



City of Grand Island

Tuesday, May 20, 2003

Council Session

Item F2

#8812 - Consideration of Establishment of Business Improvement District #5, Downtown

This item relates to the aforementioned Public Hearing. The Business Improvement District for the downtown (BID #2) is in its last year of a five year life. BID #2 expires on September 30, 2003. Annual assessments are paid by property owners in the district and area based on valuation (a % of total valuation of all property in the district). Efforts have begun to create/form a new BID for the downtown. BID #5 would be effective October 1, 2003 and would have a life of five-years. State statutes allow for the creation of business improvement districts and the expenditure of funds for improvement 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. The first step in the creation process for the new downtown BID was to establish the boundaries for the district and designate a board to develop the goals, objectives and budget for the new district. The City Council has approved the boundaries for the district and the Regional Planning Commission has approved the creation of the district. The BID Board has completed the goals, objectives and budget for the five year district. The Board has developed a total, five-year budget of \$401,066. This equates to a 0% increase from the existing budget of \$80,213/year. The proposed activities and budget allocations were approved by the City Council at the meeting of April 22, 2003. Approval is recommended.

Staff Contact: Cindy Johnson

ORDINANCE NO. 8812

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 2003-113 on April 22, 2003, which was published on May 5, 2003 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 May 20, 2003, 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 April 22, 2003.

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

Approved as to Form	☐ _____
May 15, 2003	☐ City Attorney

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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. 5 of the City of Grand Island, Nebraska.

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

- (A) (i) Improvement of any public place or facility in the district area, including landscaping, physical improvements for decoration or security purposes, and plantings, including but not limited to, plans, creation, development, equipment, supplies, materials, services, management, staff, maintenance, improvement and associated activities of streetscape and alleyway improvement
- (ii) Construction or installation of sidewalks, parks, meeting and display facilities, lighting, benches or other seating furniture, sculptures, trash receptacles, shelters, fountains, and any useful or necessary public improvements, including, but not limited to plans, creation, development, equipment, supplies, materials, services, management, staff, maintenance, improvement, and associated activities of streetside and other public area projects;
- (iii) Maintenance, repair, and reconstruction of any improvement's or facilities authorized by the Business Improvement District Act
- (B) (i) Creation and implementation of a plan for improving the general architectural design of public areas in the district;
- (ii) 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, in the district area, including, but not limited to, plans, creation, development, equipment, supplies, materials, services, management, staff, maintenance and improvement of communication and image building events and activities, such as holiday events, community events, media activities, newsletters, seasonal and special events and parades and other activities for the benefit of the district
- (C) (i) Employing or contracting for personnel 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, activities, projects, staff, consulting services, materials, equipment, supplies, and services necessary or convenient for the management of the affairs of the business improvement district, to include budget development and supervision, representation of the interests of the district to public and private entities, research, development,

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travel, training, development and implementation of business and residential recruitment and retention projects, projects and activities which contribute to regaining, sustaining or improving the economic health and viability of the district and the implementation of the goals and objectives of the Business Improvement Board.

(ii) 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.

SECTION 3. The outer boundaries of Business Improvement District No. 5 are described as follows:

Commencing at the Northeast corner of Lot 1, Block 54, Original Town of Grand Island, Hall County, Nebraska; thence southerly to the Northeast corner of Lot 1, Block 67, Original Town; thence easterly to the Northeast corner of Lot 1, Block 68, Original Town; thence southerly to the Southeast corner of said Lot 1, Block 68; thence westerly to a point on the southern boundary of Lot 3, Block 68, Original Town, which is 22 feet East of the Southwest corner of said Lot 3, Block 68; thence southerly to a point on Lot 6, Block 68, which is 22 feet East of the Southwest corner of said Lot 6, Block 68, Original Town; thence westerly to the Southeast corner of Lot 8, Block 67, Original Town; thence southerly to the Southeast corner of Lot 8, Block 78, Original Town; thence westerly to the Southwest corner of Lot 5, Block 79, Original Town; thence southerly to the Northwest corner of Block 9, County Subdivision to the City of Grand Island; thence easterly to the Northeast corner of said Block 9; thence southerly to the Southeast corner of said Block 9; thence westerly along the southern line of said Block 9 to the Northeast corner of Lot 1, Block 1, Hann's Addition; thence southerly along the eastern line of said Lot 1 a distance of 43.25 feet; thence westerly along a line 43.25 feet South of and parallel to the northern line of said Lot 1 to the point of intersection for said line and the western line of said Lot 1; thence southerly along the western line of Block 1, Hann's Addition, to a point on said line 50 feet North of the Southwest corner of Lot 4, Block 1, in said addition; thence easterly along a line 50 feet North of and parallel to the southern line of said Lot 4 for a distance of 67 feet; thence southerly a distance of 50 feet to the southern line of said Lot 4; thence westerly a distance of 67 feet to the Southwest corner of said Lot 4; thence northwesterly to the Southeast corner of Lot 8, Block 98, Railroad Addition to the City of Grand Island; thence westerly to the Southwest corner of Lot 7, Block 98, Railroad Addition; thence northerly to the Northwest corner of Lot 7, Block 98, Railroad Addition; thence easterly to the Northeast corner of Lot 8, Block 98, Railroad Addition; thence northerly on the eastern lot line of Lot 1, Block 98, to a point 66 feet South of the Northeast corner of Lot 1, Block 98, Railroad Addition; thence westerly to a point on the western

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lot line of said Lot 1, Block 98, located a distance of 66 feet South of the Northwest corner of said Lot 1, Block 98; thence southerly to the Southwest corner of said Lot 1, Block 98; thence westerly to the Southwest corner of Lot 2, Block 98, Railroad Addition; thence northerly to the Northwest corner of said Lot 2, Block 98; thence westerly to the Northwest corner of Lot 4, Block 98, Railroad Addition; thence northerly to the Southwest corner of Lot 4, Block 88, Original Town, thence westerly to the Southeast corner of Lot 1, Block 87, Original Town; thence westerly to the Southwest corner of Lot 4, Block 87, Original Town; thence northerly to the Southwest corner of Lot 5, Block 82, Original Town; thence westerly to the Southwest corner of Lot 8, Block 83, Original Town; thence northerly to the Southwest corner of Lot 1, Block 83, Original Town; thence westerly to the Southwest corner of Lot 4, Block 83, Original Town; thence northerly to the Northwest corner of said Lot 4, Block 83; thence easterly on the North line of said Lot 4 to a point 16 feet westerly of the Northeast corner of said Lot 4, Block 83; thence northerly to a point on the North lot line of Lot 5, Block 62, Original Town, 16 feet westerly of the Northeast corner of said Lot 5, Block 62; thence westerly to the Northeast corner of Lot 8, Block 61, Original Town; thence southerly to the Southeast corner of said Lot 8, Block 61; thence westerly to the Southwest corner of Lot 5, Block 61, Original Town; thence southerly to the Northwest corner of Lot 4, Block 85, Original Town; thence easterly to the Northeast corner of Lot 3, Block 85, Original Town; thence southerly to the Southeast corner of said Lot 3, Block 85; thence westerly to the Southwest corner of Lot 2, Block 106, Railroad Addition to the City of Grand Island; thence northerly to the Northwest corner of said Lot 2, Block 106; thence northwesterly to the Southwest corner of Lot 5, Block 107, Railroad Addition; thence northerly on the West line of said Lot 5, Block 107, a distance of 88 feet; thence easterly in a line parallel with the South line of said Lot 5 a distance of 66 feet to a point in the East line of said Lot 5; thence southerly to the Southeast corner of said Lot 5, Block 107; thence easterly along the South line of said Block 107 to a point 29.54 feet westerly of the Southeast corner of Lot 7, Block 107, Railroad Addition; thence northerly parallel to the East line of said Lot 7 a distance of 71.5 feet to a point; thence easterly parallel to the South line of said Lot 7, Block 107 a distance of 7.54 feet to a point; thence northerly parallel to the East line of said Lot 7, Block 107 to a point in the North line of said Lot 7 being 22 feet westerly of the Northeast corner of said Lot 7, Block 107; thence westerly to the Southwest corner of Lot 4, Block 107, Railroad Addition; thence northerly to a point in the West line of Lot 5, Block 108, Railroad Addition, located 88 feet northerly from the Southwest corner of said Lot 5, Block 108; thence easterly in a line parallel with the South line of said Lot 5, Block 108, a distance of 66 feet to a point in the East line of said Lot 5, Block 108; thence northerly to the Northeast corner of said Lot 5, Block 108; thence easterly along the North lot line of Lot 6, Block 108, Railroad Addition, to the Northeast corner of said Lot 6, Block 108; thence northerly to the Northwest corner of Lot 2, Block 108, Railroad Addition; thence westerly along the North line of said Block 108 a distance of 37 feet to a point; thence southerly to a point on the South lot line of Lot 3, Block 108,

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Railroad Addition, located a distance of 37 feet westerly of the Southeast corner of said Lot 3, Block 108; thence westerly to the Southwest corner of Lot 4, Block 108, Railroad Addition; thence southerly to the Northwest corner of Lot 5, Block 108, Railroad Addition; thence westerly to the Northeast corner of Lot 8, Block 114, Railroad Addition; thence southerly to the Southeast corner of said Lot 8, Block 114; thence westerly to the Southwest corner of Lot 7, Block 114, Railroad Addition; thence northerly to a point on the West line of said Lot 7, Block 114, located 88 feet northerly from the Southwest corner of said Lot 7, Block 114; thence easterly on a line parallel with the South line of said Lot 7, Block 114, a distance of 66 feet to a point on the East line of said Lot 7, Block 114; thence northerly to the Southwest corner of Lot 1, Block 114, Railroad Addition; thence easterly to the Southeast corner of said Lot 1, Block 114; thence northerly to the Southeast corner of Lot 8, Block 113, Railroad Addition; thence westerly to the Southwest corner of Lot 5, Block 113, Railroad Addition; thence northerly to the Northwest corner of Lot 4, Block 113, Railroad Addition; thence easterly to the Northeast corner of Lot 1, Block 109, Railroad Addition; thence southerly to the Southeast corner of Lot 8, Block 109, Railroad Addition; thence easterly to the Southwest corner of Lot 6, Block 60, Original Town of Grand Island; thence northerly to the Southeast corner of Lot 4, Block 60, Original Town; thence westerly to the Southwest corner of said Lot 4, Block 60; thence northerly to the Northwest corner of said Lot 4, Block 60; thence easterly to the Northeast corner of Lot 1, Block 54, Original Town, being the point of beginning.

SECTION 4. The real property located within the boundaries of Business Improvement District No. 5 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, except the initial creating year, a proposed budget shall be prepared for Business Improvement District No. 5 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.

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(C) The amount of the special assessment for each property shall be calculated in accordance with the following formula:

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.

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.

(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 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 be come delinquent fifty (50) days after the date of such levy. Delinquent payments shall draw interest at the rate specified in 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 owners of real property representing fifty percent (50%) or more of the total value of the real property within the district as shown in the office of the Hall County Assessor 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.

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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.

Enacted: May 20, 2003.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk