



*Clarks, Nebraska*  
*Blight and Substandard Study - Village of Clarks*  
*Completed on behalf of: the Village of Clarks*



## Purpose of the Blight and Substandard Study

The purpose of completing this Blight and Substandard study is to examine existing conditions within the Village of Clarks. This study has been commissioned by the Village to analyze the possibility of declaring the Village as blighted and substandard.

The Village of Clarks, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

*“The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.”*

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program; disaster assistance; effect. The statute reads:

*“The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.”*

*“Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth.”*

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

*“**Blighted area** means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility,*

*or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements,*

*diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"*

***"Extremely blighted area** means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"*

***"Substandard area** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and"*

***"Workforce housing** means:*

- (a) Housing that meets the needs of today's working families;*
- (b) Housing that is attractive to new residents considering relocation to a rural community;*
- (c) Owner-occupied housing units that cost not more than three hundred twenty-five thousand dollars to construct or rental housing units that cost not more than two hundred fifty thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;*
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and*
- (e) Upper-story housing."*

This Blight and Substandard Study is for the entire corporate limits of the Village, none of which has been so designated. The Study is intended to give the Clarks Planning Commission and

Clarks Village Board the basis for identifying and declaring Blighted and Substandard conditions existing within the Village's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the Village and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A General Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities, and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and;
- A list of the conditions present, which qualify the area as blighted and substandard.

### **Blight and Substandard Eligibility Study**

This study targets the entire corporate limits of the community for evaluation. The area is indicated in Figure 1 of this report. The existing uses are agricultural, residential, commercial, parks and recreation, public, and vacant.

Through the redevelopment process, the Village of Clarks can guide projects throughout the area. The use of the Community Redevelopment Act by the Village is intended to redevelop and improve areas of the community. Using the Community Redevelopment Act, the Village of Clarks can assist in the elimination of negative conditions and implement different programs/projects identified for the Village.

The following is the description of the designated area within the Village of Clarks:

Point of beginning (POB) is at the intersection of the centerline of E Millard St and U Rd thence westerly to the intersection of the centerline of U Rd and Iller St; thence southeasterly to the eastern property line of a tract referred to as 1 14 5 SWEET'S SUB LOT 2 IN PT W1/2 NW1/4 8-75 CLX CXFD; thence southerly approximately 2,045 feet; thence westerly approximately 352 feet; thence southerly approximately 293 feet; thence southeasterly approximately 254 feet; thence southwesterly approximately 1,142 feet to the eastern property line of a tract referred to as 2 14 5 SE1/4 LESS THAT PT S OF HWY 30 8-75CLX CXFD; thence southerly along the eastern property line of said lot to the southeastern corner of said lot; thence northeasterly approximately 2,015 feet along the centerline of W Millard St; thence easterly approximately 517 feet; thence northeasterly approximately 464 feet along the centerline of Highway 30; thence southeasterly approximately 792 feet; thence northeasterly 626 feet; thence northwesterly approximately 349 feet; thence northeasterly approximately 74 feet; thence northwesterly approximately 70 feet; thence northeasterly approximately 561 feet; thence northerly approximately 80 feet; thence northeasterly approximately 324 feet; thence northwesterly approximately 446 feet; thence northerly approximately 240 feet; thence northeasterly approximately 1,478 feet; thence northwesterly approximately 55 feet to the POB, +/- 200 acres.

