



City of Grand Island

Tuesday, August 14, 2018

Council Session

Item F-3

#9700 - Consideration of Establishing Railside Business Improvement District

This item relates to the aforementioned Public Hearing item E-5.

Staff Contact: Patrick Brown

ORDINANCE NO. 9700

An ordinance establishing a business improvement district; establishing the purpose of the district; describing the boundaries of the district; establishing a method of assessment; providing an initial annual budget and limitations; providing for enforcement and penalties; providing for severability; and providing for publication and the effective date of this ordinance.

WHEREAS, the Business Improvement Board for Railside Business Improvement District, formerly known as Downtown Business Improvement District, recommended that the City of Grand Island create a business improvement district to be known as Railside Business Improvement District to be effective October 1, 2018; and

WHEREAS, the City Council adopted Resolution 2018-116, which was published on July 27, 2018 in the Grand Island Independent establishing the Intention to Create a business improvement district; and

WHEREAS, pursuant to said resolution, notice of public hearing was published and mailed as required by Neb.Rev.Stat. § 19-4029.01, and public hearing was duly held at 7:00 p.m. on August 14, 2018, in the Council Chambers at City Hall, 100 East First Street, Grand Island, Nebraska, concerning the formation of such districts; and

WHEREAS, the proposed business improvement district is located within the boundaries of an established area of the City zoned for business, public, or commercial purposes; and

WHEREAS, the City Council now finds and determines that a business improvement district should be created in accordance with the proposal contained in said resolution 2018-116.

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

Approved as to Form	by _____
August 10, 2018	City Attorney

ORDINANCE NO. 9700 (Cont.)

SECTION 1. CREATION OF DISTRICT. The Railside Business Improvement District, formerly known as Downtown Business Improvement District, is hereby created and established effective October 1, 2018, with such boundaries as set forth herein.

SECTION 2. IMPROVMENTS AND ACTIVITIES. The proposed public facilities and improvements to be made or maintained within the District include district beautification facilities, to include but not limited to planters, tree grates, foliage and flowers, pedestrian areas, streetscape, signage and attractions. District activities will include district beautification and maintenance, business retention and recruitment, such as main street promotions and investment enhancements, implementation and maintenance, including support staff, additional labor force, and volunteers, and strategic planning.

SECTION 3. DISTRICT BOUNDARIES. The properties included within the district are those properties lying within the following boundaries:

Beginning at a point being the intersection of the South line of Third Street and the West line of Kimball Avenue; thence South on the West line of Kimball Avenue to a point One Hundred Thirty-Two feet (132') South of the South line of First Street; thence West on a line One Hundred Thirty-Two feet (132') South of and parallel to the South line of First Street to the West line of Sycamore Street; thence Southerly on the Westerly line of Sycamore Street to the North line of Court Street; thence Westerly on the North line of Court Street to the West line of Pine Street; thence Southerly on the West line of Pine Street to the North line of Charles Street; thence Westerly on the North line of Charles Street and an extension thereof to the East line of Walnut Street; thence Northerly on the East line of Walnut Street to a point One Hundred Thirty-Two Feet (132') North of the North line of Division Street; thence West on a line One Hundred Thirty-Two Feet (132') North of and parallel to the North line of Division Street and an extension thereof to the East line of Cedar Street; thence Northerly on the East line of Cedar Street to the South line of First Street; thence West on the South line

- 2 -

ORDINANCE NO. 9700 (Cont.)

of First Street to the West line of Elm Street; thence Southerly on the West line of Elm Street for a distance of One Hundred Thirty-Two Feet (132'); thence Westerly on a line One Hundred Thirty-Two Feet (132') South of and parallel to the South line of First Street to the East line of Eddy Street; thence Northerly on the East line of Eddy Street to the South line of South Front Street; thence Easterly on the South line of South Front Street to the West line of Oak Street; thence Southerly on the West line of Oak Street to the South line of Third Street; thence Westerly on the South line of Third Street and an extension thereof to the point of beginning.

SECTION 4. 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, as authorized by the Business Improvement District Act, against the property in the district based upon the special benefits to the property, and shall be fairly and equitably equalized by the City Council sitting as a board of equalization. The special assessments on each property will be levied annually based upon the assessed value of individual property divided by total assessed value of all taxable property in the district times total special assessment equals individual special assessment. Based upon the recommendation of the Business Improvement District Board, owner-occupied residential properties within the district will be assessed at 70% of assessed valuation based on their primary benefit from the downtown beautification and maintenance programs. Owners of property exempt from ad valorem taxes are encouraged to support District activities, promotions, and improvements but property exempt from ad valorem taxes will not be subject to special assessment for this Business Improvement District. Property owned by the Federal Government, the State of Nebraska and political subdivisions thereof shall not be subject to special assessment for this Business Improvement District. For mixed-use properties that combine owner-occupied residential and

ORDINANCE NO. 9700 (Cont.)

other uses, the property owner may submit evidence supporting a pro-rated split of the assessed value (between owner-occupied residential and other uses) for the City Council to consider when sitting as a board of equalization. The assessed values to be used in the above formula shall be the values, as shown in the office of the Hall County Assessor, in effect on the first day of January of the current year.

The city council, sitting as a Board of Equalization, shall levy the special assessments on all properties at one time, in accordance with the method of assessment provided above. If the city council finds that the proposed method of assessment does not provide a fair and equitable method of apportioning costs, then it may assess the cost under such method as the city council finds to be fair and equitable.

Said assessments shall be payable in one installment to become delinquent fifty (50) days after the date of such levy. Delinquent payments shall draw interest at the rate specified in the Neb.Rev.Stat. § 45-104.01, as amended. All special assessments together with interest and penalties shall be liens upon the property assessed until paid.

SECTION 5. INITIAL ANNUAL BUDGET AND LIMITATIONS. The first year estimated total annual costs and expenses for the activities to be performed within the Railside Business Improvement District during the October 2018 to September 2019 fiscal year is \$308,700.50. The maximum amount of the first fiscal year's annual assessment for the district shall not exceed the total costs and expenses thereof or \$116,500, 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

ORDINANCE NO. 9700 (Cont.)

total costs and expenses thereof or the maximum amount budgeted for said activities in the approved annual budget, whichever is less.

SECTION 6. 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 7. SEVERABILITY. If any section, subsection sentence, phrase, or clause, of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and publication.

- - -

ENACTED: August 14, 2018, by the City Council of the City of Grand Island, Nebraska.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

- 5 -