



# City of Grand Island

Tuesday, August 26, 2008

Council Session

## Item G7

**#2008-221 - Approving Resolution of Intent to Create Business Improvement District #7, South Locust Street from Hwy 34 to Stolley Park Road**

*See Memo under Public Hearing Item E-3.*

Staff Contact: Wes Nespor

## RESOLUTION 2008-221

WHEREAS, the District 7 Business Improvement Board has recommended that the City of Grand Island create a business improvement district with amended boundaries in the form hereinafter set forth; and

WHEREAS, on August 13, 2008, the Regional Planning Commission recommended approval of the creation of such business improvement district; and

WHEREAS, the City Council has determined that a public hearing should be held on the proposed business improvement district.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that

1. The proposed district shall be considered in public hearing before the City Council on September 9, 2008, at 7:00 p.m. in the Council Chambers at City Hall in Grand Island, Nebraska.
2. District Boundaries. The proposed boundaries of Business Improvement District No. 7 are described as follows:

Beginning at the Southeast corner of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M., Hall County, Nebraska; thence West on the South line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. for a distance of Two Hundred Feet (200'); thence Northerly on a line Two Hundred Feet (200') West of and parallel to the East line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. to the North line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M.; thence East on the North line of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> P.M. to the Northeast corner of Section Twenty-Eight (28), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> 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'); 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 6<sup>th</sup> P.M. to the South line of Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9) West of the 6<sup>th</sup> 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.

3. Creation of District: Improvements. The proposed work to be performed and specific improvements to be made or maintained within the proposed district shall include:

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 trash receptacles, benches, welcome signs, streetscape improvements, trees, shrubs and grass and other decorative improvements; snow removal from the sidewalks parallel to S. Locust; employment of or contracting for personnel, purchase of equipment, materials, supplies or other expenses to accomplish the purposes of the district; other incidental or ongoing expenses as needed for the maintenance, improvement and beautification of the green belt area and to accomplish the goals and objectives of the Business Improvement Board of the district.

The district may employ or contract 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, travel, training, development and implementation of business and residential recruitment and retention projects, downtown beautification 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.

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.

4. Term, Annual Budget and Limitations. The proposed district shall become effective on October 1, 2008 for a period of five years to terminate on September 30, 2013. The estimated total annual budget for costs and expenses of the work to be performed within such district during the first year totals \$45,000. The estimated total first-year budget by area of work is as follows:

|                                |          |
|--------------------------------|----------|
| Beautification                 | \$ 4,100 |
| Implementation and maintenance | \$40,900 |

In the subsequent four years, the maximum amount of annual assessment and annual budget for the district may exceed the first year assessment and budget amounts but the total budgeted assessment and expenditures will not exceed \$250,000 during the 5 year term of the District, the same being the estimated costs of all projects and maintenance requirements. The assessments levied for the first year shall not exceed \$45,000. The specific improvements for the first year are listed for purposes of estimating the costs and expenses of performing the proposed work and improvements. Although the district is proposed for a five-year period, the City council, after public hearing, shall approve an annual budget for specific improvements in each succeeding year consistent with the ordinance creating the district. The City Council retains the authority to change, modify and remove proposed improvements; however, the proposed improvements cannot exceed the scope of improvements and the annual assessment cannot exceed the maximum amounts of the annual assessment as provided by the ordinance creating the district.

5. Method of Assessment. The proposed district shall receive funding from special assessments based upon the special benefits to the property as fairly and equitably assessed by the City Council. The assessments shall be levied annually as 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. Owners of property exempt from ad valorem taxes are encouraged to support District activities, promotions, and improvements but property exempt from ad valorem taxes will not be subject to special assessment for this Business Improvement District. Property owned by the Federal Government, the State of Nebraska and political subdivisions thereof shall not be subject to special assessment for this Business Improvement District.
6. Notice. A copy of this resolution of intention shall be published one time in the *Grand Island Independent*, and a copy shall be mailed to each owner of taxable property as shown by the latest tax rolls of the Hall County Treasurer.
7. Boundary Lines. Commonly owned properties that are intersected by a boundary line establishing the district shall be considered as entirely within the district unless otherwise determined by the City Council when sitting as a Board of Equalization.
8. Enforcement. The special assessments provided herein shall be a lien on the property assessed superior and prior to all other liens except general taxes and other special assessments which shall be of equal priority. Liens for special assessments may be foreclosed and are subject to interest at the statutory rate when payment of the assessment is delinquent as provided by law. No special assessment made hereunder shall be void for

any irregularity, defect, error or informality in procedure, in levy or equalization thereof.

Adopted by the City Council of the City of Grand Island, Nebraska, August 26, 2008.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk