



19622

31

11-138

Introduce: 8-29-11

ORDINANCE NO. 19622

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 Havelock Business Improvement District for the purpose of providing specified maintenance,
4 repair and reconstruction of certain public facilities and improvements within the area of
5 Havelock Avenue from Cornhusker Highway on the west to 64th Street on the east; providing for
6 special assessments to be imposed within the district based upon the benefits conferred; and
7 providing maximum limits upon such assessments.

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

9 Section 1. Resolution of Intention to Create. That a resolution entitled Resolution of
10 Intention to Create a Business Improvement District to be known as the "Havelock Business
11 Improvement District" within the area of Havelock Avenue from Cornhusker Highway on the
12 west to 64th Street on the east, was adopted by the Lincoln City Council on June 27, 2011, as
13 Resolution No. A-86391 and that said Resolution was amended to change the date of the public
14 hearing by a Resolution adopted by the Lincoln City Council on August 15, 2011 as Resolution
15 No. A-86455.

16 Section 2. Notice of Public Hearing. That on September 2, 2011, notice that the City
17 Council would hold a public hearing on September 12, 2011 on an ordinance to create the South
18 Street Business Improvement District was properly made by publication of Resolution No. A-
19 86391 and Resolution No. A-86455 in a newspaper of general circulation in the City of Lincoln,
20 and by mailing a complete copy of Resolution No. A-86391 and Resolution A-86455 to each
21 owner of taxable property within the proposed district as shown on the latest tax roles of the
22 County Treasurer.

Return to:
Teresa @ City Clerk

1 Section 3. Public Hearing. That the public hearing on the ordinance to create the South
2 Street Business Improvement District was held by the City Council on September 12, 2011,
3 during the regular City Council meeting commencing at 3:00 p.m. in the City Council Chambers
4 on the first floor of the County-City Building, 555 South 10th, Lincoln, Nebraska; that at such
5 public hearing, the City Council heard all protests and received evidence for and against the
6 creation of the proposed South Street Business Improvement District; that the City Council has
7 ruled upon all written protests to the creation of such district which were received prior to the
8 close of the hearing, and hereby finds that protest was not made by the record owners
9 representing over 50% of the assessable units in the proposed district.

10 Section 4. District Boundaries. That the boundaries of the Havelock Business
11 Improvement District shall generally extend along Havelock Avenue from Cornhusker Highway
12 on the west to 64th Street on the east including those properties abutting Havelock Avenue except
13 those properties abutting the south side of Havelock Avenue between 58th Street and 60th Street
14 and also excepting those properties abutting the north side of Havelock Avenue between
15 Touzalin Avenue and the north/south alley between Touzalin Avenue and 60th Street. Said
16 boundaries and the properties included therein are more particularly shown and legally described
17 on the map and list of properties attached hereto marked as Attachment "A" and incorporated
18 herein by this reference.

19 Section 5. Creation of District; Improvements. That the Havelock Business
20 Improvement District is hereby created. The maintenance, repair and reconstruction of public
21 improvements and facilities ("Maintenance Work") to be performed in such business
22 improvement district shall consist of:

23 a. Replacement of all landscaping followed by care and maintenance of said
24 landscaping to include watering fertilizing, weeding, pruning, spraying, mulching, and removal
25 of dead plants, shrubs, and trees as necessary

26 b. Installation and maintenance of irrigation system for landscaping
27 including seasonal shut off in the fall and startup in the spring.

- c. Removal of trash from trash and cigarette receptacles.
- d. Removal of litter from sidewalks, planting beds, planting areas, and the Pedestrian Walk Way on the north side of Havelock Avenue between 62nd and 63rd Streets.
- e. Maintenance of street furniture, planters, ornamental lights, and trash and cigarette receptacles.
- f. Snow removal.

