



# City of Grand Island

Tuesday, August 13, 2013

Council Session

## Item F-2

### **#9435 - Consideration of Creating Five-Year Downtown Business Improvement District 2013**

*This item relates to the aforementioned Public Hearing item E-2.*

**Staff Contact: Marco Floreani**

ORDINANCE NO. 9435

An ordinance establishing a business improvement district establishing the purpose of such district; describing the boundaries of such district; establishing that real property in the area will be subject to a special assessment; establishing a method of assessment; providing for a penalty for failure to pay the special assessment; repealing ordinances in conflict herewith; providing for severability; and providing for publication and the effective date of this ordinance.

WHEREAS, the Business Improvement Board for Business Improvement District # 8 (hereinafter Downtown Business Improvement District 2013) has recommended that the City of Grand Island create a business improvement district along South Locust from Stolley Park Road to Highway 34 with boundaries in the form hereinafter set forth; and

WHEREAS, on June 5, 2013, the Regional Planning Commission recommended approval of the creation of such a business improvement district,

WHEREAS, the City Council adopted Resolution 2013-248 on July 23, 2013, which was published on July 26, 2013 in the *Grand Island Independent* establishing the Intention to Create a business improvement district; and

WHEREAS, pursuant to said resolution, a notice of hearing was published and mailed as required by law, and public hearing duly held at 7:00 p.m. on August 13, 2013, 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 of July 23, 2013.

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

SECTION 1. There is hereby created and established a business improvement district pursuant to Chapter 19, Article 40, Revised Statutes of Nebraska, 1943, as amended, to be known as the Downtown Business Improvement District 2013 of the City of Grand Island, Nebraska.

SECTION 2. The purpose, public improvement and facilities to be included in said district shall be:

Approved as to Form	by _____
August 9, 2013	City Attorney

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- (A) Improvement of any public place or facility in the district area, including landscaping, physical improvements for decoration or security purposes, and plantings and maintenance, repair, and construction of any improvements or facilities authorized by the Business Improvement District Act, including, but not limited to, 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 the sidewalks parallel to S. Locust; purchase of equipment, materials, supplies or other expenses to accomplish the purposes of the district, and other incidental or ongoing expense as needed for the maintenance, improvement and beautification of the green belt area.
- (B) Employing or contracting for personnel, including administrators for any improvement program under the act, and providing for any service as may be necessary or proper to carry out the purposes of the act, including, but not limited to, employment of or contracting for personnel to accomplish the purposes of the district and to accomplish the goals and objectives of the

SECTION 3. The outer boundaries of Downtown Business Improvement District

2013 are described as follows:

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 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. (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 6<sup>th</sup> P.M. for a distance of Three Hundred Seventy-Five Feet (375');

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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 6<sup>th</sup> P.M. for a distance of Three Hundred Seventy-Five Feet (375') to the point of beginning.

SECTION 4. The real property located within the boundaries of South Locust Street Business Improvement District 2012 shall be subject to special assessment as authorized by Chapter 19, Article 40, Sections 19-4015 through 19-4038, Revised Statutes of Nebraska, 1943, as amended, also known as the Business Improvement District Act.

SECTION 5. The method of assessment to be imposed within said district shall be as follows:

- (A) The amount of special assessment for each property shall be calculated in accordance with the following formula:
  - The front footage of the individual real property adjacent to Second Street within the district divided by total front footage of all assessable property in the district times the total special assessment equals individual special assessment.
  - The records owners of the front footages to be used in the above formula shall be the owners, as shown in the office of the Hall County Register of Deeds, in effect on the first day of January of the current year.
- (B) Notice of the proposed assessment shall be published as required by NE. Rev. Statutes Section 19-4030, as amended
- (C) The city council, sitting as a Board of Equalization, shall levy the special assessment 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 costs under method as the city council finds to be fair and equitable.
- (D) 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 NE. Rev. Statutes 45-104.01, as amended. All special assessments shall be liens upon the property assessed.

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SECTION 6. In the event requests to disestablish this business improvement district are made and filed with the city clerk within any (30) day period by record owners of over fifty percent (50%) of the assessable units in the district, as shown in the office of the Hall County Register of Deeds on the first day of January of the current year, the city council may disestablish the district by ordinance after hearing before the city council. The city council shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing. The resolution shall give the time and place of the hearing. After hearing, the city council may disestablish the district as provided in the Business Improvement District Act.

SECTION 7. 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. This ordinance shall be in force and take effect from and after its passage, approval and publication, in pamphlet for, within 15 days in one issue of the *Grand Island Independent* as provided by law.

Enacted: August 13, 2013.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk