

\$196.00

*Don Galte*

REGISTER OF DEEDS

2001 OCT -4 P 4: 46

LINCOLN COUNTY, NEB.

INST. NO. 2001

057818

BLOCK
CODE
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99-40

Introduce: 4-12-99

ORDINANCE NO. 17495

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 Core Business Improvement District Overlay bounded  
 4 roughly by Centennial Mall, M, 9th, and Q Streets for the purpose of providing  
 5 specified work and improvements in the downtown area of the City of Lincoln,  
 6 Nebraska; providing for special assessments to be imposed within the district  
 7 based upon the benefits conferred; providing maximum limits upon such  
 8 assessments; and 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 "Core Business Improvement District  
 13 Overlay bounded roughly by Centennial Mall, M, 9th, and Q Streets" was adopted  
 14 by the Lincoln City Council on March 29, 1999 as Resolution No. A-79359; that  
 15 notice that the City Council intended to consider at public hearing an  
 16 ordinance to establish the district was made by publication and by mailing a  
 17 copy of said Resolution No. 79359 to each owner of taxable property as shown  
 18 on the latest tax roles of the County Treasurer within the proposed district;  
 19 that a public hearing was held by the City Council on April 19, 1999 during  
 20 the 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

*Jean City Clerk*

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 (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  
10 of Blocks 25, 26, 27 (including all of Bigelow's Subdivision and  
11 Quiggle's Subdivision), and 28; all of Blocks 34 (including all of  
12 J.G. Miller's subdivision), 35 (including all of the County  
13 Clerk's Subdivision of Block 35, all of the Schaberg Menlove's  
14 Subdivision and all of the Walsh, Putnam and Brocks Subdivision),  
15 36, 37 (including all of Webster & Bonnell's Subdivision), 38, 39  
16 (including all of the University Square addition), 40 (including  
17 all of Lansing's Subdivision), 41 (including all of the County  
18 Clerk's Subdivision of Block 41), 57, 58, 64, 65, 66; the North  
19 1/2 of Blocks 67 (including all of Ballantine Subdivision), and  
20 43; the east 1/2 of Block 44; Lots 20 and 21 of Block 42; all of  
21 Block 55 except Lots 7-12; and Lots 7-15 of Block 59 of the  
22 original plat of the City of Lincoln including all those portions  
23 of vacated streets and alleys abutting thereon;

24 [42] All of Imhoff & Hyatt's Subdivision of Block 42 of the  
25 original plat of the City of Lincoln including all those portions  
26 of vacated streets and alleys abutting thereon;

27 [42] Lots 4, 5, 6, 7, 8, of Block 42 of the original plat of  
28 the City of Lincoln including all those portions of vacated  
29 streets and alleys abutting thereon;

30 [316] All of Lots 37, 38, 60, 61, and 62 of S.W. Little's  
31 Subdivision including all those portions of vacated streets and

1 alleys abutting thereon;

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

7 [89] All of Cornhusker Square and Cornhusker Square 1st  
8 Addition including all those portions of vacated streets and  
9 alleys abutting thereon;

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

13 Section 3. Creation of District; Improvements. The Core Business  
14 Improvement District Overlay is hereby created. The work to be performed and  
15 specific improvements to be made or maintained for such business improvement  
16 district shall consist of:

- 17 a) Special marketing projects;
- 18 b) Feasibility and planning studies;
- 19 c) Capital costs of holiday decorations;
- 20 d) Banners, lighting and other signage to create a core district  
21 identity;
- 22 e) Enhanced maintenance or security to respond to an unusual event;
- 23 f) Visitor information to orient visitors to core businesses and  
24 activities;
- 25 g) Retail promotions to support core shopping activity;
- 26 h) Event management and support for special events;
- 27 i) Street beautification including preparation of design plans for  
28 new streetscapes in the core;

1 j) Street amenities such as kiosks, benches or public art; and

2 k) Staff support of promotional activities.

3 Section 4. Term, Annual Budget and Limitations. The district shall  
4 become effective on September 1, 1999 for a period of 7 years to terminate on  
5 August 31, 2006. The estimated total annual costs and expenses for the work  
6 to be performed within such district are \$157,314 (first year estimate);  
7 provided that the maximum amount of the first year's annual assessment for the  
8 district shall not exceed \$157,314. In the subsequent 6 years the maximum  
9 amount of the annual assessment for the district will not exceed the first  
10 year maximum assessment amount (\$157,314), plus an increase equal to the  
11 amount of the Consumer Price Index or 3%, whichever is less. The specific  
12 improvements for the first year are listed for purposes of estimating the  
13 costs and expenses of performing the proposed work and improvements. The  
14 assessments levied shall not exceed \$157,314.00 for the first year. Although  
15 the district proposal is for a seven year period, the City Council after  
16 public hearing shall approve an annual budget for specific work and  
17 improvements in each succeeding year consistent with the ordinance creating  
18 the district. The City Council retains the authority to change, modify and  
19 remove proposed improvements; however, the proposed improvements cannot exceed  
20 the scope of improvements and the annual assessment cannot exceed the maximum  
21 amounts of the annual assessment provided by the ordinance creating the  
22 district.

23 Section 5. Method of Assessment. The costs and expenses for the work  
24 to be performed within such business improvement district shall be raised  
25 through special assessments based upon the special benefits to the property as

1 fairly and equitably assessed by the City Council. The assessments shall be  
2 levied annually as a percentage of assessed valuation of taxable property  
3 within the districts. Based on the recommendation of the Business Area  
4 Improvement Board, all of the benefits accrue only to business properties  
5 within the core district. As a result, residential properties (both owner  
6 occupied and rental) are to be assessed at 0% of their assessed value for the  
7 first year. For mixed use buildings that combine residential and other uses,  
8 the property owner may submit evidence supporting a percentage split of the  
9 assessed value between residential and other uses for the City Council to  
10 consider when sitting as a board of equalization.

11 Section 6. Contributions. Based on the recommendation of the Business  
12 Area Improvement Board, all owners of property exempt from ad valorem taxes  
13 within the district shall be invited annually to contribute annually to the  
14 City of Lincoln to support B.I.D. activities, promotions and improvements.  
15 Any contributions shall be allocated to reduce assessment rates in the  
16 district.

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

21 Section 8. Enforcement. The special assessments provided herein shall  
22 be a lien on the property assessed superior and prior to all other liens  
23 except general taxes and other special assessments which shall be of equal  
24 priority. Liens for special assessments may be foreclosed and are subject to  
25 interest at the statutory rate when payment of the assessment is delinquent as

1 provided by law. No special assessment made hereunder shall be void for any  
2 irregularity, defect, error, or informality in procedure, in levy or  
3 equalization thereof.

Introduced by:

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

Approved as to Form & Legality:

Paul D. Pedraza  
Assistant City Attorney

Staff Review Completed:

Deane Tanager  
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:

Donaldson, Fortenberry, Hecht, Johnson, Seng, Shoecraft, Wilson;

NAYS: None.

APPROVED

APR 29 1999

Alvin S. Johnson  
MAYOR

**PASSED**

6

APR 26 1999


**BY CITY COUNCIL**

**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. 17495 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 27st day of September, 2001.

  
\_\_\_\_\_  
Joan E. Ross, City Clerk