



City of Grand Island

Tuesday, April 14, 2009

Council Session

Item I2

**#2009-90 - Consideration of Resolution of Intent to Disestablish
Business Improvement District No. 8**

Staff Contact: Councilmember Larry Carney

Council Agenda Memo

From: Jeff Pederson, City Administrator

Meeting: April 14, 2009

Subject: Resolution Establishing May 12, 2009 at 7:00pm as the Date and Time for a Public Hearing on the Proposed Disestablishment of Business Improvement District No. 8

Item #'s: I-2

Presenter(s): Jeff Pederson, City Administrator

Background

At the March 24 meeting of the City Council, Councilmember Carney brought to the City Council a petition that he had received from property owners requesting the disestablishment of Business Improvement District No. 8. The City Council then directed the preparation of a Resolution to be considered at the next Regular City Council meeting which would set forth a date and time for the conduct of a Hearing on the proposed disestablishment of BID No. 8.

Discussion

In accordance with City Council directive, a Resolution was prepared by the Assistant City Attorney that includes all procedural requirements required by State statute.

It should be noted that the petition that was produced and was heretofore distributed to the City Council by Councilmember Carney has no binding effect on the decision of the Council to hold the Hearing, or to not hold the Hearing. Consideration of the Resolution is at the total discretion of the City Council.

Looking ahead to the prospect of a Hearing, State statute states that the City Council “may” disband the District following a Public Hearing, meaning that any decision to do so must be weighed on the merits of the testimony presented at the Hearing. Of equal importance is the existence of Nebraska Revised Statute Section 19-4027 which states that dissolution can not occur if over half of the assessable units in the District oppose the proposed dissolution.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration has no recommendation on the Resolution.

Sample Motion

The Resolution would be moved with a simple motion to move adoption of the Resolution.

RESOLUTION 2009-90

WHEREAS, the City of Grand Island created Business Improvement District No. 8 with boundaries in the form hereinafter set forth; and

WHEREAS, Nebraska Revised Statute Section 19-4035 provides that the City Council may disestablish a district by ordinance after a hearing before the City Council; and

WHEREAS, the City Council has determined that a public hearing should be held on the proposed disestablishment of Business Improvement District No. 8.

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

1. The proposed disestablishment of Business Improvement District No. 8 shall be considered in public hearing before the City Council on May 12, 2009 at 7:00 p.m. in the Council Chambers at City Hall in Grand Island, Nebraska. At that hearing the City Council will:
 - a. Hear all protests and receive evidence for or against disestablishment;
 - b. Rule upon all written protests prior to the close of the hearing; and
 - c. Continue the hearing from time to time as necessary.
2. District Boundaries. The boundaries of Business Improvement District No. 8 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

Approved as to Form	□ _____
April 9, 2009	□ City Attorney

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.

3. 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.

Adopted by the City Council of the City of Grand Island, Nebraska, April 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk