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Introduce: 8-21-89

ORDINANCE NO. 15291

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AN ORDINANCE creating the Downtown Core Management and Enhancement District, under the authority of the Business Improvement District Act, (Neb. Rev. Stat. §§ 29-4015, et seq.), providing for the development of public activities and the promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvement District Act within an area in the downtown core generally encompassing property between 10th Street and Centennial Mall, and between "Q" and "M" Streets; providing for payment of the costs of such activities and improvements; designating the real property to be specifically benefited by such activities and improvements, and including the same within said district; authorizing the levy of special assessments against such specially benefited property; defining the method of such special assessments; and providing for an effective date.

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

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01                   Section 1.     Public Hearing; Protests to Creation.     That a resolu-  
02                   tion entitled "Resolution of Intention to Establish a Downtown Core Management  
03                   and Enhancement District" under the authority of Neb. Rev. Stat. §§ 19-4015,  
04                   et seq. was adopted by the City Council on August 14, 1989, which resolution  
05                   is numbered Resolution No. A-72953; that notice of such intention was properly  
06                   made by publication and mailing to the owners of taxable property within the  
07                   proposed district; that a public hearing on the creation of said district was  
08                   held by the City Council on August 28, 1989, during the regular City Council  
09                   meeting beginning at 1:30 p.m. in the City Council Chambers on the first floor  
10                   of the County-City Building, 555 South 10th Street, Lincoln, Nebraska 68508;  
11                   that at such public hearing, the City Council heard all protests and received  
12                   the evidence for or against the proposed business improvement district; that  
13                   the City Council has ruled upon all written protests to the creation of such  
14                   district which were received prior to the close of the hearing, and that  
15                   protest was not made by the record owners of over 50 percent of the assessable  
16                   units in the proposed district.

17                   Section 2.     Creation and Purpose of District; Public Facilities  
18                   and Improvements Included.     That the Downtown Core Management and Enhancement  
19                   District is hereby established and created under the authority of the Business  
20                   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 district  
24                   area;
- 25                   b)     Enhancing the enforcement of parking regulations and providing  
26                   security within the district;

- 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 Core Management and Enhancement District shall be  
16 generally bounded by 10th Street and Centennial Mall, and by "Q" and "M"  
17 Streets. The specific boundaries of said district are more particularly shown  
18 on the map which is attached hereto marked as Attachment "A" and made a part  
19 hereof by reference.

20 The real property proposed to be included within the district is  
21 described as follows:

22 The south half of Blocks 36, 37, and 38, all of Blocks 39, 40, 41, 57,  
23 58, 64, 65, and 66, the north half of Block 67, Lots 20 and 21, Block  
24 42, all of Block 55 except Lots 7 through 12, and Lots 7 through 15,  
25 Block 59, all located in the Original Plat of Lincoln, including all  
26 those portions of vacated streets and alleys abutting thereon; all of  
27 University Square Addition; all of Centrum Block Addition; the north  
28 half of Cornhusker Square; and Lots 7 through 9, and the south 50.0  
29 feet of Lot 6, Little and Alexander's Subdivision of Lot 63, S.W.  
30 Little's Subdivision; all located in the City of Lincoln, Lancaster  
31 County, Nebraska,

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

04 Section 4. Method of Assessment. The costs and expenses of the  
05 activities and improvements contemplated within the above-described district  
06 shall be levied as special assessments, fairly and equitably based upon the  
07 special benefits to the property within the district. Such assessments shall be  
08 levied annually as a percentage of assessed valuation of the benefitted property  
09 within the district. The first estimated special assessment levy is proposed to  
10 be not more than \$.257 per \$100 of assessed valuation.

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

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

Introduced by:

*Jo Ann Gutgsell*

Approved as to Form & Legality: AYES: Gutgsell, Haar, Hempel, Johanns,  
Minnick, Seng, Wilson;  
NAYS: None.

*William F. Hudson*  
City Attorney

Staff Review Completed:

*[Signature]*  
Administrative Assistant

**PASSED**

SEP - 5 1989

**BY CITY COUNCIL**

**APPROVED**

SEP 8, 1989

*Linda Wilson*  
MAYOR

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. 15291

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

INDEXED

FILED

LANCASTER COUNTY, NEBR.

REGISTER OF DEEDS

89 OCT 17 AM 8:06

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 89 30007

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\$50

*Return to Clerk*