

29051

89-225

Introduce: 8-21-89

ORDINANCE NO. 15292

#2

01 AN ORDINANCE creating the Downtown Perimeter Management and Enhance-  
02 ment District, under the authority of the Business Improvement District Act,  
03 (Neb. Rev. Stat. §§ 29-4015, et seq.), providing for the development of public  
04 activities and the promotion of public events, including the management and  
05 promotion and advocacy of retail trade activities or other promotional activi-  
06 ties in the district area; enhancement of the enforcement of parking regula-  
07 tions and the provision of security within the district area; the improvement  
08 of parking availability; the provision of physical improvements for decoration  
09 and security purposes; the maintenance, repair, and reconstruction of improve-  
10 ments of other facilities authorized by the Business Improvement District Act  
11 not otherwise subject to maintenance, repair, or reconstruction under or  
12 within another business improvement district; any other projects or undertak-  
13 ings for the benefit of the public facilities in the district area; the  
14 employment of or contracting for personnel, including administrators, to  
15 provide for any service as may be necessary or proper to carry out the purposes  
16 of the Business Improvement District Act within an area in the downtown core  
17 generally encompassing property between 7th Street and 17th Street, and  
18 between "R" and "H" Streets; providing for payment of the costs of such  
19 activities and improvements; designating the real property to be specifically  
20 benefited by such activities and improvements, and including the same within  
21 said district; authorizing the levy of special assessments against such  
22 specially benefited property; defining the method of such special assessments;  
23 and providing for an effective date.

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

01                   Section 1.     Public Hearing; Protests to Creation.   That a resolu-  
02                   tion entitled "Resolution of Intention to Establish a Downtown Perimeter  
03                   Management and Enhancement District" under the authority of Neb. Rev. Stat. §§  
04                   19-4015, et seq. was adopted by the City Council on August 14, 1989, which  
05                   resolution is numbered Resolution No. A-72954; that notice of such intention  
06                   was properly made by publication and mailing to the owners of taxable property  
07                   within the proposed district; that a public hearing on the creation of said  
08                   district was held by the City Council on August 28, 1989, during the regular  
09                   City Council meeting beginning at 1:30 p.m. in the City Council Chambers on  
10                   the first floor of the County-City Building, 555 South 10th Street, Lincoln,  
11                   Nebraska 68508; that at such public hearing, the City Council heard all  
12                   protests and received the evidence for or against the proposed business  
13                   improvement district; that the City Council has ruled upon all written pro-  
14                   tests to the creation of such district which were received prior to the close  
15                   of the hearing, and that protest was not made by the record owners of over 50  
16                   percent of the assessable units in the proposed district.

17                   Section 2.     Creation and Purpose of District; Public Facilities  
18                   and Improvements Included.   That the Downtown Perimeter Management and Enhance-  
19                   ment District is hereby established and created under the authority of the  
20                   Business Improvement District Act for the purpose of

- 21                   a)   Developing public activities and promotion of public events,  
22                   including the management and promotion and advocacy of retail  
23                   trade activities or other promotional activities in the  
24                   district area;
- 25                   b)   Enhancing the enforcement of parking regulations and providing  
26                   security within the district;

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- 01 c) Improving parking availability, and maintaining and operating
- 02 parking garages and other facilities for the parking of vehicles;
- 03 d) Providing physical improvements for decoration and security
- 04 purposes;
- 05 e) Maintenance, repair, and reconstruction of improvements or
- 06 facilities authorized by the Business Improvement District Act
- 07 not otherwise subject to maintenance, repair or reconstruction
- 08 under or within another business improvement district;
- 09 f) Any other project or undertaking for the betterment of the
- 10 public facilities in the district area; and
- 11 g) Employing or contract personnel, including administrative, to
- 12 provide for any service as may be necessary or proper to carry
- 13 out the purposes of the Business Improvement District Act.