*Study Area*

Figure 1  
Study Area Map

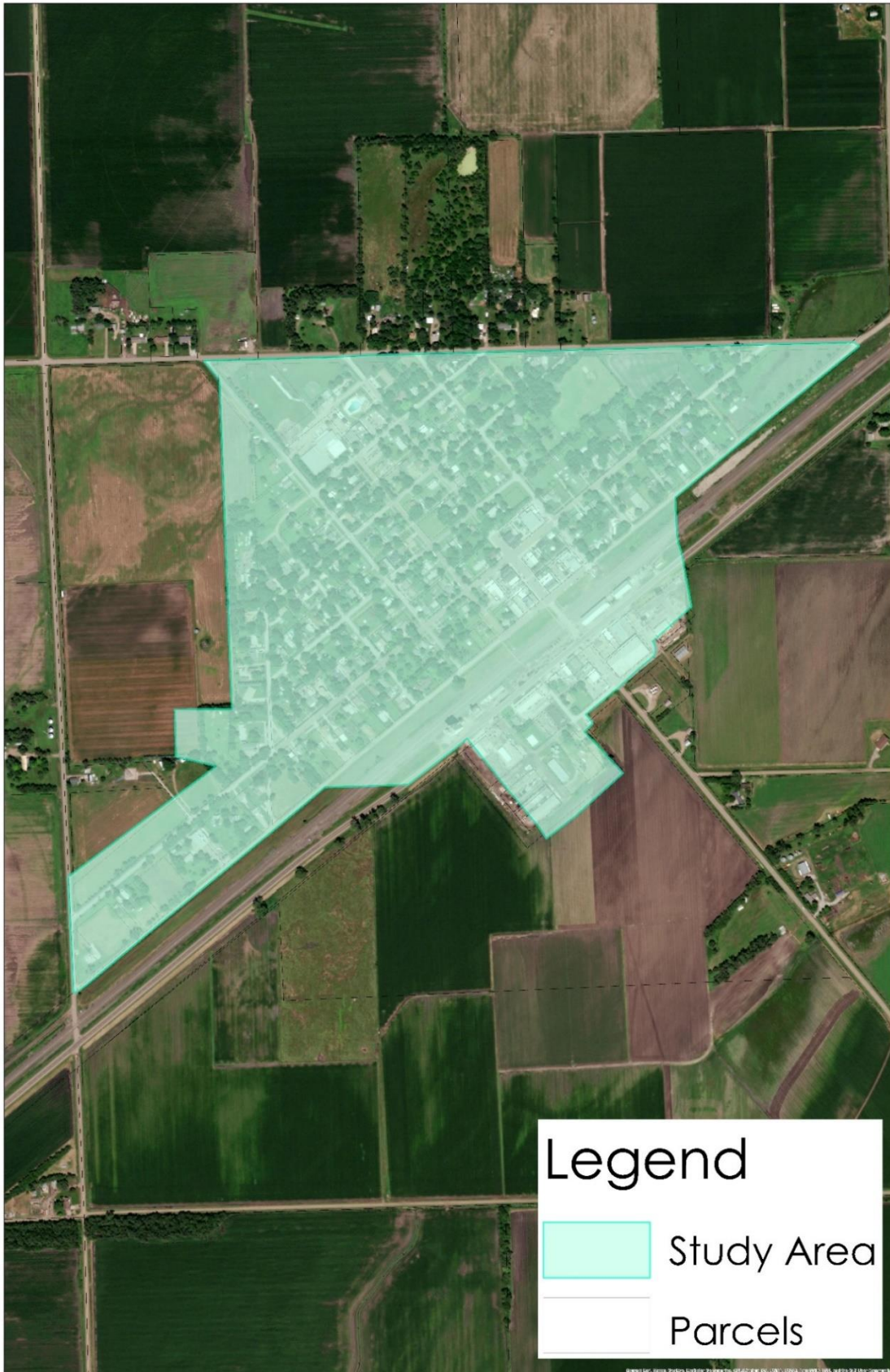
