



# City of Grand Island

Tuesday, July 23, 2002

Council Session

## Item F3

### **#8751 - Consideration of Creating of Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road**

*At the City Council Meeting of July 9, 2002, the Council adopted a Resolution of intent to create Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road. A volunteer board for the District has been appointed and have identified purpose and activities of the District, including pedestrian lighting, landscaping and sidewalks. The goals include the redevelopment of South Locust into an appealing corridor and entrance into Grand Island in anticipation of the additional flow of traffic to South Locust Street, upon the completion of the I-80 exit to South Locust Street. State statutes allow for the creation of business improvement districts and the expenditure of funds for improvements of public places or facilities within the district, including the acquisition, construction, maintenance, and operation of such improvements, creation and implementation of a plan for improving the general architectural design of public areas within the district, the development of any public activities and promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities, and employing or contracting for personnel for any improvement program under the act. A ten-year budget for the District has been created. Assessments for the entire life of the District will be \$275,000. The next step in the process is consideration of Ordinance creating the District. Notification of Intent to Create the District has been mailed to all property owners in the District and was published in the Grand Island Independent. Approval is recommended.*

Staff Contact: Cindy Johnson

ORDINANCE NO. 8751

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 City Council adopted Resolution 2002-196 on July 9, 2002, which was published on July 11, 2002 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 July 23, 2002, in the Council Chambers at City Hall, 100 East First Street, Grand Island, Nebraska, concerning the formation of such district; 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 9, 2002.

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

Approved as to Form ? _____ July 19, 2002           ? City Attorney
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ORDINANCE NO. 8751 (Cont.)

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 Business Improvement District No. 4 of the City of Grand Island, Nebraska.

SECTION 2. The purpose, public improvements and facilities to be included in 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 reconstruction 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 Business Improvement Board of the district.

SECTION 3. The outer boundaries of Business Improvement District No. 4 are described as follows:

Beginning at the southeast corner of Section Twenty One (21), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. in Grand Island, Hall County, Nebraska; thence west on the south line of Section 21-11-9 for a distance of One Hundred (100.0) feet; thence north on a line One Hundred (100.0) feet west of and parallel with the line common to Section 21-11-9 and Section 22-11-9 to the north line of the Southeast Quarter (SE1/4) of Section 21-11-9; thence east on the north line of the Southeast Quarter (SE1/4) of Section 21-11-9 and the north line of the Southwest Quarter (SW1/4) of Section 22-11-9 for a distance of Two Hundred (200.0) feet; thence south on a line One Hundred (100.0) feet east of and

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parallel to the line common to Section 21-11-9 and Section 22-11-9 to the south line of Section 22-11-9; thence west on the south line of Section 22-11-9 for a distance of One Hundred (100.0) feet to the point of beginning, as shown on the drawings dated May 28, 2002, attached hereto and incorporated herein by reference.

SECTION 4. The real property located within the boundaries of Business Improvement District No. 4 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) On or before the first day of July in each year, a proposed budget shall be prepared for Business Improvement District #4 for the ensuing fiscal year to commence on the first day of October and end on the following last day of September.
- (B) Said proposed budget shall be considered by the city council during open session at the second regularly scheduled city council meeting in July. Following such consideration, a proposed assessment schedule shall be prepared.
- (C) The amount of the special assessment for each property shall be calculated in accordance with the following formula:
  - The front footage of the individual real property adjacent to S. Locust 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 record 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.
- (D) Notice of the proposed assessment shall be published as required by NE. Rev. Statutes Section 19-4030, as amended.
- (E) 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

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assessment does not provide a fair and equitable method of apportioning costs, then it may assess the costs under such method as the city council finds to be fair and equitable.

- (F) 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 Section 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 a 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. Any ordinance or ordinances in conflict herewith, be and hereby are, repealed.

SECTION 8. 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. 9. This ordinance shall be in force and take effect from and after its passage, approval and publication, in pamphlet form, within fifteen days in one issue of the *Grand Island Independent* as provided by law.

ORDINANCE NO. 8751 (Cont.)

Enacted: July 23, 2002.

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Ken Gnadt, Mayor

Attest:

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RaNae Edwards, City Clerk