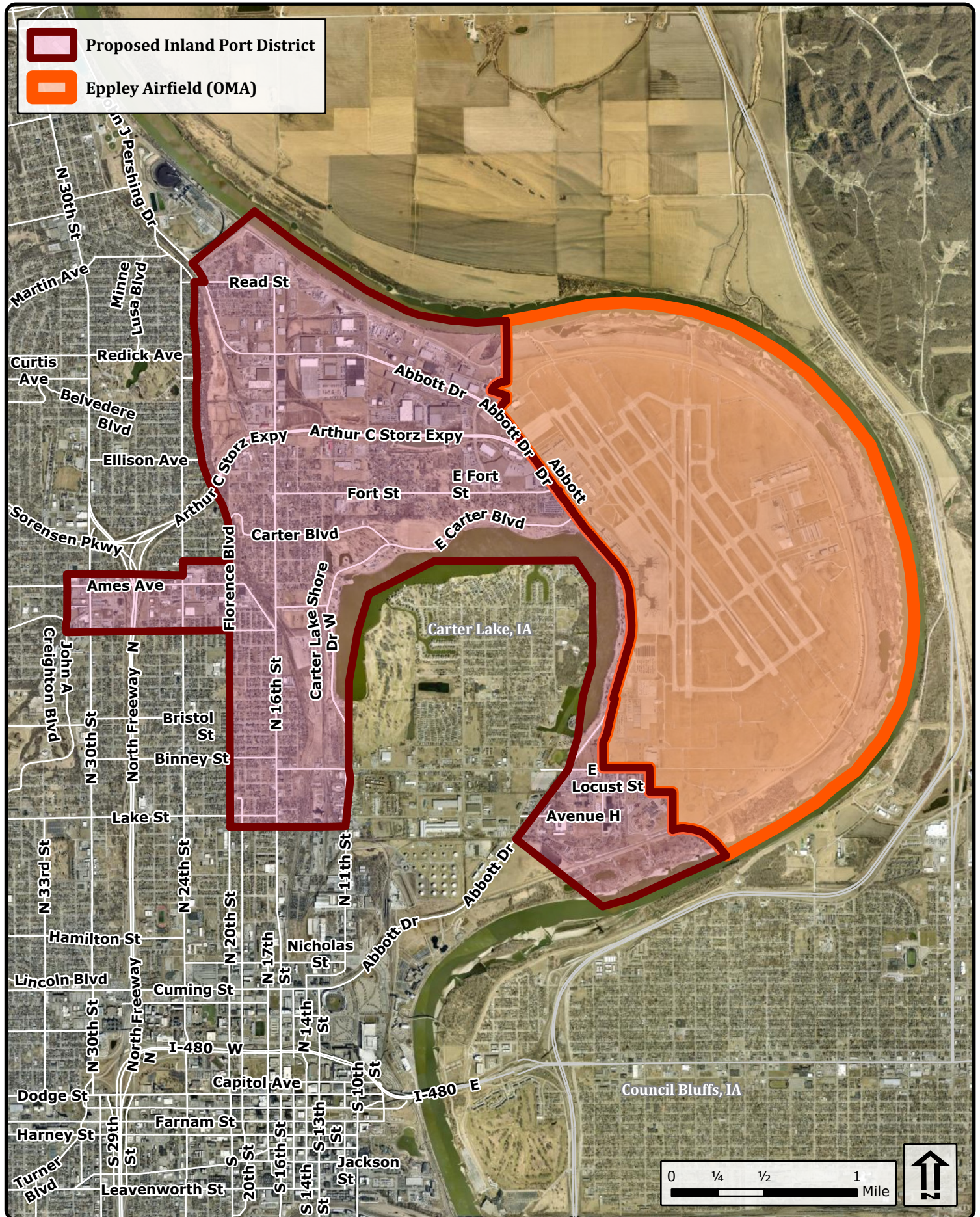
*[Signature]* 12/6/2023  
DEPUTY CITY ATTORNEY DATE