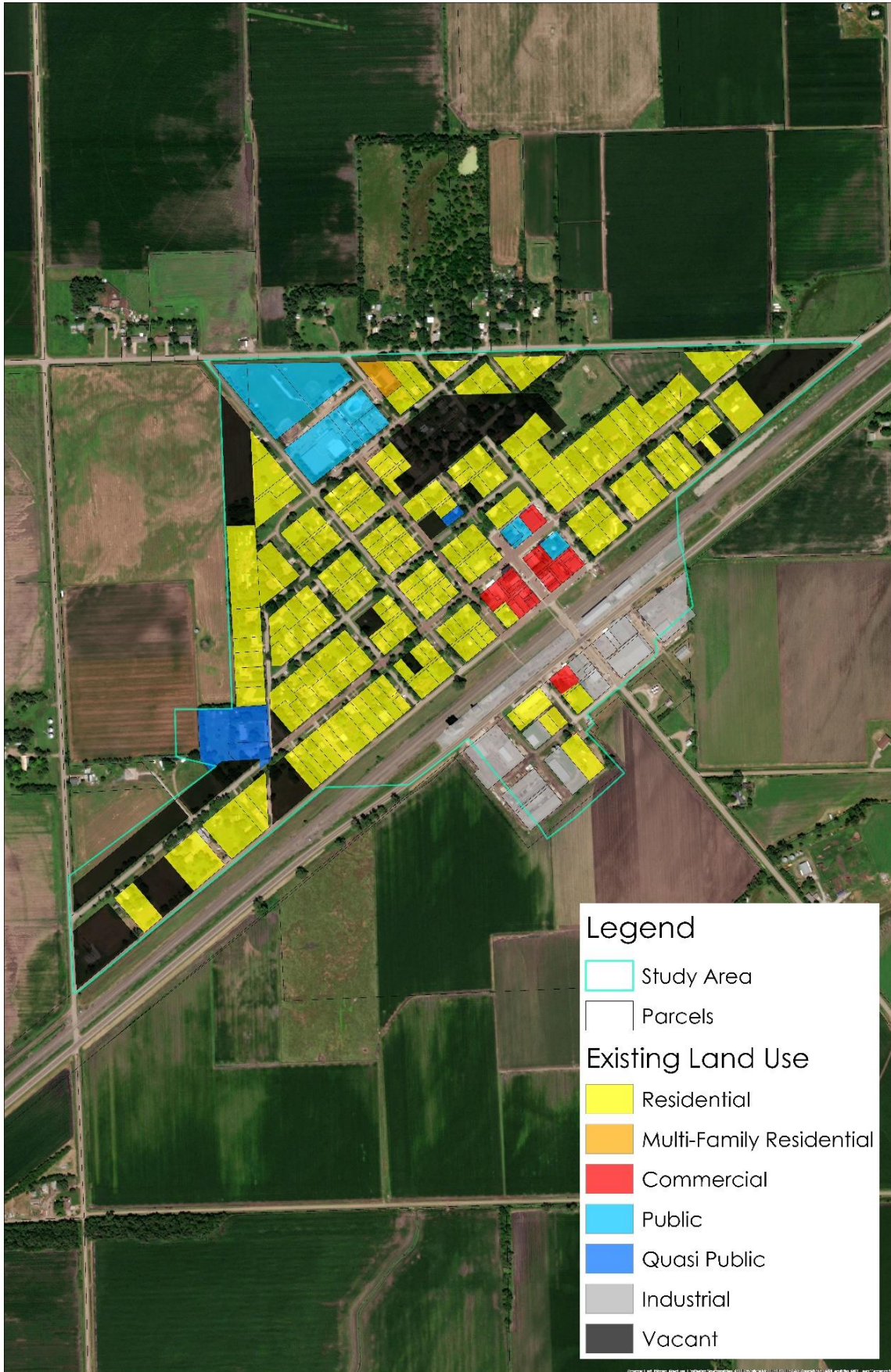


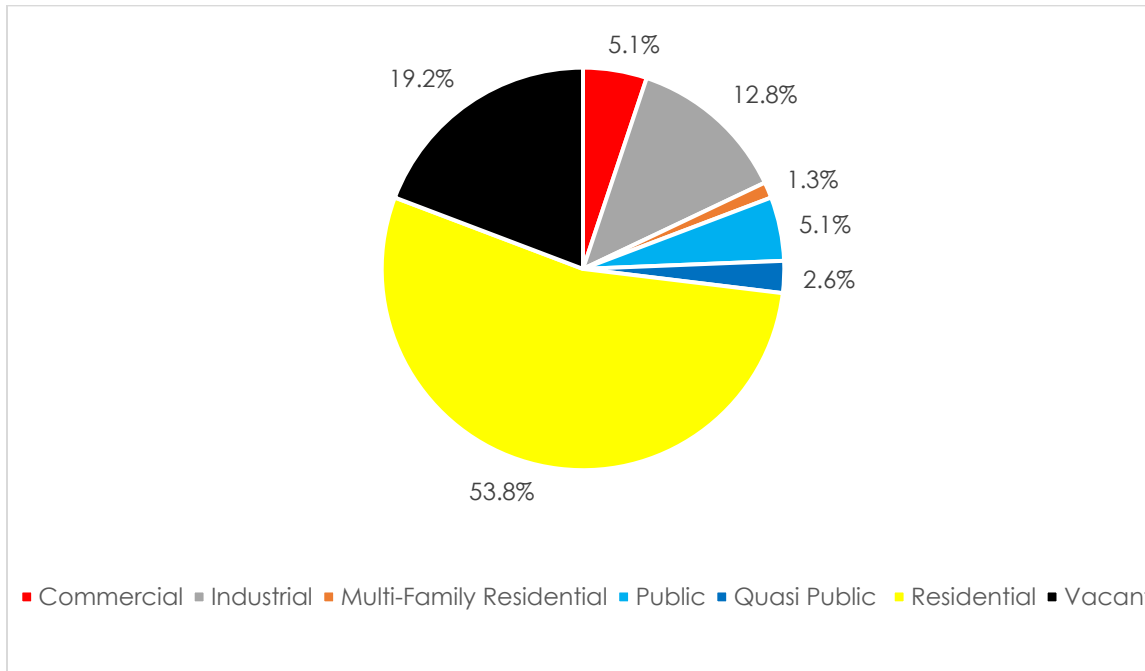
Figure 2  
Existing Land Use Map



### Existing Land Uses

The term “Land Use” refers to the uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community and produce a number of impacts either benefitting or detracting from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the village faces during the course of the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

**Figure 3: Existing Land Use  
Clarks Blight Study Area**



Source: Marvin Planning Consultants 2022

#### *Existing Land Use Analysis within Study Area*

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Merrick County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs. Figure 3 shows the different uses present within the study area. The different uses also have the overall percent of the total area.

### Findings of Blight and Substandard Conditions Eligibility Study

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

#### *Contributing Factors*

There were a number of conditions examined and evaluated in the field and online. These conditions will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

#### *Structural Conditions*

Structural conditions were evaluated, structures were either rated as: Excellent, Very Good, Above Normal, Normal, Below Normal, Poor, or Very Poor. The data and rating system come from the Merrick County Assessor's database and is the same database used to value properties in the area. According to the data there are 198 structures in the study area. Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 0 (0.00%) structures rated as Excellent
- 1 (0.5%) structures rated as Very Good
- 5 (2.5%) structures rated as Above Normal
- 143 (72.2%) structures rated Normal
- 48 (24.2%) structures rated Below Normal
- 1 (.5%) structure rated Poor
- 1 (0.5%) structures rated as Very Poor

Based upon these data, the assumption has been made that normal condition rating and less would constitute the possibility of some or considerable deterioration. It is common for older structures to need more maintenance and upkeep to maintain a good or higher condition. Even a structure rated as normal will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 97.0% of the structures in this study area are considered as a normal condition or worse.

Due to the stated conditions found in the Merrick County Assessor's data, the condition of the structures is a contributing factor. The photo below shows a structure that was rated as poor.



*Deterioration of Sife or Other Improvements*



### *Sidewalk Conditions*

Sidewalks, regardless of the area and uses within a community, should provide a safe means of movement for pedestrians. Sidewalks become increasingly more important along transportation routes considered to be arterials and highways. A sidewalk allows for pedestrian movement while keeping people off heavily traveled streets.

The sidewalk conditions were analyzed in the Study Area. The sidewalks were rated on five categories: Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 52,238 lineal feet or 9.8 miles of area where sidewalk could or should be located. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- 0 (0.00%) lineal feet of Excellent sidewalk
- 2,350 (4.5%) lineal feet of Good sidewalk
- 2,171 (4.2%) lineal feet of Average sidewalk
- 0 (0.00%) lineal feet of Fair sidewalk
- 47,717 (91.3%) lineal feet of Poor or Missing sidewalk

The study area contains predominantly poor or missing sidewalks. Sidewalk is critical to the overall pedestrian movement of an area long-term. Because 95.5% of the area is missing or contains average to poor sidewalk, sidewalks are considered a direct contributing factor. The photo below shows average sidewalk with poor ADA accessibility from the street. These conditions are unsafe for those who require ADA access.



Figure 4  
Structural Conditions



Figure 5  
Sidewalk Conditions



Figure 6  
Curb and Gutter Conditions



Figure 7  
Street Conditions



***Curb and Gutter***

Curb and Gutters have a number of direct and indirect roles in communities. Their primary function is to be a barrier to collect and direct water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

Curb and gutter for the Study Area were examined similarly to sidewalks. The curb and gutter were graded as either Excellent, Good, Average, Fair, Poor, or Missing. The study area is partially considered rural section drainage. Within the study area there is approximately 52,380 lineal feet of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions break down within the corporate limits:

- **0 (0.0%) lineal feet of Excellent curb and gutter**
- **1,305 (2.5%) lineal feet of Good curb and gutter**
- **2,515 (4.8%) lineal feet of Average curb and gutter**
- **0 (0.0%) lineal feet of Fair curb and gutter**
- **48,560 (92.7%) lineal feet of Poor or Missing curb and gutter**

Due to the study area containing 97.5% average to poor or missing curb and gutter, the curb and gutter conditions would be a direct contributing factor. A major portion of the community's streets and drainage have been designed and constructed in a manner referred to as rural section. A rural section street/road is one where water drains directly from the driving surface into ditches paralleling the street. This approach is adequate; however, this design typically sees the ditches begin to silt in and/or have tall grass growing in them. These factors quickly deteriorate the ability of the ditch to adequately drain away water from the driving surface and this typically leads to localized flooding and ponding. Poor culverts are located throughout the Village as well.

The photos below showcase areas lacking curb and gutter.



**Streets**

Streets within a community are essential to moving people and vehicles from place to place. Their condition and construction have an impact on the appearance of a community, which leads directly to how a community is perceived by the outside world.

Within the study area there is approximately 38,750 lineal feet or 7.3 miles of street possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- 2,330 (6.0%) lineal feet of Excellent streets
- 0 (0.00%) lineal feet of Good streets
- 8,205 (21.2%) lineal feet of Average streets
- 0 (0.00%) lineal feet of Fair streets
- 30,545 (78.8%) lineal feet of Poor streets

Within the study area, 78.8% of streets are poor. The streets in the study area that are paved appear to have been paved in some sort of asphaltic material. The alleys in the village are unpaved. Any streets currently dirt or gravel are considered to be of a poor condition. Being paved with an obsolete material like dirt or gravel is obsolete for an urban area. The photos below represent poor streets in the village limits.



**Age of Structure**

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs and pages document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Merrick County Assessor's website data.

**TABLE 1: AVERAGE STRUCTURAL AGE, BY METHOD – 2022**

Number	Year Built	Age	Cumulative Age	Running Total
1	1890	132	132	132
5	1900	122	610	742
6	1905	117	702	1,444
66	1910	112	7,392	8,836
3	1914	108	324	9,160
3	1915	107	321	9,481
2	1918	104	208	9,689
33	1920	102	3,366	13,055
2	1925	97	194	13,249
1	1929	93	93	13,342
3	1930	92	276	13,618
1	1936	86	86	13,704
5	1940	82	410	14,114
2	1945	77	154	14,268
1	1946	76	76	14,344
4	1950	72	288	14,632
1	1955	67	67	14,699
1	1958	64	64	14,763
8	1960	62	496	15,259
1	1961	61	61	15,320
1	1963	59	59	15,379
4	1965	57	228	15,607
1	1966	56	56	15,663
2	1969	53	106	15,769
6	1970	52	312	16,081
1	1971	51	51	16,132
2	1973	49	98	16,230
2	1974	48	96	16,326
6	1975	47	282	16,608
1	1976	46	46	16,654
1	1977	45	45	16,699
1	1978	44	44	16,743
3	1980	42	126	16,869
1	1982	40	40	16,909
1	1983	39	39	16,948
1	1986	36	36	16,984
2	1988	34	68	17,052
2	1990	32	64	17,116
1	1993	29	29	17,145
1	1996	26	26	17,171
1	2001	21	21	17,192
1	2003	19	19	17,211
1	2006	16	16	17,227
2	2007	15	30	17,257
2	2011	11	22	17,279
1	2014	8	8	17,287
1	2020	2	2	17,289
<b>198</b>			<b>Average</b>	<b>58.2</b>

Source: Merrick County Assessor's and Marvin Planning Consultants 2022



### **Age of Structure**

Within the study area there are 198 structures. After researching the structural age on the Merrick County Assessor's website, the following breakdown was determined:

- 181 (91.4%) units were determined to be 40 years of age or older.
- 17 (8.6%) units were determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 1 the average age of the primary structures is equal to 58.2 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Figure 8  
Age of Structures



## **Blighting Summary**

These conditions are contributing to the blighted conditions of the study area.

- **Substantial number of deteriorating structures**
  - Within the study area 97.0% of the primary structures were deemed to be in an average condition or worse.
- **Deterioration of site or other improvements**
  - Curb and gutter are below normal condition throughout the majority of the study area.
  - Streets in the study area were of an average or poorer condition.
  - Sidewalks are missing within 95.5% of the entire study area.
- **Diversity of Ownership**
  - There are a multitude of different property owners within the study area.
  - The diversity of ownership may be a barrier to future development.
- **Insanitary and Unsafe Conditions**
  - Standing water in potholes on paved and unpaved streets or in overgrown brush and vegetation in drainage ditches could be a breeding ground for communicable diseases.
  - Drainage issues throughout the study area can be seen in the photos below.



### Criteria under Part B of the Blight Definition

The following criteria are objective in nature.

- **The average age of the residential or commercial units in the area is at least forty years.**
  - 181 (91.4%) units were determined to be 40 years of age or older.
  - 76 (8.6%) units were determined to be less than 40 years of age
  - The Average Age is 58.2 years
- **Dangerous conditions to life or property due to fire or other causes.**
  - Standing water in ditches and on roads and sidewalks can become dangerous conditions

**These other criteria for Blight were either examined or not present in the area, these included:**

- Factors Which Are Impairing And/or Arresting Sound Growth, including:
  - Faulty lot layout.
  - Improper subdivision or obsolete platting.
  - Tax or special assessment delinquency exceeding fair value of the land.
  - Defective or unusual condition of title.
  - Unemployment in the designated area is at least 120% of the state or national average.
  - One-half of unimproved property is over 40 years old.
  - The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

**Age of Structure**

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs and pages document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Merrick County Assessor's website data.

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### **Substandard Summary**

Nebraska State Statute requires that *"...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"*

The Village of Clarks study area meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

### **Findings for the Village of Clarks Study Area**

The Village of Clarks Study Area has several items contributing to the Blight and Substandard Conditions. These conditions include:

#### **Blighted Conditions**

- Substantial number of deteriorated or deteriorating structures.
- Deterioration of site or other improvements.
- Diversity of Ownership.
- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions.
- Dangerous conditions to life or property due to fire or other causes.

#### **Substandard Conditions**

- Average age of the structures in the area is at least forty years.