Section 6. Annual Budget and Limitations. That the Havelock Business Improvement District shall become effective on October 1, 2011. The first year estimated total annual costs and expenses for the Maintenance Work to be performed within such district are \$11,720.00; the maximum amount of the first year's annual assessment for the district shall not exceed \$11,720.00. In each succeeding year the City Council, after public hearing, shall approve an annual budget for the Maintenance Work consistent with this ordinance creating the district; provided that the maximum amount of the annual assessment for such Maintenance Work within the district for such succeeding year shall not exceed the prior year total assessment amount by more than 5%. The City Council retains the authority to change, modify and/or remove Maintenance Work; however, the annual assessment for the Maintenance Work as modified cannot exceed the maximum amounts of the annual assessment provided by this ordinance creating the district.

Section 7. Method of Assessment. That the costs and expenses for the Maintenance Work proposed to be performed within this business improvement district will be raised through special assessments based upon the special benefits to the property as fairly and equitably equalized by the City Council sitting as a board of equalization. The assessments will be levied annually on a front foot basis.

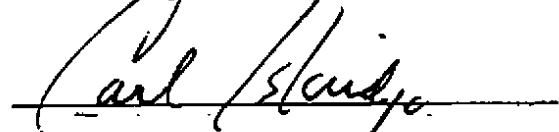
Section 8. Contributions. That based on the recommendation of the Havelock Business Area Improvement Board, all owners of property exempt from ad valorem taxes within the district shall be invited to contribute annually to the City of Lincoln to support B.I.D. activities and improvements. Any contributions shall be allocated to reduce assessment rates in the district.

Section 9. Boundary Lines. That commonly owned properties that are intersected by a boundary line establishing the district shall be considered as entirely within the district unless otherwise determined by the City Council when sitting as a Board of Equalization.

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

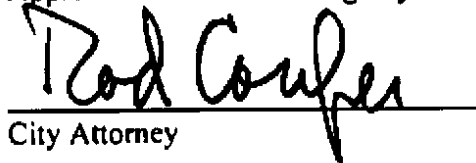
7 Section 11. Effective Date. That this ordinance shall take effect and be enforce from and
8 after its passage and publication according to law.

Introduced by:



AYES: Camp, Carroll, Cook,
Emery, Eskridge, Hornung;
NAYS: None.

Approved as to Form & Legality:


