

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
 3 Downtown Business Improvement District bounded roughly by H, 6th, R, and 17th Streets for
 4 the purpose of providing specified work and improvements in the downtown area of the City of
 5 Lincoln, Nebraska; providing for special assessments to be imposed within the district based
 6 upon the benefits conferred; providing maximum limits upon such assessments; and providing a
 7 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
 11 "Downtown Business Improvement District bounded roughly by H, 6th, R, and 17th Streets" was
 12 adopted by the Lincoln City Council on February 6, 2006, as Resolution No. A-83731; that
 13 notice that the City Council intended to consider at public hearing an ordinance to establish the
 14 district was made by publication and by mailing a copy of Resolution No. A-83731 to each
 15 owner of taxable property as shown on the latest tax roles of the County Treasurer within the
 16 proposed district; that a public hearing was held by the City Council on March 6, 2006, during
 17 the regular City Council meeting commencing at 1:30 p.m. in the City Council Chambers on the
 18 first floor of the County-City Building, 555 South 10th, Lincoln, Nebraska; that at such public
 19 hearing, the City Council heard all protests and received evidence for and against the creation of
 20 the proposed Business Improvement District; that the City Council has ruled upon all written
 21 protests to the creation of such district which were received prior to the close of the hearing, and

1 hereby finds that protest was not made by the record owners representing over 50% of the
2 assessable units in the proposed district.

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

6 In the Original Plat of the City of Lincoln: The South 1/2 of Blocks 25, 26, 27
7 (including all of Bigelow's Subdivision and Quiggle's Subdivision), and 28; all of
8 Blocks 30 (including all of Haymarket Parking Garage Addition), 31 (including
9 all of Buck's Subdivision), 32 (including all of the Candy Factory Subdivision),
10 33 (including all of the Hambleton-Webb Subdivision and all of the County
11 Clerk's Subdivision of Block 33), 34 (including all of J.G. Miller's Subdivision),
12 35 (including all of the County Clerk's Subdivision of Block 35, all of the
13 Schaberg and Menlove's Subdivision and all of the Putnam and Brocks
14 Subdivision), 36 (including all of Que Place Addition), 37 (including all of
15 Webster & Bonnell's Subdivision), 38, 39 (including all of the University Square
16 Addition), 40 (including all of Lansing's Subdivision), 41 (including all of the
17 County Clerk's Subdivision of Block 41), 42 (including all of Imhoff & Hyatt's
18 Subdivision), Old Federal 2nd Addition, 44, 45, 53 (including all of the County
19 Clerk's Subdivision of Block 53, and Lots 1-7 of the Lincoln Land Co.
20 Subdivision of Block 53), 54 (including all of the County Clerk's Subdivision of
21 the North 1/2 of Block 54 and all of the County Clerk's Subdivision of the South
22 1/2 of Block 54) 55 (including all of the Referees Subdivision of Block 55, all of
23 the County Clerk's Subdivision of Block 55 and all of Cropsey's Subdivision of
24 Block 55), 57, 58 (including all of McDonald's Subdivision of Block 58), 59, 60,
25 61 (including Koch's Subdivision), 62, 63, 64, 65, 66, 67 (including all of Baird's
26 Subdivision, all of Masonic Temple Ass'n Replat of Block 67, and all of
27 Ballantine Subdivision), 68 (including all of Cropsey's Subdivision of Block 68
28 and all of Brocks Subdivision of Block 68), 69 (including all of the City Real
29 Estate Co. Subdivision of Block 69), 70, 85 (including Lots 1-7 of the Lincoln

