



City of Grand Island

Tuesday, January 8, 2019

Council Session

Item F-1

#9718 - Consideration of Establishing Vehicle Offstreet Parking District No. 3

This item relates to the aforementioned Public Hearing item E-3.

Staff Contact: Jerry Janulewicz

ORDINANCE NO. 9718

An ordinance of the City of Grand Island, Nebraska, Amending Chapter 13 of the Grand Island City Code; establishing Vehicle Offstreet Parking District No. 3 of the City of Grand Island, Nebraska; designating the estimate of the cost of such improvements; for the means of payment thereof; describing the boundaries thereof; providing authority to establish credits or offsets; providing for the disestablishment of the Downtown Improvement and Parking District; to repeal Grand Island City Code Chapter 13, Article I Downtown Improvement and Parking District Sections 13.1 through 13.10, inclusive; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. The Mayor and City Council hereby find and determine:

(a) As provided by Section 19-3311, Reissue Revised Statutes of Nebraska, 1943, as amended, notice has been given by publication once each week in The Grand Island Independent for not less than thirty (30) days inviting application for private ownership and operation of offstreet parking facilities, which notice fixed the time and date of 7:00 p.m., on January 8, 2019, at the regular meeting room of the City Council, and that no such applications were received from private parties.

(b) That the City caused notice of creation of an offstreet parking district to be published in The Grand Island Daily Independent on December 6, 13, 20, and 27, 2018 in accordance with the provisions of Section 19-3312, Reissue Revised Statutes of Nebraska, 1943,

Approved as to Form _____
December 31, 2018 City Attorney

as amended, which notice states that the Mayor and City Council would hold a hearing as to all protests and objections to said proposed district at 7:00 p.m., on January 8, 2019.

(c) That a public hearing was held at 7:00 p.m. on January 8, 2019, at which all protests and objections to the formation to said proposed district were considered and that insufficient objections were received to the formation of said district; and that the public health, welfare, convenience, and necessity requires the formation of said offstreet parking district and facilities.

SECTION 2. Grand Island City Code Chapter 13 is amended as follows:

ARTICLE XIII VEHICLE OFFSTREET PARKING DISTRICTS

§13-97. Creation of Vehicle Offstreet Parking District No. 3.

There is hereby created within the City of Grand Island, Nebraska, Vehicle Offstreet Parking District No. 3 of the City of Grand Island, Nebraska.

§13-98. District Boundaries.

Vehicle Offstreet Parking District No. 3 shall include all property within the following boundaries, all of which is hereby deemed to be specially benefited by the maintenance, repair, and reconstruction of offstreet parking facilities within the District, to wit:
Beginning at the intersection of Sycamore Street and First Street; thence westerly on First Street to Pine Street; thence southerly on Pine Street to the southerly boundary of Courthouse Addition; thence westerly along the southerly boundary of Courthouse Addition to Locust Street; thence westerly on Division Street to Walnut Street; thence northerly on Walnut Street to the alley between Division Street and First Street; thence

westerly on said alley to Cedar Street; thence northerly on Cedar Street to the alley between Second Street and Third Street; thence westerly on said alley to Elm Street; thence northerly on Elm Street to a point 40 feet north of the southerly right-of-way line of the Union Pacific Railroad; thence easterly parallel to and 40 feet from said right-of-way line to Walnut Street; thence northerly on Walnut Street to a point 100 feet north of the northerly right-of-way line of South Front Street; thence easterly parallel to and 100 feet from said right-of-way line to Kimball Avenue extended; thence southerly on Kimball Avenue extended and Kimball Avenue to the alley between Third Street and Second Street; thence southerly on Sycamore Street to the point of beginning.

§13-98. Purpose.

The acquisition of new parking lots is not contemplated by the creation of Vehicle Offstreet Parking District No. 3. No money is to be expended in the acquisition of property and construction of such offstreet parking facilities. The purpose of the District is to provide for the maintenance, repair, reconstruction and operation of the City-owned offstreet public parking facilities located within the District excepting and excluding parking facilities located upon Block Seventy-eight (78), Original Town of Grand Island, and Lots One (1), Two (2), and Three (3), Parking Ramp Subdivision, a replat of Lots 5, 6, and 7, Block 79, Original Town of Grand Island, all located in Hall County, Nebraska.

§13-99. Special Assessments.

All or a portion of the cost of maintenance, repair, and reconstruction of any offstreet parking facilities designated herein may be paid for by annual special assessments against the real estate located in such district in proportion to the special benefit of each parcel of

real estate. The amounts of such special assessments shall be determined by the mayor and city council sitting as a board of equalization.

§13-100. Credits.

The Grand Island City Council sitting as a Board of Equalization may by resolution establish privately owned parking space credits or offsets to be applied toward any special assessments levied for Vehicle Offstreet Parking District No. 3, and provide necessary rules and procedures applicable to such credits or offsets.

§13-101. Disestablishment of Downtown Improvement and Parking District.

Concurrent with the establishment of Vehicle Offstreet Parking District No. 3 as provided herein, the Downtown Improvement and Parking District of the City of Grand Island, Nebraska, created and established by Ordinance No. 5854, is hereby disestablished and dissolved, and Grand Island City Code Chapter 13, Article I, Sections 13-1 through 13-10, inclusive, are repealed. Any remaining occupation taxes assessed and collected or to be collected for purposes of the Downtown Improvement and Parking District shall be set aside and utilized for the purposes for which said District was established. The disestablishment and dissolution of the Downtown Improvement and Parking District shall not operate as a nullification of any occupation tax previously assessed for purposes of said District.

~~§13-1. Creation of District~~

~~There is hereby created and established a Downtown Improvement and Parking District in the City of Grand Island, Nebraska, with the following boundaries, to-wit:~~

~~Beginning at the intersection of Sycamore Street and First Street; thence westerly on First Street to Pine Street; thence southerly on Pine Street to the southerly boundary of Courthouse Addition; thence westerly along the southerly boundary of Courthouse Addition to Locust Street; thence westerly on Division Street to Walnut Street; thence northerly on Walnut Street to the alley between Division Street and First Street; thence westerly on said alley to Cedar Street; thence northerly on Cedar Street to the alley between Second Street and Third Street; thence westerly on said alley to Elm Street; thence northerly on Elm Street to a point 40 feet north of the southerly right-of-way line of the Union Pacific Railroad; thence easterly parallel to and 40 feet from said right-of-way line to Walnut Street; thence northerly on Walnut Street to a point 100 feet north of the northerly right-of-way line of South Front Street; thence easterly parallel to and 100 feet from said right-of-way line to Kimball Avenue extended; thence southerly on Kimball Avenue extended and Kimball Avenue to the alley between Third Street and Second Street; thence southerly on Sycamore Street to the point of beginning.~~

~~§13-2. Tax~~

~~Business and professional offices located within the boundaries of the Downtown Improvement and Parking District shall be subject to the additional tax as provided herein.~~

~~§13-3. Tax Rate~~

~~The annual rate of the general license and occupation tax and classification of businesses shall be as follows:~~

~~(1) — \$0.1702 per square foot floor space upon all space used for business and professional offices in the district; provided,~~

~~(2) — \$61.65 minimum annual tax for any single business or professional office should the tax rate under (1) above be less than \$61.65.~~

~~§13-4. Use of Revenue~~

~~— The proposed uses to this additional revenue derived from the imposition of a general business license and occupation tax on businesses and users of the space within the district, are as follows:~~

~~— (1) The acquisition, construction, maintenance, administration, and operation of public off-street parking facilities for the benefit of the district area.~~

~~— (2) Improvement and decoration of any public place in the district area.~~

~~— (3) Promotion of public events which are to take place on or in public places in the district area.~~

~~— (4) Creation and implementing of a plan for improving the general architectural design of public areas in the district area.~~

