

**DOWNTOWN CORE MANAGEMENT
BUSINESS IMPROVEMENT DISTRICT**

ORDINANCE NO. _____

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.) and based upon the
3 recommendations received from the duly appointed Downtown Business Improvement Board to
4 be known as the Downtown Core Management Business Improvement District for enhanced
5 promotion and programming of downtown Lincoln as a regional destination within the exterior
6 boundaries of an area generally extending from N Street on the south and Pinnacle Arena Drive
7 on the west; thence north and northeasterly along Pinnacle Arena Drive to 8th Street; thence
8 south along 8th Street to S Street; thence east along S Street to 9th Street; thence south along
9 9th Street to Q Street; thence east along Q Street to 10th Street; thence north along 10th Street to
10 a point approximately mid-block between Q Street and R Street; thence east along said mid-
11 block point to 14th Street; thence south along 14th Street to Q Street; thence east along Q Street
12 to Centennial Mall; thence south along Centennial Mall to M Street; thence west along M Street
13 to 13th Street; thence south along 13th Street to L Street; thence west along L Street to 12th
14 Street; thence north along 12th Street to M Street; thence west along M Street to 9th Street;
15 thence north along 9th Street to N Street; thence west along N Street to Pinnacle Arena Drive
16 (“Exterior Boundary Area”); providing for special assessments to be imposed within the district
17 based upon the benefits conferred; and providing maximum limits upon such assessments.

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

19 Section 1. Business Improvement Board Recommendation. That the Downtown
20 Business Improvement Board appointed by the Mayor with City Council approval by Resolution
21 No. A-89434 has recommended that the City Council create a core management business
22 improvement district within the boundaries of the business area as declared by Resolution No.
23 A-89434 to be known as the Downtown Core Management Business Improvement District to be

1 funded by special assessments levied based upon actual valuation and based on special
2 benefits to the property within the Downtown Core Management Business Improvement District
3 as the same may be fairly and equitably adjusted by the City Council of Lincoln, Nebraska
4 sitting as a Board of Equalization.

5 Section 2. Notice of Public Hearing. That on Friday, May 6, 2016 notice that the City
6 Council intended to consider this Ordinance to establish the Downtown Core Management
7 Business Improvement District was given by (a) publication of a Notice of Public Hearing in the
8 Lincoln Journal Star, a newspaper of general circulation in the City of Lincoln, setting forth the
9 time, date, place, and purpose of the public hearing to be held on May 16, 2016 regarding the
10 establishment of the Downtown Core Management Business Improvement District and (b)
11 mailing a copy of the Notice of Public Hearing, postage prepaid, to each owner of taxable
12 property as shown on the latest tax rolls of the County Treasurer for Lancaster County. A copy
13 of said Notice of Public Hearing is attached hereto marked as Attachment "A" and incorporated
14 herein by this reference.

15 Section 3. Public Hearing. That during the regular City Council meeting commencing at
16 3:00 p.m. on May 16, 2016 in the City Council Chambers on the first floor of the County-City
17 Building, 555 South 10th, Lincoln, Nebraska the City Council held a public hearing on this
18 Ordinance to create the Downtown Core Management Business Improvement District; that at
19 such public hearing, the City Council heard all protests and received evidence for and against
20 the creation of the proposed Downtown Core Management Business Improvement District; that
21 the City Council ruled upon all written protests (if any) to the creation of such district which were
22 received prior to the close of the hearing, and hereby finds that protest (if any) was not made by
23 the record owners representing over 50% of the assessable units in the proposed district.

24 Section 4. Creation of District; Improvements. That the Downtown Core
25 Management Business Improvement District is hereby created and established effective on
26 September 1, 2016 for the purpose of providing for the enhanced promotion and programming

1 of downtown Lincoln as a regional destination (“Core Management Activities”) in the district.
2 The Core Management Activities to be performed in such business improvement district shall
3 consist of:

4 Promotion and Programming, including:

- 5 • Sponsor and manage special events;
- 6 • Programming of public spaces;
- 7 • Holiday décor and other seasonal themes;
- 8 • Marketing and communications to support retail, hospitality, and
9 entertainment.

10 Section 5. District Boundaries. The properties included within the district are those
11 properties lying within the Exterior Boundary Area. Commonly owned properties that are
12 intersected by a boundary line establishing the district shall be considered as entirely within the
13 district unless otherwise determined by the City Council when sitting as a Board of Equalization.
14 The Exterior Boundary Area and the properties included therein are shown on the map attached
15 hereto marked as Attachment “B” and incorporated herein by this reference.

16 Section 6. Special Assessment; Method of Assessment. That the costs and
17 expenses for the Core Management Activities proposed to be performed within this business
18 improvement district will be funded through special assessments against the property in the
19 district based upon the special benefits to the property as fairly and equitably equalized by the
20 City Council sitting as a board of equalization. The special assessments on each commercial
21 property will be levied annually as a percentage of the property’s assessed valuation compared
22 to the assessed valuation of all taxable property in the district. Since Core Management
23 Activities within the Downtown Core Management Business Improvement District will convey no
24 direct benefit to residential uses within the district, no special assessment will be levied annually
25 for Core Management Activities on property used solely for residential purposes. For mixed use
26 buildings that combine residential and other uses, the property owner may submit evidence
27 supporting a percentage split of the assessed value between residential and commercial uses
28 for the City Council to consider when sitting as a board of equalization.

1 Section 7. Annual Budget and Limitations. The first year estimated total annual
2 costs and expenses for the Core Management Activities to be performed within the Downtown
3 Core Management Business Improvement District during the September 1, 2016 through
4 August 31, 2017 fiscal year are \$265,000; provided that the maximum amount of the first fiscal
5 year's annual assessment for the district shall not exceed the total costs and expenses thereof
6 or \$265,000, whichever is less. In each succeeding fiscal year, the City Council shall estimate
7 the total annual costs and expenses for the Core Management Activities and, after public
8 hearing, shall approve by resolution an annual budget for the Core Management Activities. The
9 Core Management Activities annual assessment for such succeeding fiscal year shall not
10 exceed the total costs and expenses thereof or the maximum amount budgeted for said
11 activities in the approved annual budget, whichever is less.

12 Section 8. Contributions. That based on the recommendation of the Downtown Core
13 Business Area Improvement Board, all owners of property exempt from ad valorem taxes within
14 the district shall be invited to contribute annually to the City of Lincoln to support the Core
15 Management Activities. Any contributions shall be allocated to reduce assessment rates in the
16 district.

17 Section 9. Enforcement and Penalties. That the special assessments provided
18 herein shall be a lien on the property assessed superior and prior to all other liens except
19 general taxes and other special assessments which shall be of equal priority. Liens for special
20 assessments may be foreclosed and are subject to interest at the statutory rate when payment
21 of the assessment is delinquent as provided by law. No special assessment made hereunder
22 shall be void for any irregularity, defect, error, or informality in procedure, in levy or equalization
23 thereof.

24 Section 10. Effective Date of Ordinance. Pursuant to Article VII, Section 7 of the City
25 Charter, this ordinance shall be posted on the official bulletin board of the City, located on the
26 wall across from the City Clerk's office at 555 S. 10th Street, in lieu of and in place of

1 newspaper publication with notice of passage and such posting to be given by publication one
2 time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force
3 from and after its passage and publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2016:

Mayor