

13R-278

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 13R-278 by accepting the substitute Resolution of Intent attached hereto as Bill No. 13R-278S.

Introduced by:

Approved as to Form & Legality:

City Attorney

Requested by: Law Department and Downtown Lincoln Association

Reason for Request: To revise paragraph 4 to read as follows:

4. ANNUAL BUDGET AND LIMITATIONS. The estimated total annual costs and expenses for the work to be performed within the WHM Maintenance BID during the remainder of the September 1, 2013 through August 31, 2014 fiscal year are \$55,726 (first partial fiscal year estimate); provided that the maximum amount of the first partial fiscal year's annual assessment for the WHM Maintenance BID shall not exceed \$55,800). The specific improvements for the first partial fiscal year are listed for purposes of estimating the costs and expenses of performing the proposed work and improvements. The City Council after public hearing shall approve an annual budget for specific work and improvements in each succeeding fiscal year consistent with the ordinance creating the WHM Maintenance BID. The City Council retains the authority to change, modify and remove proposed improvements; however, the proposed improvements cannot exceed the scope of improvements and the annual assessment cannot exceed the maximum amounts of the annual assessment provided by the ordinance creating the WHM Maintenance BID.

The amendment to paragraph 4 will place this BID on the same special assessment timeline as the Downtown BID and cost and expenses for performing the work will be in accordance with the DLA's fiscal year contract with the City of Lincoln.

**RESOLUTION OF INTENT
FOR MAINTENANCE BID**

13R-278S

Introduce: 11-25-13

SUBSTITUTE

RESOLUTION NO. A-_____

1 RESOLUTION of Intention to create a maintenance business improvement district to
2 be known as the West Haymarket/Downtown Maintenance Business Improvement District
3 (referred to herein as the “WHM Maintenance BID”) in the area defined below as the WHM
4 Maintenance BID Boundary Area.

5 WHEREAS, the City Council of the City of Lincoln created the West Haymarket/
6 Downtown Business Improvement Board by Resolution No. A-87459; and

7 WHEREAS, the West Haymarket/Downtown Business Improvement Board
8 recommended that the City Council create a new maintenance business improvement district to
9 be known as the WHM Maintenance BID within the WHM Maintenance BID Boundary Area to
10 be funded by special assessments levied based on valuation and based on special benefits to the
11 property within the WHM Maintenance BID as the same may be fairly and equitably adjusted by
12 the City Council of the City of Lincoln, Nebraska, sitting as a Board of Equalization; and

13 WHEREAS, the Lincoln-Lancaster County Planning Commission has reviewed
14 the West Haymarket/Downtown Business Improvement Board recommendation and has found
15 the proposed WHM Maintenance BID to be in conformance with the Lincoln City
16 Comprehensive Plan; and

17 WHEREAS, following the adoption of this Resolution of Intention, the City Council
18 of the City of Lincoln, Nebraska intends to consider at public hearing on January 13, 2014, an
19 ordinance to create the recommended WHM Maintenance BID in the WHM Maintenance BID
20 Boundary Area, as more particularly described below.

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

2 Under the authority of the Business Improvement District Act, *Neb. Rev. Stat.* § 19-
3 4015 to 19-4038 (Reissue 2012) (the Act) and based upon the recommendations received from
4 the duly appointed West Haymarket/Downtown Business Improvement Board and the Lincoln-
5 Lancaster County Planning Commission, the City Council of the City of Lincoln, Nebraska
6 hereby states its intention to create a new maintenance business improvement district to be
7 known as the WHM Maintenance BID for the purpose of providing work and improvement
8 programs under the Act for the betterment of the WHM Maintenance BID and employing or
9 contracting for personnel, including administrators, and providing for any service as may be
10 necessary or proper to carry out the purposes of the Act as provided in the ordinance creating the
11 WHM Maintenance BID.

12 BE IT FURTHER RESOLVED that in accordance with the Act the following
13 information is provided regarding the proposed creation of the WHM Maintenance BID:

14 1. DESCRIPTION OF BOUNDARIES. The boundaries of the proposed WHM
15 Maintenance BID shall generally extend along the west line of Outlot C, West Haymarket
16 Addition from approximately K Street on the south, north to N Street and continuing north along
17 the center line of Pinnacle Arena Drive to approximately 9th and 10th Streets, thence south to R
18 Street, thence west to 7th Street, thence south to O Street, thence east to 8th Street, thence south
19 to the alley south of N Street, thence west to the east line of Outlot C, West Haymarket Addition,
20 as more particularly shown on the attached WHM Maintenance BID Boundary Area Map
21 attached hereto as Attachment A and incorporated herein by this reference. The properties
22 included within the WHM Maintenance BID are those properties lying within the exterior
23 boundaries of the WHM Maintenance BID Boundary Area. Said properties are more particularly

1 described in the list of properties which is attached hereto marked as Attachment B, and made a
2 part hereof by this reference. Commonly owned properties that are intersected by a boundary
3 line establishing the WHM Maintenance BID shall be considered as entirely within the WHM
4 Maintenance BID unless otherwise determined by the City Council when sitting as a Board of
5 Equalization.

6 2. TIME AND PLACE OF HEARING ON CREATION OF THE WHM
7 MAINTENANCE BID. The City Council of the City of Lincoln, Nebraska will hold a public
8 hearing on an ordinance to create the WHM Maintenance BID on January 13, 2014, at the hour
9 of 3:00 p.m., or as soon thereafter as possible in the City Council Chambers, first floor, County-
10 City Building, 555 South 10th Street, Lincoln, Nebraska 68508.

11 3. IMPROVEMENTS TO BE PERFORMED IN THE WHM MAINTENANCE
12 BID. The work performed and specific improvements to be made or maintained for the WHM
13 Maintenance BID shall consist of (a) litter pick up from the sidewalks, planting areas, and
14 beautification areas within the public right-of-way, (b) care and maintenance of all
15 ornamental/small trees, shrubbery, and other plantings, but not including major street trees,
16 which maintenance shall include watering, fertilizing, weeding, pruning, spraying, and removal
17 and replacement of dead plantings, (c) maintenance of public sidewalks, which maintenance shall
18 include periodic cleaning and sweeping of sidewalks to remove litter, dirt, liquid spills, food
19 residue, and stains and bird droppings [such cleaning shall be by washing down where water is
20 available], (d) snow removal from sidewalks located at intersections and handicapped ramps in
21 high traffic areas.

22 4. ANNUAL BUDGET AND LIMITATIONS. The estimated total annual costs and
23 expenses for the work to be performed within the WHM Maintenance BID during the remainder

1 of the September 1, 2013 through August 31, 2014 fiscal year are \$55,726 (first partial fiscal year
2 estimate); provided that the maximum amount of the first partial fiscal year's annual assessment
3 for the WHM Maintenance BID shall not exceed \$55,800). The specific improvements for the
4 first partial fiscal year are listed for purposes of estimating the costs and expenses of performing
5 the proposed work and improvements. The City Council after public hearing shall approve an
6 annual budget for specific work and improvements in each succeeding fiscal year consistent with
7 the ordinance creating the WHM Maintenance BID. The City Council retains the authority to
8 change, modify and remove proposed improvements; however, the proposed improvements
9 cannot exceed the scope of improvements and the annual assessment cannot exceed the
10 maximum amounts of the annual assessment provided by the ordinance creating the WHM
11 Maintenance BID.

12 5. METHOD OF ASSESSMENT. The costs and expenses for the work proposed to
13 be performed within the WHM Maintenance BID will be raised through special assessments
14 based upon the special benefits to the property as fairly and equitably assessed by the City
15 Council. The assessments will be levied annually on a front foot basis.

16 6. ENFORCEMENT. The special assessments provided herein shall be a lien on the
17 property assessed superior and prior to all other liens except general taxes and other special
18 assessments which shall be of equal priority. Liens for special assessments may be foreclosed
19 and are subject to interest at the statutory rate when payment of the assessment is delinquent as
20 provided by law. No special assessment made hereunder shall be void for any irregularity,
21 defect, error, or informality in procedure, in levy or equalization thereof.

1 BE IT FURTHER RESOLVED that the City Clerk is directed to place an ordinance to
2 create the WHM Maintenance BID on the City Council formal agenda for introduction on
3 January 6, 2014, with public hearing to be held on January 13, 2014.

4 BE IT FURTHER RESOLVED that the City Clerk is directed to publish a complete
5 copy of this Resolution of Intention one time in a newspaper of general circulation in the City of
6 Lincoln at least ten (10) days prior to the public hearing to be held on January 13, 2014.

7 BE IT FURTHER RESOLVED that the Director of Urban Development shall mail a
8 complete copy of this Resolution of Intention, including any attachments hereto, to each owner of
9 taxable property in the proposed WHM Maintenance BID as shown on the latest tax roles of the
10 County Treasurer for Lancaster County, Nebraska at least ten days prior to the public hearing to
11 be held on January 13, 2014.

Introduced by:

Approved as to Form and Legality:

City Attorney

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| Approved this ___ day of _____, 2013: _____ Mayor |
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