

13R-280

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 13R-280 by accepting the substitute Resolution of Intent attached hereto as Bill No. 13R-280S.

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 Core BID during the remainder of the September 1, 2013 through August 31, 2014 fiscal year are \$43,850 (first partial fiscal year estimate); provided that the maximum amount of the first partial fiscal year's annual assessment for the WHM Core BID shall not exceed \$44,000). 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 Core BID. The City Council retains the authority to change, modify and remove proposed improvements; however, the proposed improvements cannot exceed the scope of improvements provided by the ordinance creating the WHM Core 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 CORE MANAGEMENT BID
(EXTRA)**

13R-280S

Introduce: 11-25-13

SUBSTITUTE

RESOLUTION NO. A-_____

1 RESOLUTION of Intention to create a core management business improvement
2 district to be known as the West Haymarket/Downtown Core Management Business
3 Improvement District (sometimes hereinafter referred to as the “WHM Core BID”) in the area
4 roughly bounded by Pinnacle Arena Drive on the west and north, North 8th and North 9th Street
5 on the east, O and N Streets on the south, as more particularly shown on the WHM Core BID
6 Boundary Map attached hereto as Attachment “A”.

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

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

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

20 WHEREAS, following the adoption of this Resolution of Intention, the City Council
21 of the City of Lincoln, Nebraska intends to consider at public hearing on January 13, 2014, an

1 ordinance to create the recommended WHM Core BID in the WHM Core BID Boundary Area, as
2 more particularly described below.

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

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

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

15 1. DESCRIPTION OF BOUNDARIES. The boundaries of the proposed WHM
16 Core BID shall generally extend along the exterior lines of the WHM Core BID Boundary Area
17 and shall include those properties within the WHM Core BID Boundary Area. Said properties
18 included therein are more particularly described in the list of properties which is attached hereto
19 marked as Attachment “B”, and made a part hereof by this reference. Commonly owned
20 properties that are intersected by a boundary line establishing the WHM Core BID shall be
21 considered as entirely within the WHM Core BID unless otherwise determined by the City
22 Council when sitting as a Board of Equalization.

23 2. TIME AND PLACE OF HEARING ON CREATION OF THE WHM Core BID.
24 The City Council of the City of Lincoln, Nebraska will hold a public hearing on an ordinance to

1 create such WHM Core BID on January 13, 2014, at the hour of 3:00 p.m., or as soon thereafter
2 as possible in the City Council Chambers, first floor, County-City Building, 555 South 10th
3 Street, Lincoln, Nebraska 68508.

4 3. IMPROVEMENTS TO BE PERFORMED IN THE WHM CORE BID. The work
5 performed and specific improvements to be made or maintained for the WHM Core BID shall
6 consist of:

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

10 b. Capital costs of holiday decorations;

11 c. Banners, lighting and other signage to create a core district identity;

12 d. Enhanced maintenance and landscaping services;

13 e. Cosmetic capital improvements, including streetscape design plans,
14 landscaping, lighting and sidewalk improvements;

15 f. Public art;

16 g. Tourism and visitor information services and promotions that benefit
17 downtown hotels and the hospitality segment;

18 h. Retail promotions to support shopping activity;

19 i. Event management support and seed funds for new special events;

20 j. Street furniture, including kiosks and benches;

21 k. Other promotions and improvements within the WHM Core BID;

22 l. Staff support to support promotions and improvements within the WHM
23 Core BID.

1 4. ANNUAL BUDGET AND LIMITATIONS. The estimated total annual costs and
2 expenses for the work to be performed within the WHM Core BID during the remainder of the
3 September 1, 2013 through August 31, 2014 fiscal year are \$43,850 (first partial fiscal year
4 estimate); provided that the maximum amount of the first partial fiscal year's annual assessment
5 for the WHM Core BID shall not exceed \$44,000). The specific improvements for the first partial
6 fiscal year are listed for purposes of estimating the costs and expenses of performing the
7 proposed work and improvements. The City Council after public hearing shall approve an
8 annual budget for specific work and improvements in each succeeding fiscal year consistent with
9 the ordinance creating the WHM Core BID. The City Council retains the authority to change,
10 modify and remove proposed improvements; however, the proposed improvements cannot
11 exceed the scope of improvements provided by the ordinance creating the WHM Core BID.

12 5. METHOD OF ASSESSMENT. The costs and expenses for the work proposed to
13 be performed within the WHM Core BID will be raised through special assessments based upon
14 the special benefits to the property as fairly and equitably assessed by the City Council. The
15 assessments will be levied annually as a percentage of the actual assessed valuation of the taxable
16 non-residential property within the district. For mixed use buildings that combine residential and
17 other uses, the property owner may submit evidence supporting the percentage split of the actual
18 assessed value between residential and other uses for the City Council to consider when sitting as
19 the Board of Equalization.

20 6. CONTRIBUTIONS. Based on the recommendation of the West Haymarket/
21 Downtown Business Improvement Board, all owners of property exempt from ad valorem taxes
22 within the WHM Core BID shall be invited annually to contribute annually to the City of Lincoln

1 to support the business improvement district activities, promotions and improvements. Any
2 contributions shall be allocated to reduce assessment rates in the WHM Core BID.

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

9 BE IT FURTHER RESOLVED that the City Clerk is directed to place an ordinance to
10 create the West Haymarket/Downtown Core Management Business Improvement District on the
11 City Council formal agenda for introduction on January 6, 2014, with public hearing to be held
12 on January 13, 2014.

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

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

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor