

Dan Galt

\$585⁰⁰

REGISTER OF DEEDS

2001 SEP 28 P 12: 09

INST. NO 2001

056167

LANCASTER COUNTY, NE

BLOCK

CODE

CHECKED

ENTERED

EDITED

186464

99-41

Introduce: 4-12-99

ORDINANCE NO. 17496

1 AN ORDINANCE creating a business improvement district under the
 2 authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015
 3 et seq.) to be known as the Downtown Business Improvement District bounded
 4 roughly by H, 6th, R, and 17th Streets for the purpose of providing specified
 5 work and improvements in the downtown area of the City of Lincoln, Nebraska;
 6 providing for special assessments to be imposed within the district based upon
 7 the benefits conferred; providing maximum limits upon such assessments; and
 8 providing a sunset of August 31, 2006.

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 Management Business
 12 Improvement District to be known as the "Downtown Business Improvement
 13 District bounded roughly by H, 6th, R, and 17th Streets" was adopted by the
 14 Lincoln City Council on March 29, 1999 as Resolution No. A-79360; that notice
 15 that the City Council intended to consider at public hearing an ordinance to
 16 establish the district was made by publication and by mailing a copy of
 17 Resolution No. A-79360 to each owner of taxable property as shown on the
 18 latest tax roles of the County Treasurer within the proposed district; that a
 19 public hearing was held by the City Council on April 19, 1999 during the
 20 regular City Council meeting commencing at 1:30 p.m. in the City Council
 21 Chambers on the first floor of the County-City Building, 555 South 10th,
 22 Lincoln, Nebraska; that at such public hearing, the City Council heard all
 23 protests and received evidence for and against the creation of the proposed

City Clerk-Joan

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

6 Section 2. District Boundaries. The following described property
7 represented on the ~~attached~~ map ^(ON FILE AT CITY CLERK) (~~Attachment "A"~~) shall be included within the
8 business improvement district boundary:

9 In the original plat of the City of Lincoln: The south 1/2 of
10 Blocks 25, 26, 27(including all of Bigelow's Subdivision and
11 Quiggle's Subdivision), and 28; all of Blocks 30, 31 (including
12 all of Buck's Subdivision), 32 (including all of the Candy Factory
13 Subdivision), 33 (including all of the Hambleton-Webb Subdivision
14 and all of the County Clerk's Subdivision of Block 33), 34
15 (including all of J.G. Miller's subdivision), 35(including all of
16 the County Clerk's subdivision of Block 35, all of the Schaberg
17 Menlove's Subdivision and all of the ^{Walters} Putnam and Brocks
18 Subdivision), 36, 37 (including all of Webster & Bonnell's
19 Subdivision), 38, 39(including all of the University Square
20 Addition), 40 (including all of Lansing's Subdivision),
21 41(including all of the County Clerk's Subdivision of Block 41),
22 42 (including all of Inghoff & Hyatt's Subdivision) 43, 44, 45, 53
23 (including all of the County Clerk's Subdivision of Block 53, and
24 Lots 1-7 of the Lincoln Land Co. Subdivision of Block 53), 54
25 (including all of the County Clerk's Subdivision of the north 1/2
26 of Block 54 and all of the County Clerk's Subdivision of the
27 south 1/2 of Block 54) 55 (including all of the Referees
28 Subdivision of Block 55, all of the County Clerk's Subdivision of
29 Block 55 and all of Cropsey's Subdivision of Block 55), 57, 58
30 (including all of McDonald's Subdivision), 59, 60, 61 (including

1 Kock's Subdivision), 62, 63, 64, 65, 66, 67 (including all of
2 Baird's Subdivision, all of Masonic Temple Ass'n replat of Block
3 67, and all of Ballantine subdivision), 68 (including all of
4 Cropsey's subdivision of Block 68 and all of Brooks Subdivision),
5 69 (including all of the City Real Estate Co Subdivision of Block
6 69), 70, 85 (including lots 1-7 of the Lincoln Land Co.
7 Subdivision of Block 85), 86, 87 (including all of the County
8 Clerk's Subdivision of Block 87 and all of Brock's Subdivision of
9 Block 87), 88 (including all of N.C. Brock's Subdivision of Block
10 88 and all of Sheldon's Subdivision), 90, 91, 92, 93, 94, 95, 96,
11 97 (including all of Kennard's Subdivision) , 98, 99 (including
12 all of Barretts Subdivision and all of Billingsley's Subdivision),
13 100 (including all of the County Clerk's Subdivision of Block 100,
14 all of Benyon Addition, and all of Jones Subdivision), 101
15 (including all of the County Clerk's Subdivision of Block 101 and
16 all of Sheffield's Subdivision), 102 (including Lots 1-7 of the
17 Lincoln Land Co. Subdivision of Block 102), 119, 120, 121
18 (including all of the County Clerk's Subdivision of Block 121),
19 122 (including all of the County Clerk's Subdivision of Block
20 122); all of Lots 1, 2, 3, 4, 5, 6 and Lots 10, 11, and 12 of Lot ~~Block~~
21 123; and the North 1/2 of Blocks, 125, 126, 127, and 128 of the
22 original plat of the City of Lincoln including all those portions
23 of vacated streets and alleys abutting thereon;

24 [56] All of Centrum Addition including all those portions of
25 vacated streets and alleys abutting thereon;

26 [89] All of the Cornhusker Square and Cornhusker Square
27 First Addition including all those portions of vacated streets and
28 alleys abutting thereon;

29 [316, 317, 318] All of lots 37, 38, 41, 42, 43, 44, 45, 46,
30 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 60, 61, and 62 of S.W.
31 Little's Subdivision including all those portions of vacated
32 streets and alleys abutting thereon.

1 [322] All of lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of
2 Little and Alexander's Subdivision of Lot 63 S.W. Little's
3 Subdivision, including all of the east-west alley abutting thereon
4 and including all those portions of vacated streets and alleys
5 abutting thereon

6 [323] All of Richard's Addition to Lot 64 S.W. Little's
7 Subdivision.

8 [324] All of the Co. Clerk's Subdivision of Lot 65 S.W.
9 Little's Subdivision including all those portions of vacated
10 streets and alleys abutting thereon.

11 [324] All of the 1st Nat'l Bank Subdivision of Lot 65 S.W.
12 Little's Subdivision including all those portions of vacated
13 streets and alleys abutting thereon.

14 All of lots 1, 2, 3, 4, and 5 of Lincoln Station Subdivision
15 including all those portions of vacated streets and alleys
16 abutting thereon.

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

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

24 **(a) Parking and Transportation Initiatives.** Parking and
25 transportation initiatives will aim to make it easier for
26 customers, employees and visitors to park in and get around the
27 Downtown. Progress to address parking and transportation issues
28 may be measured by periodic perception surveys of Downtown
29 customers, visitors and employees. The Parking and Transportation

1 Initiatives may include a combination of improved parking
2 management, promotion and innovation as follows:

- 3 **1. Parking Enterprise Fund:** Working with City officials to
4 develop a Parking Enterprise Fund to increase, manage and
5 market downtown's parking supply.
- 6 **2. Haymarket Parking Supply:** Expanding the supply of parking
7 for the Haymarket district and advancing implementation of
8 parking projects in the City's current capital improvement
9 program budget, including reconfiguration of surface lots in
10 the vicinity of the Burlington Depot and expansion of the
11 Lumberworks lot at 7th and O Streets.
- 12 **3. Database of Downtown Parking Options:** Compile, maintain and
13 disseminate a comprehensive database on downtown's parking
14 supply. The database will provide a central resource pool by
15 which property and business owners can identify available
16 parking resources within the district.
- 17 **4. Parking Validation Program:** Support the promotion and
18 operation of a new parking validation for downtown customers
19 and visitors to offer visitors free parking for the first
20 hour of their downtown visit, including an aggressive and
21 fresh marketing and education campaign.
- 22 **5. Marketing/Education of Parking and Transportation Options:**
23 Educate and work with downtown companies, employees and
24 visitors on a variety of parking and transportation options,
25 including alternative modes of transportation. Educational

1 materials may include a web site, a downtown parking map and
2 directory, improved signage to parking lots and coordination
3 of vanpools, transit and other commuter alternatives.

- 4 **6. Improved Utilization of Existing Parking:** Explore the
5 better utilization of existing parking facilities to create
6 more supply in areas and at times of need. Parking
7 management options include encouraging privately-owned
8 garages to remain open for night and weekend users,
9 exploring the feasibility of introducing employee shuttles
10 to outlying lots and other ways to manage parking resources.

11 **(b) Economic Development.** Economic development programs will aim to
12 strengthen initiatives to increase Downtown's job and tax base by
13 recruiting new businesses, promoting the retention and expansion
14 of existing enterprises and attracting new property investment.
15 The effectiveness of economic development programs may be measured
16 by the number of new businesses and jobs attracted to Downtown,
17 variances in office, residential and retail occupancy rates, and,
18 ultimately, property values. Economic development programs and
19 services may include a combination of marketing, assistance and
20 education as follows:

- 21 **1. Marketing Materials:** Design and production of marketing
22 materials to position Downtown as a prime location to
23 businesses, investors and developers. Marketing materials
24 may be used by Downtown property owners and real estate

1 brokers to assist in efforts to retain and recruit owners
2 and tenants.

3 **2. Troubleshooting and Code Reform:** Case-by-case

4 troubleshooting to overcome relocation or expansion
5 challenges, such as securing parking for new businesses or
6 navigating through City code processes to facilitate
7 development. Identify and assist with long term reforms to
8 local codes and development processes.

9 **3. Small Business Assistance:** Support downtown-wide efforts to

10 encourage the retention and creation of small businesses.
11 Program options include assisting business owners to access
12 existing revolving loan and bank financing programs,
13 connecting entrepreneurs with business counseling agencies
14 and presenting periodic forums on issues related to managing
15 a profitable business.

16 **4. Real Estate Database:** Maintain a comprehensive Downtown

17 database, including information on real estate, market
18 characteristics and trends. The database will be accessible
19 to property owners and brokers that are working to secure
20 owners and tenants in Downtown buildings.

21 **5. Development Assistance:** Assist developers on how to obtain

22 permit approvals, publicly assisted financing and other
23 resources needed to advance Downtown development.

24 **(c) Ratepayer Communications and Advocacy.** Ratepayer Communications
25 and Advocacy initiatives will aim to make it easier for ratepayers

1 to become familiar with BID programs and initiatives and will aim
2 to represent property and business owners throughout the downtown-
3 wide service area. Progress to address ratepayer communications
4 and advocacy issues may be measured by periodic ratepayer
5 perception surveys. Ratepayer Communications and Advocacy may
6 include the following:

- 7 1. **Communicate** downtown issues, trends, opportunities and
8 challenges with ratepayers on an ongoing basis.
9 Communications may be through newsletters, web sites,
10 periodic issue-oriented forums and roundtables, annual
11 ratepayer meetings, one-on-one outreach between BID staff
12 and ratepayers and other forms of communications that may be
13 appropriate.
- 14 2. **Educate** downtown stakeholders, City officials and the
15 Lincoln community-at-large on the regional importance of
16 maintaining and developing a strong central business
17 district. Educational activities may be in the form of
18 specialized research, speaker forums, media relations and
19 other techniques.
- 20 3. **Advocate** on behalf of downtown interests in local, regional
21 and statewide issues. The Management BID will support a
22 unified voice for downtown interests, working to advance
23 downtown economic development and quality of life
24 enhancements.

1 **4. Foster alliances** with other organizations to advance
2 downtown objectives, including, for example, the Lincoln
3 Chamber of Commerce, Lincoln Partnership for Economic
4 Development, Lincoln Independent Business Association,
5 Lincoln Home Builders Association, Lincoln Board of Realtors
6 and others.

7 Section 4. Term, Annual Budget and Limitations. The proposed district
8 shall become effective on September 1, 1999 for a period of 7 years to
9 terminate on August 31, 2006. The estimated total annual costs and expenses
10 for the work to be performed within such district are \$307,686 (first year
11 estimate); provided that, the maximum amount of the first year's annual
12 assessment for the district shall not exceed \$240,186. The estimated total
13 budget by project (first year) is as follows:

14 Parking Management Initiatives	\$90,259
15 Economic Development Initiatives	\$104,511
16 Ratepayer Communications and Advocacy	<u>\$112,916</u>
17 Total	\$307,686

18 In the subsequent 6 years the maximum amount of the annual assessment for the
19 district will not exceed the first year maximum assessment amount (\$240,186),
20 plus an increase equal to the amount of the Consumer Price Index or 3%,
21 whichever is less. The specific improvements for the first year are listed
22 for purposes of estimating the costs and expenses of performing the proposed
23 work and improvements. The assessments levied shall not exceed \$240,186 for
24 the first year. Although the district proposal is for a seven year period,
25 the City Council after public hearing shall approve an annual budget for

1 specific work and improvements in each succeeding year consistent with the
2 ordinance creating the district. The City Council retains the authority to
3 change, modify and remove proposed improvements; however, the proposed
4 improvements cannot exceed the scope of improvements and the annual assessment
5 cannot exceed the maximum amounts of the annual assessment provided by the
6 ordinance creating the district.

7 Section 5. Method of Assessment. The costs and expenses for the work
8 to be performed within such business improvement district shall be raised
9 through special assessments based upon the special benefits to the property as
10 fairly and equitably assessed by the City Council. The assessments shall be
11 levied annually as a percentage of assessed valuation of taxable property
12 within the districts. Based on the recommendation of the Business Area
13 Improvement Board, residential properties within the district (both owner
14 occupied and rental) are expected to receive approximately 50 percent of the
15 benefit from communications and advocacy and approximately 25 percent of the
16 benefit from the parking and management improvements. As a result,
17 residential properties (both owner occupied and rental) shall be assessed at
18 26% of their assessed value for the first year. For mixed use buildings that
19 combine residential and other uses, the property owner may submit evidence
20 supporting a percentage split of the assessed value between residential and
21 other uses for the City Council to consider when sitting as a board of
22 equalization.

23 Section 6. Contributions. Based on the recommendation of the Business
24 Area Improvement Board, all owners of property exempt from ad valorem taxes
25 within the district shall be invited annually to contribute annually to the

1 City of Lincoln to support B.I.D. activities, promotions and improvements.
2 Any contributions shall be allocated to reduce assessment rates in the
3 district.

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

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

Introduced by:

Ross E. Hecht
AYES: Donaldson, Fortenberry,
Hecht, Johnson, Seng, Shoecraft,
Wilson; NAYS: None.

Approved as to Form & Legality:

Carl D. Pedron
Assistant City Attorney

Staff Review Completed:

Deane Tenegea
Administrative Assistant

4/19/99 Council Proceedings:
HECHT Moved to continue Pub. Hearing
w/3rd Reading on 4/26/99.
Seconded by Wilson & carried
by the following vote: AYES: Donald-
son, Fortenberry, Hecht, Johnson,
Seng, Shoecraft, Wilson; NAYS: None.

APPROVED

PASSED

11

APR 29 1999

APR 26 1999


Mark Spang BY CITY COUNCIL
MAYOR

CERTIFICATE

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER) ss:
)
CITY OF LINCOLN)

I, Joan E. Ross, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Ordinance No. 17496 as passed by the Lincoln City Council on April 26, 1999**, as the original appears of record in my said 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, 2001.



Joan E. Ross, City Clerk