

RESOLUTION NO. A-_____

1 RESOLUTION of intention to create a Business Improvement District for the
2 maintenance, repair and reconstruction of certain public facilities and improvements in the area
3 of South Street from the alley west of 9th Street east to 19th Street to be known as the South
4 Street Business Improvement District:

5 WHEREAS, the City Council of the City of Lincoln created the South Street Business
6 Area Improvement Board by Resolution No. A-85495; and

7 WHEREAS, the South Street Business Area Improvement Board, on August 31, 2009,
8 recommended that the City Council create a new business improvement district within the area
9 of South Street from the alley west of 9th Street east to 19th Street to be funded by special
10 assessments levied on a front foot basis and based on special benefits to the property within the
11 district as the same may be fairly and equitably adjusted by the City Council of the City of
12 Lincoln, Nebraska sitting as a board of equalization; and

13 WHEREAS, following the adoption of this resolution the City Council of the City of
14 Lincoln, Nebraska intends to consider at public hearing on February 28, 2011 an ordinance to
15 create the recommended business improvement district along South Street from the alley west of
16 9th Street east to 19th Street, as more particularly described below.

17 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

18 Under the authority of the Business Improvement District Act, *Neb. Rev. Stat.* § 19-4015
19 to 19-4038 (Reissue 2007) and based upon the recommendations received from the duly
20 appointed South Street Business Improvement Board and the Lincoln-Lancaster County
21 Planning Commission, the City Council of the City of Lincoln, Nebraska hereby states its

1 intention to create a Business Improvement District to be known as the South Street Business
2 Improvement District for the purpose of maintaining, repairing and reconstructing certain public
3 facilities and improvements under the act for the betterment of the district and employing or
4 contracting for personnel, including administrators, and to provide for any service as may be
5 necessary or proper to carry out the purposes of the Business Improvement District Act as
6 provided in the ordinance creating the district.

7 BE IT FURTHER RESOLVED that in accordance with the Business Improvement
8 District Act, *Neb. Rev. Stat. § 19-4015 et seq. (Reissue 2007)* (the Act) the following information
9 is provided regarding the proposed creation of such business improvement district:

10 1. DESCRIPTION OF BOUNDARIES. The boundaries of the proposed South
11 Street Business Improvement District shall generally extend along South Street from the alley
12 west of 9th Street east to 19th Street including those properties abutting South Street as more
13 specifically shown on the map and list of properties which is attached hereto marked as
14 Attachment "A" and made a part hereof by this reference. Commonly owned properties that are
15 intersected by a boundary line establishing the district shall be considered as entirely within the
16 district unless otherwise determined by the City Council when sitting as a Board of Equalization.

17 2. TIME AND PLACE OF HEARING ON CREATION OF THE DISTRICT. The
18 City Council of the City of Lincoln, Nebraska will hold a public hearing on an ordinance to
19 create such business improvement district on February 28, 2011, at the hour of 5:30 p.m., or as
20 soon thereafter as possible in the City Council Chambers, first floor, County-City Building, 555
21 South 10th Street, Lincoln, Nebraska 68508.

1 3. **MAINTENANCE WORK TO BE PERFORMED IN THE DISTRICT.** The
2 maintenance, repair or reconstruction of public improvements and facilities (“Maintenance
3 Work”) to be performed in the proposed business improvement district shall consist of:

4 a. Maintenance of the irrigation system including Spring start-up and Fall
5 shut-off.

6 b. Removal of litter from sidewalks, median planting beds, planting areas in
7 the South Street right-of-way and the 14th Street plaza area.

8 c. Removal of trash from 14th Street plaza area trash receptacles.

9 d. Replacement, as needed, of street furniture, planters, ornamental lights and
10 trash receptacles.

11 e. Care and maintenance of all landscaping, including watering, fertilizing,
12 weeding, pruning, spraying, mulching and removal and replacement of dead plants and shrubs
13 and trees.

14 4. **ESTIMATED COSTS.** The first year’s estimated total annual costs and expenses
15 for the Maintenance Work proposed to be performed within such district are \$14,000.00 and the
16 maximum amount of the first year's annual assessment for the costs of the Maintenance Work
17 shall not exceed \$14,000.00. In each succeeding year the City Council after public hearing shall
18 approve an annual budget for the Maintenance Work consistent with the ordinance creating the
19 district, provided that for each succeeding year the maximum amount of the total annual
20 assessment for such Maintenance Work shall not exceed the prior year assessment amount by
21 more than 5%.

22 5. **METHOD OF RAISING REVENUE.** The costs and expenses for the
23 Maintenance Work proposed to be performed within such business improvement district will be
24 raised through special assessments against real estate in the district authorized by *Neb. Rev. Stat.*

1 §§ 19-4015 to 19-4038 based upon the special benefits to the property as fairly and equitably
2 equalized by the City Council sitting as a board of equalization. The assessments will be levied
3 annually on a front foot basis.

4 6. PROPERTY EXEMPT FROM AD VALOREM TAXES. Based on the
5 recommendation of the South Street Business Improvement Board , all owners of property
6 exempt from ad valorem taxes within the district will be invited to contribute annually to the
7 City of Lincoln to the Maintenance Work. Any contributions shall be allocated to fairly and
8 equitably reduce assessments against real estate in the district.

9 BE IT FURTHER RESOLVED that the City Clerk is directed to place an ordinance to
10 create the South Street Business Improvement District on the City Council formal agenda for
11 introduction on February 14, 2011 with public hearing to be held on February 28, 2011.

12 BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete copy
13 of this resolution of intention one time in a newspaper of general circulation in the City of
14 Lincoln at least ten (10) days prior to the public hearing to be held on February 28, 2011.

15 BE IT FURTHER RESOLVED that the Director of Urban Development shall mail a
16 complete copy of this resolution of intention, including any attachments hereto, to each owner of
17 taxable property in the proposed district as shown on the latest tax roles of the County Treasurer
18 for Lancaster County, Nebraska at least ten days prior to the public hearing to be held on
19 February 28, 2011.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2011: _____ Mayor
