



# City of Grand Island

Tuesday, August 13, 2013

Council Session

## Item F-3

### **#9436 - Consideration of Creating One-Year Second Street Business Improvement District 2013**

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

**Staff Contact: Marco Floreani**

ORDINANCE NO. 9436

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 # 6 (hereinafter Second Street Business Improvement District 2013) has recommended that the City of Grand Island create a business improvement district along Second Street with boundaries in the form hereinafter set forth; and

WHEREAS, on July 10, 2013, the Regional Planning Commission recommended approval of the creation of such a business improvement district,

WHEREAS, the City Council adopted Resolution 2013-249 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 Second Street Business Improvement District 2013 of the City of Grand Island, Nebraska.

SECTION 2. The purpose, public improvement and facilities to be included in

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

said district shall be:

- (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 Second Street Business Improvement

District 2013 are described as follows:

Beginning at a point on the Westerly line of Eddy Street, said point being One Hundred Thirty-two Feet (132') Southeast of the Intersection of the Southerly line of Second Street and the Westerly line of Eddy Street; thence Westerly on a line One Hundred Thirty-Two Feet (132') Southeast and parallel to the Southerly line of Second Street to a point Sixty-Six Feet (66') Northeast of the Easterly line of Greenwich Street; thence Southerly on a line Sixty-Six Feet (66') Northeast of and parallel to the Easterly line of Greenwich Street to the Northerly line of First Street; thence Westerly on the Northerly line of First Street to a point Sixty-Six Feet (66') Southwest of the Westerly line of Greenwich Street; thence Northerly on a line Sixty-Six Feet (66') Southwest of and parallel to the Westerly line of Greenwich Street to a point One Hundred Thirty-Two Feet (132') Southeast of the Southerly line of Second Street; thence Westerly on a line One Hundred Thirty-Two Feet (132') Southeast of and parallel to the Southerly line of Second Street to a point Sixty-Six Feet (66') Northeast of Broadwell Avenue; thence Southerly on a line Sixty-Six Feet (66') Northeast of and parallel to the Easterly line of Broadwell Avenue to the Northerly line of First Street; thence Westerly on the Northerly line of First Street to a point One hundred thirty-five and sixty-nine hundredths Feet (135.69') Southwest of the Westerly line of Broadwell Avenue; thence Northerly on a line One hundred thirty-five and sixty-nine hundredths Feet (135.69') Southwest of and parallel to the Westerly line of Broadwell Avenue Sixty-five and seventy-six hundredths feet (65.76'); thence Westerly on a line parallel to the Northerly line of First Street twenty-three Feet (23'); thence Northerly on a line parallel to the Westerly line of Broadwell Avenue to a point One Hundred Thirty-Two Feet (132') Southeast of the South line of Second Street; thence Westerly on a line One - 2 - Hundred Thirty-Two Feet (132') Southeast of and parallel to the Southerly line of Second Street to the Easterly line of Garfield Avenue; thence Northerly on the Easterly line of Garfield

Avenue to a point One Hundred Thirty-Two Feet (132') Northwest of the Northerly line of Second Street; thence Easterly on a line One Hundred Thirty-Two Feet (132') Northwest of and parallel to the Northerly line of Second Street to a point Sixty-Six Feet (66') Southwest of the Westerly line of Broadwell Avenue; thence Northerly on a line Sixty-Six Feet (66') Southwest of and parallel to the Westerly line of Broadwell Avenue to the Southerly line of Union Pacific Railroad Right-of-Way; thence Easterly on the Southerly line of Union Pacific Railroad to a point Sixty-Six Feet (66') Northeast of the Easterly line of Broadwell Avenue; thence Southerly on a line Sixty-Six Feet (66') Northeast of and parallel to the Easterly line of Broadwell Avenue to a point One Hundred Thirty-Two Feet (132') Northwest of the Northerly line of Second Street; thence Easterly on a line One Hundred Thirty-Two Feet (132') Northwest of and parallel to the Northerly line of Second Street to the Westerly line of Eddy Street; thence Southeast on the Westerly line of Eddy Street to the point of beginning.

SECTION 4. The real property located within the boundaries of Second Street Business Improvement District 2013 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

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(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.

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