



City of Grand Island

Tuesday, February 14, 2017

Council Session

Item F-1

#9622 - Consideration of Approving Establishing Fonner Park Business Improvement District

This item relates to the aforementioned Public Hearing item E-7.

Staff Contact: Chad Nabity

ORDINANCE NO. 9622

AN ORDINANCE CREATING A BUSINESS IMPROVEMENT DISTRICT UNDER THE AUTHORITY OF THE BUSINESS IMPROVEMENT DISTRICT ACT (NEB. REV. STAT. § 19-4015, ET SEQ.) AND BASED UPON THE RECOMMENDATIONS RECEIVED FROM THE DULY APPOINTED FONNER PARK BUSINESS IMPROVEMENT BOARD TO BE KNOWN AS THE FONNER PARK BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION TWENTY ONE (21),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M. IN GRAND ISLAND, HALL COUNTY, NEBRASKA; THENCE WEST ON THE SOUTH LINE OF SAID SECTION TWENTY ONE (21) TO A POINT ONE HUNDRED (100) FEET WEST OF THE SOUTHEAST CORNER; THENCE NORTH ON A LINE ONE HUNDRED (100) FEET WEST OF AND PARALLEL WITH THE LINE COMMON TO SECTION TWENTY ONE (21),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) AND SECTION TWENTY TWO (22),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) TO THE NORTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY ONE (21),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9); THENCE EAST ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY ONE (21),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) A DISTANCE OF ONE HUNDRED (100) FEET TO THE LINE COMMON TO SECTION TWENTY ONE (21),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) AND SECTION TWENTY TWO (22),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9); THENCE CONTINUING EAST ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY TWO (22),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) FOR A DISTANCE OF ONE HUNDRED (100) FEET; THENCE SOUTH ON A LINE ONE HUNDRED (100) FEET EAST OF AND PARALLEL WITH THE LINE COMMON TO SECTION TWENTY ONE (21),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) AND SECTION TWENTY TWO (22),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) TO THE SOUTH LINE OF SECTION TWENTY TWO (22),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9); THENCE WEST ON THE SOUTH LINE OF SECTION TWENTY TWO (22),TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) TO THE POINT OF BEGINNING.. ("EXTERIOR BOUNDARY AREA"); PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT BASED UPON THE BENEFITS CONFERRED; A MAXIMUM LIMITS UPON SUCH ASSESSMENTS: AND PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Business Improvement Board Recommendation. The Fonner Park Business Improvement Board appointed by the Mayor with City Council approval by Resolution No. 2016-250 recommended that the City Council create a business improvement district within

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| Approved as to Form | ▣ _____ |
| February 10, 2017 | ▣ City Attorney |

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the boundaries of the business area as declared by Resolution No. 2016-249 to be known as the Fonner Park Business Improvement District to be funded by special assessments levied based upon front footage and based on special benefits to the property within the Fonner Park Business Improvement District as the same may be fairly and equitably adjusted by the City Council of Grand Island, Nebraska sitting as a Board of Equalization.

SECTION 2. Notice of Public Hearing. On February 3, 2017 notice that the City Council intended to consider this Ordinance to establish the Fonner Park Business Improvement District was given by (a) publication of a Notice of Public Hearing in the Grand Island Independent, a newspaper of general circulation in the City of Grand Island, setting forth the time, date, place, and purpose of the public hearing to be held on February 14, 2017 regarding the establishment of the Fonner Park Business Improvement District and (b) mailing a copy of the Notice of Public Hearing, postage prepaid, to each owner of taxable property as shown on the latest tax rolls of the County Treasurer for Hall County. A copy of said Notice of Public Hearing is attached hereto marked as Attachment "A" and incorporated herein by this reference.

SECTION 3. Public Hearing. During the regular City Council meeting commencing at 7:00 P.M. on February 14, 2017 in the City Council Chambers, City Hall, 100 East First Street, Grand Island, Nebraska the City Council held a public hearing on this Ordinance to create the Fonner Park Business Improvement District; that at such public hearing, the City Council heard all protests and received evidence for and against the creation of the proposed Fonner Park Business Improvement District; that the City Council ruled upon all written protests (if any) to the creation of such district which were received prior to the close of the hearing, and hereby finds that protest (if any) was not made by the record owners representing over 50% of the front footage in the proposed district.

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SECTION 4. Creation of District; Improvements. The Fonner Park Business Improvement District is hereby created and established effective on March 1, 2017, for the purpose of: promotional activities; maintenance and improvement of the landscaped greenway; maintenance, repair, improvement and replacement of the sprinkler system in the greenway; regular mowing and trimming of the greenway; all facets of the purchase, care and replacement of trees, shrubs and grass and other decorative improvements; snow removal from sidewalks parallel of South Locust; employment of or contracting for personnel, purchase of equipment, materials, supplies or other expenses that accomplish the purposes of the district; other incidental or ongoing expenses as needed for the maintenance, improvement and beautification of the green belt area and to accomplish the goals and objectives of the Business Improvement Board of the district (“activities”) in the district.

SECTION 5. District Area. The properties included within the district properties are those lying within the following area:

Beginning at the southeast corner of Section Twenty One (21), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. in Grand Island, Hall County, Nebraska; thence west on the south line of said Section Twenty One (21) to a point one hundred (100) feet west of the Southeast corner; thence north on a line one hundred (100) feet west of and parallel with the line common to Section Twenty One (21), Township Eleven (11) North, Range Nine (9) and Section Twenty Two (22), Township Eleven (11) North, Range Nine (9) to the north line of the Southeast Quarter (SE1/4) of Section Twenty One (21), Township Eleven (11) North, Range Nine (9); thence east on the north line of the Southeast Quarter (SE 1/4) of Section Twenty One (21), Township Eleven (11) North, Range Nine (9) a distance of one hundred (100) feet to the line common to Section Twenty One (21), Township Eleven (11) North, Range Nine (9) and Section Twenty Two (22), Township Eleven (11) North, Range Nine (9); thence continuing east on the north line of the Southwest Quarter (SW1/4) of Section Twenty Two (22), Township Eleven (11) North, Range Nine (9) for a distance of one hundred (100) feet; thence south on a line one hundred (100) feet east of and parallel with the line common to Section Twenty One (21), Township Eleven (11) North, Range Nine (9) and Section Twenty Two (22), Township Eleven (11) North, Range Nine (9) to the south line of Section Twenty Two (22), Township Eleven (11) North,

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Range Nine (9); thence west on the south line of Section Twenty Two (22), Township Eleven (11) North, Range Nine (9) to the point of beginning.

SECTION 6. Special Assessment; Method of Assessment. The costs and expenses for the activities proposed to be performed within this business improvement district will be funded through special assessments against the property in the district based upon the special benefits to the property as fairly and equitably equalized by the City Council sitting as a board of equalization. The special assessments on each property will be levied annually as a percentage of the property's frontage feet to the total frontage feet in the district.

SECTION 7. Annual Budget and Limitations. The first year estimated total annual costs and expenses for the activities to be performed within the Fonner Park Business Improvement District during the March 1, 2017 to February 28, 2018 fiscal year is \$44,500.00 provided that the maximum amount of the first fiscal year's annual assessment for the district shall not exceed the total costs and expenses thereof or \$44,500.00, whichever is less. In each succeeding fiscal year, the City Council shall estimate the total annual costs and expenses for the activities and, after public hearing, shall approve by resolution an annual budget for the activities. The activities annual assessment for such succeeding fiscal year shall not exceed the total costs and expenses thereof or the maximum amount budgeted for said activities in the approved annual budget, whichever is less.

SECTION 8. Enforcement and Penalties. The special assessments provided herein shall be a lien on the property assessed superior and prior to all other liens except general taxes and other special assessments, which shall be of equal priority. Liens for special assessments may be foreclosed and are subject to interest at the statutory rate when payment of the assessment is delinquent as provided by law. No special assessment made hereunder shall be

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void for any irregularity, defect, error, or informality in procedure, in levy or equalization thereof.

SECTION 9. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

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ENACTED: February 14, 2017, by the City Council of the City of Grand Island, Nebraska.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk