

ORDINANCE NO. _____

1 AN ORDINANCE creating a business improvement district under the authority of the
 2 Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq.) to be known as the Core
 3 Business Improvement District Overlay bounded roughly by Centennial Mall, M, 9th, and Q
 4 Streets for the purpose of providing specified work and improvements in the downtown area of
 5 the City of Lincoln, Nebraska; providing for special assessments to be imposed within the
 6 district based upon the benefits conferred; providing maximum limits upon such assessments;
 7 and providing a sunset of August 31, 2016.

8 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

9 Section 1. Public Hearing; Protests to Creation. That a resolution entitled Resolution of
 10 Intention to Establish a Management Business Improvement District to be known as the "Core
 11 Business Improvement District Overlay bounded roughly by Centennial Mall, M, 9th, and Q
 12 Streets" was adopted by the Lincoln City Council on February 6, 2006, as Resolution No.
 13 A-83730; that notice that the City Council intended to consider at public hearing an ordinance to
 14 establish the district was made by publication and by mailing a copy of said Resolution No.
 15 A-83730 to each owner of taxable property as shown on the latest tax roles of the County
 16 Treasurer within the proposed district; that a public hearing was held by the City Council on
 17 March 6, 2006 during the regular City Council meeting commencing at 1:30 p.m. in the City
 18 Council Chambers on the first floor of the County-City Building, 555 South 10th, Lincoln,
 19 Nebraska; that at such public hearing the City Council heard all protests and received evidence
 20 for and against the creation of the proposed Business Improvement District; that the City Council

1 has ruled upon all written protests to the creation of such district which were received prior to
2 the close of the hearing, and hereby finds that protest was not made by the record owners
3 representing over 50% of the assessable units in the proposed district.

4 Section 2. District Boundaries. The following described property represented on the
5 attached map (Attachment "A") shall be included within the business improvement district
6 boundary:

7 In the original plat of the City of Lincoln: The South 1/2 of Blocks 25, 26,
8 27 (including all of Bigelow's Subdivision and Quiggle's Subdivision), and 28;
9 all of Blocks 34 (including all of J.G. Miller's Subdivision of the North 1/2 of
10 Block 34), 35 (including all of the County Clerk's Subdivision of Block 35, all of
11 the Schaberg and Menlove's Subdivision and all of the Walsh, Putnam and
12 Brocks Subdivision), 36 (including all of Que Place Subdivision), 37 (including
13 all of Webster & Bonnell's Subdivision), 38, 39 (including all of the University
14 Square Addition), 40 (including all of Lansing's Subdivision), 41 (including all of
15 the County Clerk's Subdivision of Block 41), 57, 58 (including all of McDonald's
16 Subdivision of Block 58), 64, 65, 66; the North 1/2 of Blocks 67 (including all of
17 Ballantine Subdivision), and Old Federal 2nd Addition; the East 1/2 of Block 44;
18 Lots 20 and 21 of Block 42; all of Block 55 except Lots 7-12 (including all of the
19 County Clerk's Subdivision of Block 55, all of Cropsey's Subdivision of Block
20 53, and all of Referee's Subdivision of Block 55; and Block 59 of the Original
21 Plat of the City of Lincoln including all those portions of vacated streets and
22 alleys abutting thereon;

23 [42] All of Imhoff & Hyatt's Subdivision of Block 42 of the Original Plat
24 of the City of Lincoln including all those portions of vacated streets and alleys
25 abutting thereon;

26 [42] Lots 4, 5, 6, 7, 8, of Block 42 of the Original Plat of the City of
27 Lincoln including all those portions of vacated streets and alleys abutting thereon;

1 [316] All of Lots 37, 38, 60, 61, and 62 of S.W. Little's Subdivision
2 including all those portions of vacated streets and alleys abutting thereon;

3 [322] All of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Little and
4 Alexander's Subdivision of Lot 63 S.W. Little's Subdivision, including all those
5 portions of vacated streets and alleys abutting thereon; and

6 [89] All of Cornhusker Square and Cornhusker Square 1st Addition
7 including all those portions of vacated streets and alleys abutting thereon;

8 [56] All of Centrum Addition, Block 1;

9 Where properties are located on the outer edge of such district, the
10 boundary of the district shall extend to the centerline of any street or alley
11 abutting thereon.

12 Section 3. Creation of District; Improvements. The Core Business Improvement

13 District Overlay is hereby created. The work to be performed and specific improvements to be
14 made or maintained for such business improvement district shall consist of:

15 a. Planning and feasibility studies for civic projects and improvements,
16 including projects identified in the 2005 Downtown Master Plan that are located within the Core
17 Overlay area;

18 b. Capital costs of holiday decorations;

19 c. Banners, lighting and other signage to create a core district identity;

20 d. Enhanced maintenance and landscaping services;

21 e. Cosmetic capital improvements, including streetscape design plans,
22 landscaping, lighting and sidewalk improvements;

23 f. Public art;

24 g. Tourism and visitor information services and promotions that benefit
25 downtown hotels and the hospitality segment;

- 1 h. Retail promotions to support shopping activity;
- 2 i. Event management support and seed funds for new special events;
- 3 j. Street furniture, including kiosks and benches;
- 4 k. Other Core Overlay area promotions and improvements;
- 5 l. Staff support to support core Overlay promotions and improvements.

6 Section 4. Term, Annual Budget and Limitations. The district shall become effective on
7 September 1, 2006 for a period of ten (10) years to terminate on August 31, 2016. The estimated
8 total annual costs and expenses for the work to be performed within such district are \$159,349
9 (first year estimate); provided that the maximum amount of the first year's annual assessment for
10 the district shall not exceed \$159, 349 In the subsequent nine (9) years the maximum amount of
11 the annual assessment for the district will not exceed the first year maximum assessment amount
12 (\$159, 349), plus an increase equal to the amount of the Lincoln Consumer Price Index or 5%,
13 whichever is less. The specific improvements for the first year are listed for purposes of
14 estimating the costs and expenses of performing the proposed work and improvements. The
15 assessments levied shall not exceed \$159,349 for the first year. Although the district proposal is
16 for a ten-year period, the City Council after public hearing shall approve an annual budget for
17 specific work and improvements in each succeeding year consistent with the ordinance creating
18 the district. The City Council retains the authority to change, modify and remove proposed
19 improvements; however, the proposed improvements cannot exceed the scope of improvements
20 and the annual assessment cannot exceed the maximum amounts of the annual assessment
21 provided by the ordinance creating the district.

1 Section 5. Method of Assessment. The costs and expenses for the work proposed to
2 be performed within such business improvement district will be raised through special
3 assessments based upon the special benefits to the property as fairly and equitably assessed by
4 the City Council. The assessments will be levied annually as a percentage of assessed valuation
5 of taxable property within the districts. Based on the recommendation of the Business Area
6 Improvement Board, residential properties, both owner-occupied and rental, are expected to
7 receive full benefit from communications and advocacy services. This adjustment results in
8 residential properties being assessed at 35% of the Downtown BID assessment rate for the
9 purpose of Downtown BID assessments. Thirty-five percent (35%) is the proportion of
10 communication and advocacy services in the Downtown BID budget. For income-assisted
11 residential properties that provide low-to-moderate income owner-occupied and/or rental
12 housing, the residential assessment rate will be 50% of the full residential rate, or 17.5% of the
13 Downtown BID assessment rate for the purpose of Downtown BID assessments. The income-
14 assisted adjustment will apply only to units that are restricted to occupancy by “low-to-moderate
15 income households.” For mixed use buildings that combine residential and other uses, the
16 property owner may submit evidence supporting a percentage split of the assessed value between
17 residential and other uses for the City Council to consider when sitting as a board of
18 equalization.

19 Section 6. Contributions. Based on the recommendation of the Business Area
20 Improvement Board, all owners of property exempt from ad valorem taxes within the district
21 shall be invited annually to contribute annually to the City of Lincoln to support B.I.D. activities,

1 promotions and improvements. Any contributions shall be allocated to reduce assessment rates
2 in the district.

3 Section 7. Boundary Lines. Commonly owned properties that are intersected by a
4 boundary line establishing the district shall be considered as entirely within the district unless
5 otherwise determined by the City Council when sitting as a Board of Equalization.

6 Section 8. Enforcement. The special assessments provided herein shall be a lien on the
7 property assessed superior and prior to all other liens except general taxes and other special
8 assessments which shall be of equal priority. Liens for special assessments may be foreclosed
9 and are subject to interest at the statutory rate when payment of the assessment is delinquent as
10 provided by law. No special assessment made hereunder shall be void for any irregularity,
11 defect, error, or informality in procedure, in levy or equalization thereof.

12 Section 9. Effective Date. That this ordinance shall take effect and be enforce from and
13 after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

Assistant City Attorney

Approved this ___ day of _____, 2006:

Mayor