



City of Grand Island

Tuesday, February 14, 2017

Council Session

Item F-2

#9623 - Consideration of Approving Establishing South Locust Street Business Improvement District

This item relates to the aforementioned Public Hearing item E-8.

Staff Contact: Chad Nabity

ORDINANCE NO. 9623

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 SOUTH LOCUST STREET BUSINESS IMPROVEMENT BOARD TO BE KNOWN AS THE SOUTH LOCUST STREET BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION TWENTY-EIGHT (28), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA; THENCE WEST ON THE SOUTH LINE OF SECTION TWENTY-EIGHT (28) A DISTANCE OF TWO HUNDRED FEET (200'); THENCE NORTHERLY ON A LINE TWO HUNDRED FEET (200') WEST OF AND PARALLEL TO THE EAST LINE OF SECTION TWENTY-EIGHT (28) TO THE NORTH LINE OF SECTION TWENTY-EIGHT (28); THENCE EAST ON THE NORTH LINE OF SECTION TWENTY-EIGHT (28) TO THE NORTHEAST CORNER OF SECTION TWENTY-EIGHT (28); THENCE CONTINUING EAST ON THE NORTH LINE OF SECTION TWENTY-SEVEN (27), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M. FOR A DISTANCE OF THREE HUNDRED SEVENTY-FIVE FEET (375'); THENCE SOUTH ON A LINE THREE HUNDRED SEVENTY-FIVE FEET (375') EAST OF AND PARALLEL TO THE WEST LINE OF SECTION TWENTY-SEVEN (27) TO THE SOUTH LINE OF SECTION TWENTY-SEVEN (27); THENCE WEST ON THE SOUTH LINE OF SECTION TWENTY-SEVEN (27) FOR A DISTANCE OF THREE HUNDRED SEVENTY-FIVE FEET (375') 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 South Locust Street 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 the boundaries of the business area as declared by Resolution No. 2016-250 to be known as the South Locust Street Business Improvement District to be funded by special assessments levied based upon front footage and based on special benefits to the property within

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

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the South Locust Street 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 South Locust Street 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 South Locust Street 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 South Locust Street 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 South Locust Street 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.

SECTION 4. Creation of District; Improvements. The South Locust Street Business Improvement District is hereby created and established effective on March 1, 2017, for

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the purpose of: 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 Street; 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-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska; thence west on the south line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. for a distance of Two Hundred Feet (200'); thence northerly on a line two hundred feet (200') west of and parallel to the east line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. to the north line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th P.M.; thence east on the north line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. to the northeast corner of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6th P.M.; thence continuing East on the north line of Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. for a distance of Three Hundred Seventy-Five Feet (375'); thence south on a line Three Hundred Seventy-Five Feet (375') east of and parallel to the west line of Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. to the south line of Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M.; thence west on the south line of Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6th P.M. for a distance of Three Hundred Seventy-Five Feet (375') 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

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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 South Locust Street Business Improvement District during the March 1, 2017 to February 28, 2018 fiscal year is \$143,326.00 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 \$88,326.00, 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 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

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