14 Section 3. Boundaries of the District; Property Included Within  
15 the District. The Downtown Perimeter Management and Enhancement District  
16 shall be generally bounded by 7th Street and 17th Street, and by "R" and "H"  
17 Streets, but excluding those properties included in the proposed "Downtown  
18 Core Management and Enhancement District" (10th Street and Lincoln Mall, "Q"  
19 to "M" Streets). The specific boundaries of said district are more particu-  
20 larly shown on the map which is attached hereto marked as Attachment "A" and  
21 made a part hereof by reference.

22 The real property proposed to be included within the district is  
23 described as follows:

24 The south half of Blocks 25, 26, 27, 28, and 67, all of Blocks 32, 33,  
25 34, 35, 43, 44, 45, 53, 54, 60, 61, 62, 63, 68, 69, 70, 85, 86, 87,  
26 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 119, 120,  
27 121, and 122, the north half of Blocks 36, 37, 38, 52, 123, 125, 126,  
28 127, and 128, all of Block 42 except Lots 20 and 21, Lots 7 through  
29 12, Block 55, and Lots 1 through 6 and 16 through 18, Block 59, all  
30 located in the Original Plat of Lincoln, including all those portions  
31 of vacated streets and alleys abutting thereon; Lots 1, 2, 3, 5 and  
32 Outlot "A", Lincoln Station; the south half of Cornhusker Square; all  
33 of Lots 36, 37, 38, 41, 42, 43, 44, 45, 46, 53, 54, 55, 56, 57, 58,  
34 60, 61, and 62, S.W. Little's Subdivision, including all those

4.

01 portions of vacated streets and alleys abutting thereon; Lots "E",  
02 "F", and "G", County Clerk's Subdivision of Lot 34, S.W. Little's  
03 Subdivision; Lots 3, 4, 5, 10, 11, 12, and the north 65.0 feet of Lot  
04 6, Little and Alexander's Subdivision of Lot 63, S.W. Little's Subdivi-  
05 sion; all of Richard's Addition, a subdivision of Lot 64, S.W. Little's  
06 Subdivision, including all of the vacated east-west alley abutting  
07 thereon; and all of the 1st National Bank Subdivision and the County  
08 Clerk's Subdivision of Lot 65, S.W. Little's Subdivision; all located  
09 in the City of Lincoln, Lancaster County, Nebraska,

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

13 Section 4. Method of Assessment. The costs and expenses of the  
14 activities and improvements contemplated within the above-described district  
15 shall be levied as special assessments, fairly and equitably based upon the  
16 special benefits to the property within the district. Such assessments shall be  
17 levied annually as a percentage of assessed valuation of the benefitted property  
18 within the district. The first estimated special assessment levy is proposed to  
19 be not more than \$.128 per \$100 of assessed valuation.

20 Failure to pay any special assessment or installment when due shall  
21 subject the assessed property to the payment of such interest and to such  
22 collection procedures as are authorized by law.

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

Introduced by:

*John Bair Dalgassell*

Approved as to Form & Legality:

*William F. Hunter*  
City Attorney

Staff Review Completed:

*W. F. T.*  
Administrative Assistant

AYES: Gutgsell, Haar, Hempel,  
Minnick, Johanns, Seng,  
Wilson;

**PASSED**

**APPROVED** NAYS: None.

SEP 8, 1989

SEP - 5 1989

*Spada Wilson*  
MAYOR

**CITY COUNCIL**

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. 15292

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held September 5, 1989 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 26th day of September, 19 89.

*Paul A. Malzer*  
\_\_\_\_\_  
City Clerk

BLOCK  
CODE  
CHECKED  
ENTERED  
EDITED

PLATON COUNTY, NEBR.  
*Dan Polk*  
REGISTER OF DEEDS

89 OCT 16 AM 8:53

INDEXED ON  
SERIAL INDEX  
FOR RECORD AS:

INST. NO. 89 29851

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*Return to City Clerk*