

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.) (the Act) to be known as
3 the West Haymarket/Downtown Core Management Business Improvement District within the
4 area generally bounded by Pinnacle Arena Drive on the west and north, North 8th and North 9th
5 Street on the east, O and N Streets on the south; for the purpose of providing for certain work
6 and improvement programs under the Act for the betterment of the district and employing or
7 contracting for personnel, including administrators, as may be necessary or proper to carry out
8 such work and improvement programs providing for special assessments to be imposed within
9 the district based upon the benefits conferred; and providing maximum limits upon such
10 assessments.

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

12 Section 1. Resolution of Intention to Create. That a resolution entitled Resolution of
13 Intention to Create a Business Improvement District (“Resolution of Intent”) to be known as the
14 “West Haymarket/Downtown Core Management Business Improvement District” within the area
15 described above, was adopted by the Lincoln City Council on December 9, 2013, as Resolution
16 No. A-87693.

17 Section 2. Notice of Public Hearing. That on December 19, 2013 notice that the City
18 Council on January 13, 2014 would hold a public hearing on an ordinance to create the West
19 Haymarket/Downtown Core Management Business Improvement District was properly made by
20 publication of the adopted Resolution of Intent in a newspaper of general circulation in the City
21 of Lincoln, and by mailing a complete copy of Resolution of Intent to each owner of taxable
22 property within the proposed district as shown on the latest tax roles of the County Treasurer.

1 Section 3. Public Hearing. That the public hearing on the ordinance to create the West
2 Haymarket/Downtown Core Management Business Improvement District was held by the City
3 Council on January 13, 2014, during the regular City Council meeting commencing at 3:00 p.m.
4 in the City Council Chambers on the first floor of the County-City Building, 555 South 10th,
5 Lincoln, Nebraska; that at such public hearing, the City Council heard all protests and received
6 evidence for and against the creation of the proposed West Haymarket/Downtown Core
7 Management Business Improvement District; that the City Council has ruled upon all written
8 protests to the creation of such district which were received prior to the close of the hearing, and
9 hereby finds that protest was not made by the record owners representing over 50% of the
10 assessable units in the proposed district.

11 Section 4. District Boundaries. That the boundaries of the West Haymarket/Downtown
12 Maintenance Business Improvement District shall generally extend along the exterior lines of
13 Pinnacle Arena Drive on the west and north, North 8th and North 9th Street on the east, O and N
14 Streets on the south, West Haymarket Addition. Said boundaries and the properties included
15 therein are more particularly shown and legally described on the map and list of properties
16 attached hereto marked as Attachment “A” and incorporated herein by this reference.
17 Commonly owned properties that are intersected by a boundary line establishing the district shall
18 be considered as entirely within the district unless otherwise determined by the City Council
19 when sitting as a Board of Equalization.

20 Section 5. Creation of District; Improvements. That the West Haymarket/Downtown
21 Core Management Business Improvement District is hereby created and established. The work
22 performed and specific improvements to be made or maintained (“Core Management Work”) for
23 the West Haymarket/Downtown Core BID shall consist of:

24 a. Planning and feasibility studies for civic projects and improvements,
25 including projects identified in the 2005 Downtown Master Plan (including the 2012 Downtown
26 Master Plan Update) that are located within the District;

- b. Capital costs of holiday decorations;
- c. Banners, lighting and other signage to create a core district identity;
- d. Enhanced maintenance and landscaping services;
- e. Cosmetic capital improvements, including streetscape design plans, landscaping, lighting and sidewalk improvements;
- f. Public art;
- g. Tourism and visitor information services and promotions that benefit downtown hotels and the hospitality segment;
- h. Retail promotions to support shopping activity;
- i. Event management support and seed funds for new special events;
- j. Street furniture, including kiosks and benches;
- k. Other promotions and improvements within the West

Haymarket/Downtown Core BID;

- l. Staff support to support promotions and improvements within the West Haymarket/Downtown Core BID.

Section 6. Annual Budget and Limitations. That the West Haymarket/Downtown Business Improvement District shall become effective on the date of adoption of this Ordinance. The estimated total annual costs and expenses for the Core Management Work to be performed within such district during the remainder of the September 1, 2013 through August 31, 2014 fiscal year are \$43,850.00 (first partial fiscal year estimate); provided that the maximum amount of the first partial fiscal year's annual assessment for the district shall not exceed the total costs and expenses thereof or \$44,000.00 whichever is less. In each succeeding year the City Council shall estimate the total annual costs and expenses for the Core Management Work and, after public hearing, shall approve an annual budget for the Core Management Work. The Core Management Work annual assessment for such succeeding fiscal year shall not exceed the actual costs and expenses thereof.

Section 7. Method of Assessment. That the costs and expenses for the Core Management Work to be performed within this business improvement district will be raised through special assessments based upon the special benefits to the property as fairly and equitably equalized by the City Council sitting as a board of equalization. The assessments will be levied annually as a percentage of the actual assessed valuation of the taxable non-residential property within the

1 district. For mixed use buildings that combine residential and other uses, the property owner
2 may submit evidence supporting the percentage split of the actual assessed value between
3 residential and other uses for the City Council to consider when sitting as the Board of
4 Equalization.

5 Section 8. Contributions. That based on the recommendation of the West
6 Haymarket/Downtown Business Area Improvement Board, all owners of property exempt from
7 ad valorem taxes within the district shall be invited to contribute annually to the City of Lincoln
8 to support the Core Management Work activities and improvements. Any contributions shall be
9 allocated to reduce assessment rates in the district.

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

16 Section 10. Effective Date. That this ordinance shall take effect and be in force from and
17 after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2014:

Mayor