1 Land Co. Subdivision of Block 85), 86, 87 (including all of the County Clerk's
2 Subdivision of Block 87 and all of Brock's Subdivision of Block 87), 88
3 (including all of N.C. Brock's Subdivision of Block 88 and all of Sheldon's
4 Subdivision), 90, 91, 92, 93, 94, 95, 96, 97 (including all of Kennard's
5 Subdivision), 98, 99 (including all of Barretts Subdivision and all of Billingsley's
6 Subdivision), 100 (including all of the County Clerk's Subdivision of Block 100,
7 all of Beynon Addition, and all of Jones Subdivision), 101 (including all of the
8 County Clerk's Subdivision of Block 101 and all of Sheffield's Subdivision), 102
9 (including Lots 1-7 of the Lincoln Land Co. Subdivision of Block 102), 119, 120,
10 121 (including all of the County Clerk's Subdivision of Block 121), 122
11 (including all of the County Clerk's Subdivision of Block 122); and the North 1/2
12 of Blocks, 123, 125, 126, 127, and 128 of the Original Plat of the City of Lincoln
13 including all those portions of vacated streets and alleys abutting thereon;

14 [56] All of Centrum Addition including all those portions of vacated
15 streets and alleys abutting thereon;

16 [89] All of the Cornhusker Square and Cornhusker Square First Addition
17 including all those portions of vacated streets and alleys abutting thereon;

18 [316, 317, 318] All of lots 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51,
19 53, 54, 55, 56, 57, 58, 60, 61, and 62 of S.W. Little's Subdivision including all
20 those portions of vacated streets and alleys abutting thereon.

21 [322] All of lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Little and Alexander's
22 Subdivision of Lot 63 S.W. Little's Subdivision, including all of the east-west
23 alley abutting thereon and including all those portions of vacated streets and
24 alleys abutting thereon

25 [323] All of Richard's Addition to Lot 64 S.W. Little's Subdivision.

26 [324] All of the Co. Clerk's Subdivision of Lot 65 S.W. Little's
27 Subdivision including all those portions of vacated streets and alleys abutting
28 thereon.

1 [324] All of the 1st Nat'l Bank Subdivision of Lot 65 S.W. Little's
2 Subdivision including all those portions of vacated streets and alleys abutting
3 thereon.

4 All of Lots 1, 2, 3, 4, and 5 and Outlot A of Lincoln Station Subdivision
5 including all those portions of vacated streets and alleys abutting thereon.

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

9 Section 3. Creation of District; Improvements. The Downtown Business Improvement
10 District is hereby created. The work to be performed and specific improvements proposed to be
11 made or maintained for such business improvement district shall consist of:

12 **a. Economic Development.**

13 Economic development activities will aim to improve the business climate
14 of downtown with the goal of attracting and retaining businesses, jobs and investment. While
15 annual work programs and budgets will be developed in collaboration with stakeholders and
16 approved by the Downtown Lincoln Association board of directors, programs will be selected
17 from a variety of options that may include the following:

18 (1) Facilitate efforts with property owners, brokers and businesses to
19 fill under-utilized downtown properties.

20 (2) Conduct business retention efforts to encourage existing
21 businesses to grow, including initiatives and support services to encourage local independent
22 retail.

23 (3) Help attract new investment and catalytic projects that are
24 consistent with the vision and goals of the 2005 Downtown Master Plan.

25 (4) Design and produce investor marketing packages to assist real
26 estate brokers, developers and property owners in business recruitment efforts.

1 (5) Maintain a district database with local market and real estate
2 information.

3 (6) Trouble-shoot and liaison services to assist property and business
4 owners to invest and operate in the district.

5 (7) Enhance research and development of the downtown website.

6 (8) Advertising, including branding and cooperative campaigns and
7 increased placement and frequency in local media.

8 (9) Promote housing and residential development in downtown.

9 (10) Work with the Lincoln Partnership for Economic Development
10 (LPED) and the Lincoln Chamber of Commerce to collaboratively position Lincoln for new
11 business and downtown as a prime business location.

12 **b. Parking and Transportation.**

13 Parking and transportation initiatives aim to make it easier for customers,
14 employees and visitors to park in and get around the downtown. Approaches include a
15 combination of improved parking management, promotion, innovative finance and partnerships.

16 Virtually all parking and transportation recommendations from the 1999
17 Management BID Business Plan have been implemented, including:

18 (1) Allocation of revenue from a meter increase to the City's parking
19 enterprise fund that has allowed the City to reinvest parking revenues in Downtown parking
20 improvements.

21 (2) Construction of the Haymarket parking garage.

22 (3) Creation of a database of parking options.

23 (4) Management of a parking validation program for customers.

24 (5) Marketing and education of parking and transportation options.

25 For the next five years, new parking and transportation initiatives may include:

1 (1) Implement parking management system recommendations from
2 the 2005 Carl Walker parking study.

3 (2) Investigate options for improving mobility for all modes of
4 transportation, including bicycles and shuttles, within the downtown and consistent with the
5 Downtown Master Plan.

6 (3) Continue efforts to market and educate downtown stakeholders on
7 parking and transportation options.

8 **c. Communications and Advocacy.**

9 The Management BIDs support ongoing efforts by the Downtown Lincoln
10 Association to champion downtown interests and involve property owners, businesses and
11 residents in crafting pro-active solutions to issues that affect downtown. Ongoing
12 communications and advocacy initiatives may include:

13 (1) Continue to publish a downtown newsletter.

14 (2) Conduct periodic BID ratepayer surveys to measure overall
15 satisfaction with programs.

16 (3) Manage media relations activities to project a positive image in
17 local, regional and national media.

18 (4) Increase distribution and enhance the quality of publications,
19 including the downtown map and directory and activity guides.

20 (5) Maintain and improve the Downtown Lincoln website.

21 (6) Public relations efforts to promote a positive image and overall
22 experience.

23 (7) Conduct periodic forums and “town hall” meetings to keep
24 ratepayers informed and involved in downtown development and management issues.

1 **d. Management, Support and Reserve:**

2 Through the Downtown Lincoln Association, the Management BIDs support a
3 professional staff that delivers programs and advocates on behalf of downtown. The BIDs allow
4 downtown property owners to project a unified voice and elevate their influence in policies and
5 issues that affect the central business district. Funds are allocated to office and support services
6 such as bookkeeping, office rent, insurance, office equipment and professional development and
7 training for the staff and Downtown Lincoln Association board. An operating reserve is also
8 budgeted as a contingency for any payment delinquencies and/or unforeseen budget adjustments.

9 Section 4. Term, Annual Budget and Limitations. The proposed district shall
10 become effective on September 1, 2006 for a period of ten (10) years to terminate on August 31,
11 2016. The estimated total annual costs and expenses for the work to be performed within such
12 district are \$355,651 (first year estimate); provided that, the maximum amount of the first year's
13 annual assessment for the district shall not exceed \$285,651. In the subsequent nine years the
14 maximum amount of the annual assessment for the district will not exceed the first year
15 maximum assessment amount (\$285,651), plus an increase equal to the amount of the Lincoln
16 Consumer Price Index or 5%, whichever is less. The specific improvements for the first year are
17 listed for purposes of estimating the costs and expenses of performing the proposed work and
18 improvements. The assessments levied shall not exceed \$285,651 for the first year. Although
19 the district proposal is for a ten-year period, the City Council after public hearing shall approve
20 an annual budget for specific work and improvements in each succeeding year consistent with
21 the ordinance creating the district. The City Council retains the authority to change, modify and
22 remove proposed improvements; however, the proposed improvements cannot exceed the scope
23 of improvements and the annual assessment cannot exceed the maximum amounts of the annual
24 assessment provided by the ordinance creating the district.

1 Section 5. Method of Assessment. The costs and expenses for the work proposed to be
2 performed within such business improvement district will be raised through special assessments
3 based upon the special benefits to the property as fairly and equitably assessed by the City
4 Council. The assessments will be levied annually as a percentage of assessed valuation of
5 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,
22 promotions and improvements. Any contributions shall be allocated to reduce assessment rates
23 in the district.

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

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

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

Introduced by:

Approved as to Form & Legality:

Assistant City Attorney

Approved this ___ day of _____, 2006: _____ Mayor
