

ORDINANCE NO. 2219

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA, TO ESTABLISH THE MAIN AVENUE BUSINESS IMPROVEMENT DISTRICT UNDER THE AUHORITY OF THE BUSINESS IMPROVEMENT DISTRCT ACT NEB. REV. STAT. §19-4105 ET. SEQ. FOR THE PURPOSE OF PROVISING SPECIFIED ACTIVITIES, WORK, AND IMPROVEMENTS IN THE MAIN AVENUE BUSINESS IMPROVEMENT AREA (MAIN AVENUE FROM 13TH STREET TO 11TH STREET) OF CRETE, NEBRASKA; TO CREATE THE MAIN AVENUE BUSINESS IMPROVEMENT DISTRICT; TO DEFINE THE BOUNDARIES OF SUCH DISTRICT; TO IDENTIFY THAT THE PROPERTIES BENEFITED BY THE IMPROVEMENTS WILL BE SUBJECT TO SPECIAL ASSESSMENTS IN ACCORDANCE WITH THE MAIN AVENUE BUSINESS IMPROVEMENT PLAN; TO PROVIDE FOR SPECIAL ASSESSMENT IN AN APPROXIMATE AMOUNT OF \$5,940.00 FOR YEAR ONE TO BE REEVALUATED AT THE END OF THE FIRST FISCAL YEAR FOR SIDEWALK SNOW REMOVAL, WEED CONTROL, AND GENERAL LANDSCAPING; TO BE IMPOSED UPON SUCH DISTRICT BASED UPON THE LINEAL FRONT FOOTAGE OF EACH PROPERTY SPECIALLY BENEFITED BY THE DISTRICT; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

WHEREAS, over 30% of property owners within the proposed Main Avenue Business Improvement District signed and petitioned the City to establish a Business Improvement District as seen in Exhibit “A”; and

WHEREAS, the Businesses requested the Business Improvement District be created for providing specified work including sidewalk snow removal, weed control, and general landscaping; and

WHEREAS, in accordance with Neb. Rev. Stat. § 19-4015 to §19-4038 (Reissue 2020 Cumm. Supp.), such improvements may be made as cited in the Business Improvement District Act; and,

WHEREAS, the City Council, following a public hearing may establish or reject the proposed business improvement district.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Notice of hearing published on October 9, 2024, Mailed and posted on October 2nd 2024.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. Public Hearing; project creation. That a public hearing on the request of over 30% of the property owners in the proposed area of Main Avenue Business Improvement District to establish a business improvement district to be known as the Main Avenue Business Improvement District was held by the City Council of the City of Crete on October 15, 2024.

Section 2. Notice. That notice that the City Council would hold a public hearing on the request of the property owners to create a Main Avenue Business Improvement District was made by publication and by sending a copy of said publication to each property owner within the proposed district as shown on the

latest Saline County Assessment Information within the proposed district; that at public hearing was held by the City Council on October 15, 2024, during the regular City Council meeting, commencing at 6:00 p.m. in the Crete City Hall Council Chambers at 243 E. 13th St, Crete, NE 68333.

Section 3. Public Hearing. That at such public hearing, the City Council heard all protests, received evidence for and against the creation of the proposed Business Improvement District; and the City Council has rules upon all protest of the creation of such district which were received prior to the close of hearing and hereby finds that _____.

Section 4. Boundaries. That the District shall comprise all property located within the Main Avenue Business Improvement District boundaries as follows:

Main Avenue from 13th Street to 11th Street and a western boundary of generally being an alley between Main Avenue and Norman Avenue and an alley between Main Avenue and Linden Avenue with a few properties outside those boundaries as shown on the attached map, to include all properties having frontage on the streets within such district.

Section 5. Creation of Main Avenue Business Improvement District. The Main Avenue Business Improvement District is hereby created. The Main Avenue Business Improvement District may implement those rules and regulations for its operation as permitted by the Nebraska statutes. The work performed in this district will include sidewalk snow removal, weed control, and general landscaping.

Section 6. Annual budget and limitations. The estimated total annual cost and expense for the work performed within the Business Improvement District is Five Thousand Four Hundred Ninety Dollars (\$5,490.00) for the first year of the District with such annual budget to be reassessed prior to the start of the 2025-2026 fiscal year, with such amounts being assessed against those within the District. The Business Improvement District may secure grants or other funding which may be used for other improvements.

Section 7. Method of Assessment. The cost and expenses for the work to be performed within such Business Improvement District shall be raised through special assessments based upon the special benefits to the property as fairly and equitably assessed by the City Council.

It is recommended that from and after the date of approval of the Ordinance creating the proposed Business Improvement District, the cost and expenses for the work proposed to be performed within such Business Improvement District up to the amount of Five Thousand Four Hundred Ninety Dollars (\$5,490.00) be levied as Special Assessments for the First year of the District, which amount may increase around the implementation of the 2025-2026 fiscal year. Such special assessments shall be levied based on the lineal front footage of the property.

Section 8. Commonly owned property. Commonly owned properties that are intersected by a boundary line established in the district shall be considered entirely in the district unless otherwise determined by the City Council when sitting as the Board of Equalization.

Section 9. Termination. The Business Improvement District shall exist in perpetuity until the Business Improvement Committee recommends or the City Council of the City of Crete determines it is no longer necessary.

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

Section 11. Effective Date. That this Ordinance shall be in full force and take effect fifteen (15) days from and after its passage.

PASSED AND ENACTED the 15th day of October 2024.

Mayor

ATTEST:

City Clerk

Seal