~~— (5) The development of any public activities in the district area.~~

~~— (6) Any other project or undertaking for the betterment of the public facilities in the district area, whether the project be capital or noncapital in nature.~~

~~§13-5. Occupations Taxed~~

~~— The license and occupation tax shall be fair, equitable, and uniform as to class and shall be based primarily on the square footage of the owner's or user's place of business or professional office space. License and occupation tax shall be collected from each user of space within the district based upon the square foot space wherein customers, patients, or clients, or~~

~~other invitees, are received, and space from time to time used or available for use in connection with the business or profession of the user. Rooms or floor space not open to and not used by customers, patients, clients, or other invitees, shall be excluded from computation of floor space, to wit:~~

~~————(1) Hallways used by the public to gain access to more than one user of space within a building.~~

~~————(2) Elevators.~~

~~————(3) Stairways.~~

~~————(4) Employees lounges and coffee rooms.~~

~~————(5) Warehouse and storage areas, including used car lots.~~

~~————(6) Private parking spaces and driveways.~~

~~————(7) Furnace rooms.~~

~~————(8) Religious organization property excluded from paying general real estate taxes by Hall County Board of Equalization.~~

~~————(9) Space owned or used by political subdivisions.~~

~~————(10) Residences used for residential purposes for more than 30 days prior to the date of any taxes due under this ordinance.~~

~~————(11) Private kitchens.~~

~~————(12) Utilities areas.~~

~~————(13) Maintenance closets.~~

~~———(14) Shipping and receiving areas.~~

~~———(15) Restrooms.~~

~~———(16) Restricted manufacturing areas.~~

~~———(17) Restricted equipment areas.~~

~~§13-6. Tax Computation~~

~~———The city treasurer is authorized and directed, with the advice and recommendations of the Downtown Improvement Board, to determine and compute the tax in accordance herewith.~~

~~§13-7. Objection to Taxes~~

~~———Objections to the determination of amount of additional tax may be made in writing to the city clerk, specifying the basis of such objection. All such objections shall be made within 30 days after due date thereof, or shall be deemed waived. All timely objections shall be submitted to the Downtown Improvement Board for its consideration, review, and recommendations. The mayor and city council shall make the final determination of all such objections, at any regular or special meeting, after notice thereof to said objector.~~

~~§13-8. Annual Tax~~

~~———The license and occupation tax imposed by the preceding sections is a non-refundable annual tax and shall be due and payable on the first day of October each year, commencing October 1, 1996, for the year in advance. The license and occupation tax shall be based on businesses and professional offices located within the Business Improvement and Parking District No. 1 as shown in the records of the City of Grand Island Utility Department as of the first day of June of each year. Upon payment thereof to the city treasurer, the treasurer shall give a receipt therefor, properly dated and specifying the person paying, the name of the business or~~

~~profession on whose behalf the tax is being paid, the amount thereof, and for what period the tax is paid. It is hereby made the duty of every person, partnership, firm, or corporation, engaged in carrying on any business or occupation within the limits of the district as provided on which a license and occupation tax is levied by this ordinance, to pay said tax at the times provided for its payment herein.~~

~~§13-9. Segregation of Funds~~

~~—The city treasurer shall place all taxes collected hereunder in a special fund to be used exclusively for the purposes described in this Article.~~

~~§13-10. Penalty~~

~~—Any person who shall refuse or neglect to pay the general license or occupation tax levied by this chapter, or who transacts or engages in any profession within the district herein established without having complied with the provisions of this chapter shall be guilty of a violation of this Code and may be punished as provided in this Code. Any person, partnership, or corporation whose duty is made by this chapter to pay any license tax and who does not pay the same shall be liable for an action for the recovery of the amount of such license tax; provided, such remedy shall not be deemed as being concurrent with other remedies herein provided.~~

SECTION 3. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, as provided by law.

ORDINANCE NO. 9718 (Cont.)

Enacted: January 8, 2019.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk