

57277

92-251

Introduce: 11-2-92

ORDINANCE NO. 16266

1 AN ORDINANCE creating a business improvement district under the authority
2 of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq.) to
3 be known as the Downtown Maintenance District for the purpose of providing
4 maintenance of certain public facilities and improvements in the downtown area
5 of the City of Lincoln, Nebraska; providing a limit of 8 years on the existence
6 of such district; providing for special assessments to be imposed within the
7 district based upon the benefits conferred and providing maximum limits upon
8 such assessments.

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

10 Section 1. Public Hearing; Protests to Creation. That a resolution
11 entitled "Resolution of Intention to Establish a Business Improvement District
12 for the Provision of Maintenance of Certain Public Facilities and Improvements
13 in the Downtown Area" was adopted by the Lincoln City Council on October 19,
14 1992 as Resolution No. A-75086; that notice of such Intention was properly made
15 by publication and by mailing a copy of said resolution to each owner of taxable
16 property as shown on the latest tax roles of the County Treasurer within the
17 proposed district; that a public hearing on such Intention was held by the City
18 Council on November 9, 1992 during the regular City Council meeting commencing
19 at 1:30 p.m. in the City Council Chambers on the first floor of the County-City
20 Building, 555 South 10th Street, Lincoln, Nebraska; that at such public hearing,
21 the City Council heard all protests and received evidence for and against the
22 proposed Business Improvement District; that the City Council has ruled upon all
23 written protests to the creation of such district which were received prior to
24 the close of the hearing, and find that protest was not made by the record

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1 owners of over fifty percent (50%) of the assessable units in the proposed
2 district.

3 Section 2. Creation and Purpose of the District; Public Facilities and
4 Improvements Included. That the Downtown Maintenance District is hereby estab-
5 lished and created for a period ending November 30, 2000. The work to be per-
6 formed within the district shall include maintenance (including watering of
7 landscaping) and replacement of minor street trees, shrubbery, and other plant-
8 ings, maintenance (not including repair) of public sidewalks, and snow removal
9 from sidewalks located at intersections and handicapped ramps in high traffic
10 areas.

11 Section 3. Boundaries of the District; Property Included Within the
12 District. The boundaries of the Downtown Maintenance District shall extend
13 generally from 9th Street on the west to 17th Street on the east, and from "R"
14 Street on the north to "N" Street on the south and shall, in addition thereto,
15 include properties abutting upon 13th Street from "J" Street to "R" Street,
16 including all of Cornhusker Square Addition. The specific boundaries and the
17 property included therein are all more particularly shown on the map which is
18 attached hereto, marked as Attachment "A", and made a part hereof by reference.

19 Section 4. Method of Assessment. For a period of 8 years from and
20 after December 1, 1992, the cost and expenses for the work to be performed
21 within the Downtown Maintenance District shall be levied as special assessments,
22 fairly and equitably based upon the special benefits to the property within the
23 District. Such special assessments shall be levied on a front-foot basis and,
24 for the first 2 years of the existence of said District, shall not exceed \$1.35
25 per front foot; provided, however, that after the first 2 years, such costs may
26 increase at a rate not to exceed 5% annually for each year thereafter. After

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1 November 30, 2000, the Downtown Maintenance District shall expire and the
2 authority to levy special assessments therein shall cease.

3 Failure to pay any assessment or installment when due shall subject the
4 owner of the assessed property to the payment of such rate of interest for
5 delinquent assessments and to such collection and foreclosure procedures as are
6 authorized by state law.

7 Section 5. Effective Date. That this ordinance shall take effect and
8 be in force from and after its passage and publication according to law.

Introduced by:

Walter S. Lyons

AYES: Haar, Johnson, Lyons,
Minnick, Seng, Wilson, Young;
NAYS: None.

Approved as to Form & Legality:

William J. Austin
City Attorney

Staff Review Completed:

Marisa Johnson
Administrative Assistant

11-16-92 Council Proceedings:

MINNICK Moved to accept the findings of the Law Department
that the square footage of the protests filed was insufficient
for the Council to deny passage of the Ordinance.

Seconded by Wilson and carried by the following vote:

AYES: Haar, Johnson, Lyons, Minnick, Seng, Wilson, Young;
NAYS: None.

YOUNG Moved to Pass Bill 92-251 as read.

Seconded by Minnick and carried by the vote shown above
at Signature Line.

APPROVED

NOV 20 1992

[Signature]

PASSED

NOV 16 1992

BY CITY COUNCIL

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C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of ORDINANCE NO. 16266

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held NOVEMBER 16, 1992, as the original appears of record in my office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 18th day of DECEMBER, 1992.

Paul A. Malzer
City Clerk

LANCASTER COUNTY, NEB
Dan Nette
REGISTER OF DEEDS

Dec 18 3 02 PM '92

INST. NO. 92 57277

BLOCK

CODE

CHECKED

ENTERED

EDITED

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return to City Clerk
Charge to Urban Development
George Chick