

**WEST "O" STREET
MAINTENANCE 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 West "O" Street Business Improvement
 4 Board to be known as the West "O" Street Maintenance Business Improvement District for the
 5 purpose of providing for the maintenance, repair, and reconstruction of certain public facilities
 6 and improvements within the area generally abutting the north and south sides of West O Street
 7 from 3rd Street on the east and the Homestead Expressway on the west; providing for special
 8 assessments to be imposed within the district based upon the benefits conferred; and providing
 9 maximum limits upon such assessments.

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

11 Section 1. Business Improvement Board. That the West "O" Street Business
 12 Improvement Board appointed by the Mayor with City Council approval by Resolution No. A-
 13 89436 has recommended that the City Council create a maintenance business improvement
 14 district within the boundaries of the business area as declared by Resolution No. A-89436 to be
 15 known the West "O" Street Maintenance Business Improvement District to be funded by special
 16 assessments levied based upon actual valuation and based on special benefits to the property
 17 within the West "O" Street Maintenance Business Improvement District as the same may be
 18 fairly and equitably adjusted by the City Council of Lincoln, Nebraska sitting as a Board of
 19 Equalization.

20 Section 2. Notice of Public Hearing. That on May 13, 2016 notice that the City Council
 21 intended to consider this Ordinance to establish the West "O" Street Maintenance Business
 22 Improvement District was given by (a) publication of a Notice of Public Hearing in the Lincoln
 23 Journal Star, a newspaper of general circulation in the City of Lincoln, setting forth the time,

1 date, place, and purpose of the public hearing to be held on May 23, 2016 regarding the
2 establishment of the West "O" Street Maintenance Business Improvement District and (b)
3 mailing a copy of the Notice of Public Hearing postage prepaid to each owner of taxable
4 property in the proposed district as shown on the latest tax rolls of the County Treasurer for
5 Lancaster County. A copy of said Notice of Public Hearing is attached hereto marked as
6 Attachment "A" and incorporated herein by this reference.

7 Section 3. Public Hearing. That during the regular City Council meeting commencing at
8 3:00 p.m. on May 23, 2016 in the City Council Chambers on the first floor of the County-City
9 Building, 555 South 10th, Lincoln, Nebraska the City Council held a public hearing on this
10 Ordinance to create the West "O" Street Maintenance Business Improvement District; that at
11 such public hearing, the City Council heard all protests and received evidence for and against
12 the creation of the proposed West "O" Street Maintenance Business Improvement District; that
13 the City Council ruled upon all written protests (if any) to the creation of such district which were
14 received prior to the close of the hearing, and hereby finds that protest (if any) was not made by
15 the record owners representing over 50% of the assessable units in the proposed district.

16 Section 4. Creation of District; Improvements. That the West "O" Street Maintenance
17 Business Improvement District is hereby created and established effective on the date of
18 adoption of this Ordinance for the purpose of maintaining the City medians in West O Street and
19 the 3rd and O Street Plaza ("Maintenance Work") in the district. The Maintenance Work to be
20 performed in such business improvement district shall consist of:

- 21 a. Litter pick up from the sidewalks, planting areas, and beautification areas;
- 22 b. Empty trash receptacles;
- 23 c. Care and maintenance of all shrubbery, buffalo grass, and other
24 plantings, which maintenance shall include mowing, watering, fertilizing, weeding, pruning,
25 spraying, and removal and replacement of dead plantings;
- 26 d. Paint and maintain ornamental light poles;

- 1 e. Maintain and replace historical signs; and
- 2 f. Snow removal from the 3rd & O Street Plaza parking lot if over 6 inches in
- 3 depth.

4 Section 5. District Boundaries. That the boundaries of the West "O" Street Maintenance
5 Business Improvement District shall generally extend (north and south of West O Street) from
6 3rd Street on the east and Homestead Expressway on the west. The properties included within
7 the district are those properties abutting the north and south sides of West O Street from 3rd
8 Street on the east and Homestead Expressway on the west. Commonly owned properties that
9 are intersected by a boundary line establishing the district shall be considered as entirely within
10 the district unless otherwise determined by the City Council when sitting as a Board of
11 Equalization. The district boundaries and properties included herein are shown on the map
12 attached hereto as Exhibit B and incorporated herein by this reference.

13 Section 6. Special Assessment; Method of Assessment. That the costs and expenses
14 for the Maintenance Work proposed to be performed within this business improvement district
15 will be funded through special assessments against the property in the district based upon the
16 special benefits to the property as fairly and equitably equalized by the City Council sitting as a
17 board of equalization. The special assessments will be levied annually on a front foot basis.

18 Section 7. Special Assessment of Property Exempt from Ad Valorem Taxes. All owners
19 of property exempt from ad valorem taxes within the district benefit from the maintenance work
20 and shall be specially assessed to support the Maintenance Work.

21 Section 8. Annual Budget and Limitations. The estimated total annual costs and
22 expenses for the Maintenance Work to be performed within such district during the remainder of
23 the January 1, 2016 through December 31, 2016 calendar year are \$7,000.00 (first partial fiscal
24 year estimate); provided that the maximum amount of the first partial fiscal year's annual
25 assessment for the district shall not exceed the total costs and expenses thereof. In each
26 succeeding calendar year the City Council shall estimate the total annual costs and expenses

1 for the Maintenance Work, and after public hearing, shall approve an annual budget for the
2 Maintenance Work. The Maintenance Work annual assessment for such succeeding calendar
3 year shall not exceed the actual costs and expenses thereof.

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

11 Section 10. Effective Date. Pursuant to Article VII, Section 7 of the City Charter, this
12 ordinance shall be posted on the official bulletin board of the City, located on the wall across
13 from the City Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication
14 with notice of passage and such posting to be given by publication one time in the official
15 newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its
16 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