City Attorney

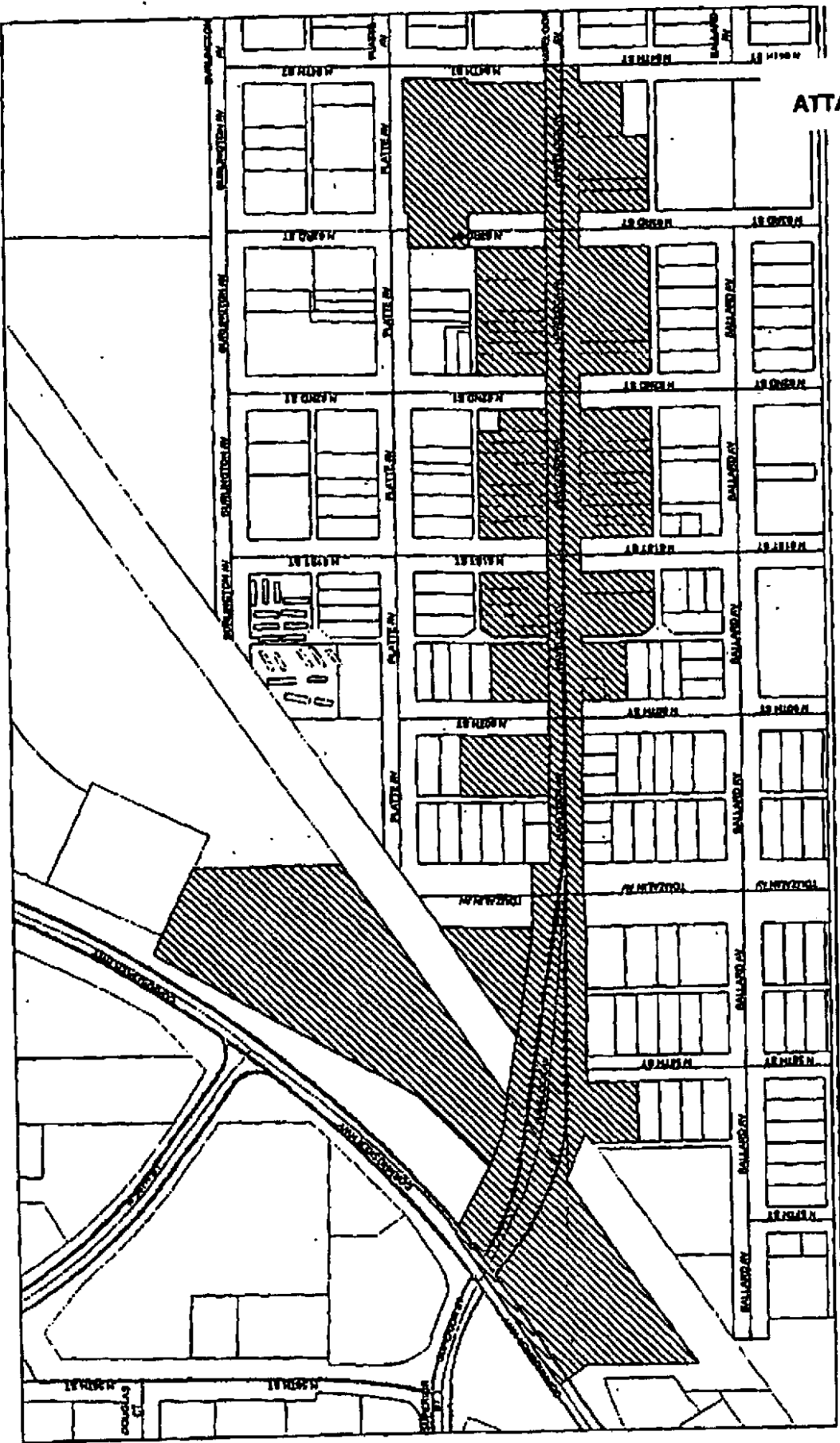
PASSED
SEP 19 2011
BY CITY COUNCIL

Approved this 21st day of Sept., 2011:


Mayor



ATTACHMENT "A"



Mapbook - Proposed BID Area and Affected Parcels

Legend: Proposed BID Area Parcels in the Highway EIR

Havelock Avenue
Maintenance Business Improvement District

xx	S4, T10, R7, 6th Principal Meridian, Lot 84 SW & +- 4.45 AC In Lot 92 SW & +- .07 AC In Lot 135 W1/2
xx	S4, T10, R7, 6th Principal Meridian, Lot 92 SW Ex +- 4.45 AC (90-39697) & Lot 135 W1/2
	Havelock, Block 12, Lots 1 - 5
	Havelock, Block 13, Lot 12
	Havelock, Block 14, Lot 19 - 24
	Brecks (F H) Subdivision of Lots 16-18, Block 14, Havelock, Lots 1-5
	Havelock, Block 15, Lot 13 - 22
	Baldwin's Subdivision Of Lots 23 and 24 ,Block 15, Havelock, Lots 1 - 4
	Havelock, Block 16, Lot 13 - 24
	Havelock, Block 17, Lots 13 - 24
xx	S9, T10, R7, 6th Principal Meridian, Irregular Tract Lot 30 NW
	Havelock, Block 36, Lot 1 - 2
	Havelock, Block 33, Lot 1 - 7
	Havelock, Block 32, Lot 1 - 12
	Havelock, Block 31, Lot 1 - 12
	Havelock, Block 30, Lot 1 - 12

BALDWIN'S
BRECK'S
HAVELOCK

CERTIFICATE

I, Teresa J. Meier, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of the ORDINANCE #19622 - CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS WITHIN THE AREA GENERALLY LOCATED ALONG HAVELOCK AVENUE FROM CORNHUSKER HIGHWAY ON THE WEST TO 64TH STREET ON THE EAST AND PROVIDING FOR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE DISTRICT, passed by the Lincoln City Council, on September 19, 2011, 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 & affixed the seal of the City of Lincoln, Nebraska, this 28th day of February, 2017.