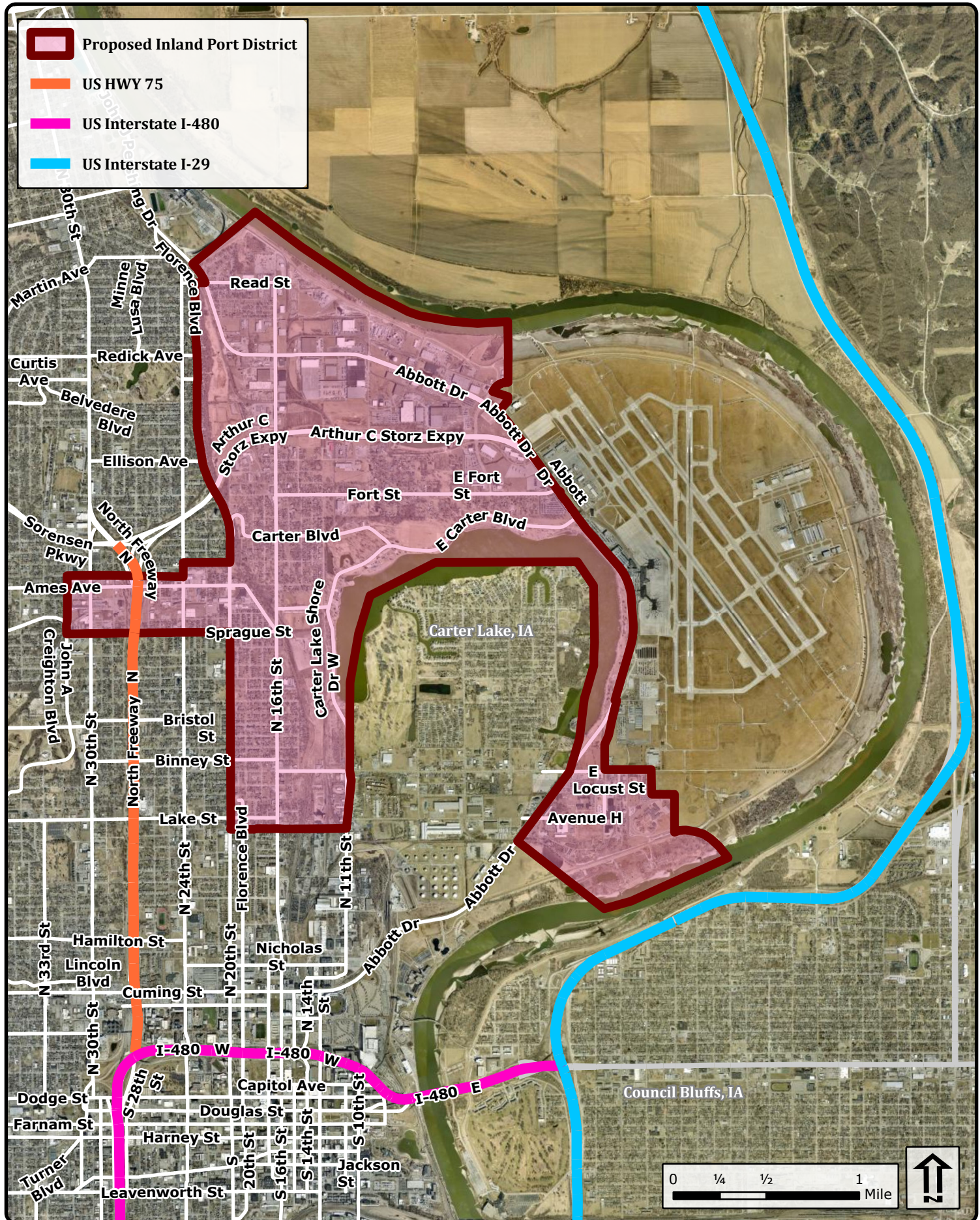


# CITY OF OMAHA - Inland Port Designation Proximity to Eppley Airfield (OMA)





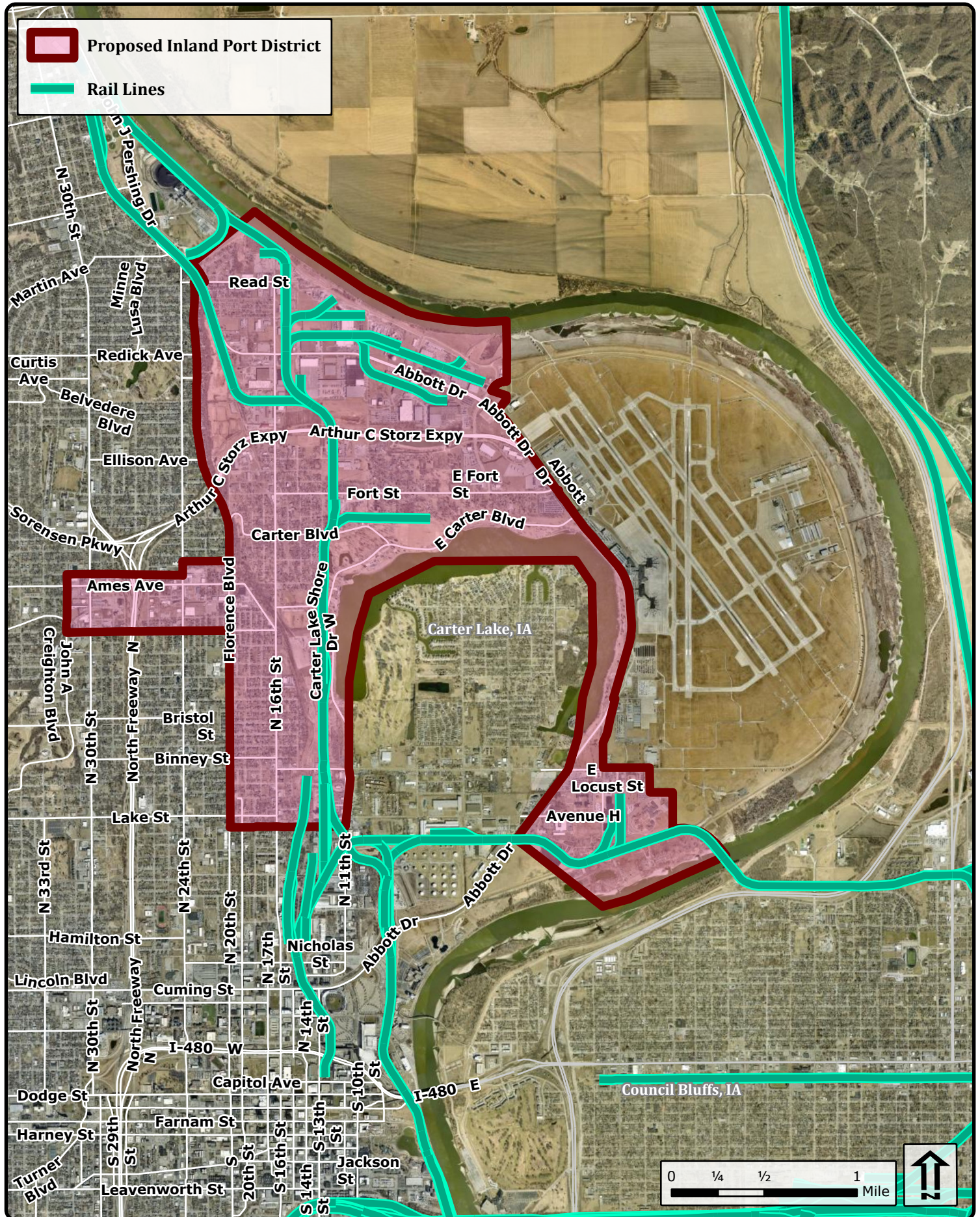
# CITY OF OMAHA - Inland Port Designation Proximity to Interstate/Highway



Map created December 15, 2023



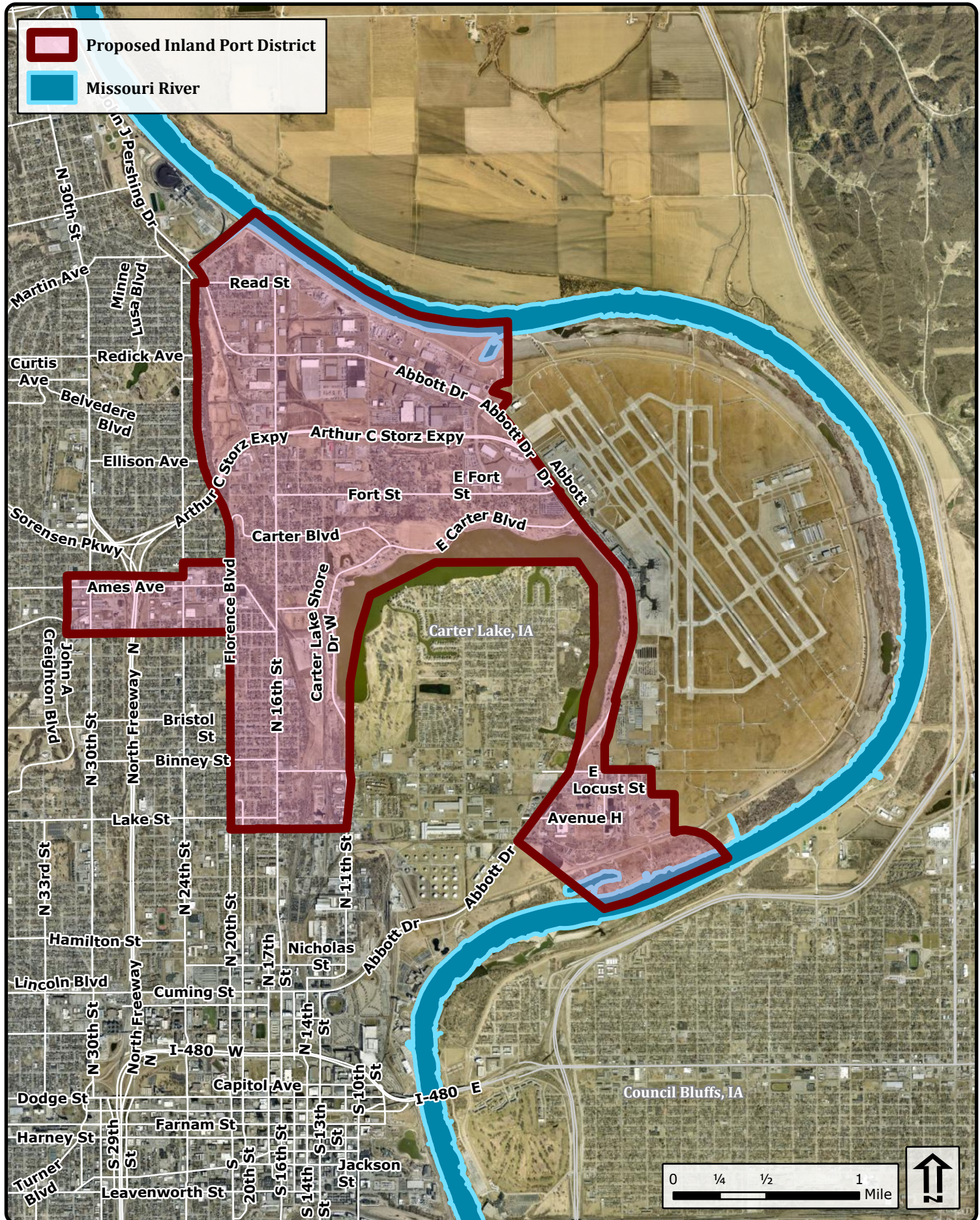
# CITY OF OMAHA - Inland Port Designation Proximity to Rail Lines



Map created December 15, 2023



# CITY OF OMAHA - Inland Port Designation Proximity to the Missouri River



Map created December 15, 2023