

## **RESOLUTION 2009-149**

### **RESOLUTION OF INTENT TO ESTABLISH THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT**

WHEREAS, pursuant to SDCL ch. 9-55, the City of Rapid City is authorized to create Business Improvement Districts; and

WHEREAS, in accordance with SDCL 9-55-9, the owners of a majority of the assessable front footage in a business area have submitted a petition to the Common Council of the City of Rapid City to hold a hearing to create a district; and

WHEREAS, the boundaries of the business improvement district proposed by the petition meet the requirements of SDCL 9-55-4; and

WHEREAS, the petitioners state the business improvement district will be created for the purposes allowed by SDCL 9-55-3; and

WHEREAS, the Common Council of the City of Rapid City has determined that the creation of the Downtown Business Improvement District will promote the health, safety, prosperity, security and general welfare of the citizens of the City of Rapid City and the proposed district, and will provide special benefit to the property located within the boundaries of said proposed district.

NOW THEREFORE BE IT RESOLVED by the City of Rapid City that the Downtown Business Improvement District be created within the City of Rapid City; and

BE IT FURTHER RESOLVED that the boundaries of the proposed Downtown Business Improvement District are as follows:

1. Property located east of North Mount Rushmore Road and west of 5th Street, bounded on the north by North Street and bounded on the south by Omaha Street;
2. Property located east of West Boulevard and west of East Boulevard, bounded on the north by Omaha Street and on the south by Kansas City Street;
3. Property located east of Mount Rushmore Road and west of 4th Street, bounded on the north by Kansas City Street and on the south by Columbus Street;
4. Property located east of West Boulevard and west of Mount Rushmore Road, bounded on the north by Kansas City Street and on the south by Quincy Street;
5. Block 124 & Vacated Alley and ½ Vacated 6th Street, Lots 1-24 & Vacated Alley & ½ Vacated 6th Street of Block 125, Original Town of Rapid City;

6. Lot A, Knights of Columbus Subdivision.
7. Lots 1-8 & adjoining 40' of Vacated Rapid Street and Lots 21-32 Less RR ROW of Block 5, Riverside Subdivision;
8. Units 1-4 and Common Areas of First Western Gateway Condos;

BE IT FURTHER RESOLVED that the proposed Downtown Business Improvement District be divided into two zones as follows:

1. Zone 1 shall include the following property:
  - a. Property located east of Mount Rushmore Road and west of 5th Street, bounded on the north by Omaha Street and bounded on the south by the alley located between Kansas City Street and Quincy Street, excepting therefrom the S 45' of Lots 15-16 of Block 103, Original Town of Rapid City and S 50' of Lots 1-2 of Block 105, Original Town of Rapid City.
  - b. Lot 2 Less Lot H1 of the Madera Subdivision
  - c. E 450' of Tract A of Blocks 71-72, Lots 25-32, Lots 33-34, a subdivision of the S 56.6' of Lots 1-6, & Vacated Alley of Block 72, Original Town of Rapid City
  - d. Lots 1-6 & E 2' of Lot 7, Block 82, Original Town of Rapid City
  - e. N 65' of Lots 30-32 of Block 82, Original Town of Rapid City
  - f. E 14'2¼" of S 78'4" of Lot 28 & E 21'13¼" of the N 61'8" of Lot 28 & All of Lot 29 & S 75' of Lots 30-32, Block 82, Original Town of Rapid City
  - g. Lots 1-2 & Tract B of Lot 3, Block 92, Original Town of Rapid City
  - h. W 20' of Lot 10; Lots 11-32, Block 92, Original Town of Rapid City
  - i. Lots 17-24 of Block 96, Original Town of Rapid City
  - j. Lots 9-16 of Block 96, Original Town of Rapid City
  - k. S 70' of Lots 17-19 of Block 86, Original Town of Rapid City
  - l. N 70' of Lots 17-19 of Block 86, Original Town of Rapid City
  - m. Lots 9-16 of Block 86, Original Town of Rapid City

- n. Lots 17-23 of Block 76, Original Town of Rapid City
- o. Units 1 & 2 and Common Area, Aby's Feed & Seed Condominiums
- p. Lot 1 of Dan's Supermarket Tract Revised Less Lot H1, Block 66, Original Town of Rapid City
- q. Tract NW 66 Less Lot H1 & Lot H2, Balance of Lots 12-16 Less Lot H1 of Lot 16, N 10' Vacated Alley adjacent to Lots 12-16 Less Lot H1, Block 66, Original Town of Rapid City

2. Zone 2 shall include all other property within the boundaries of the District.

BE IT FURTHER RESOLVED that the Downtown Business Improvement Board be created pursuant to SDCL 9-55-5, which shall consist of six property owners from Zone 1 and four property owners from Zone 2 within the business area to be improved, who shall be appointed by the Mayor with the approval of the Common Council;

BE IT FURTHER RESOLVED that the public facilities and improvements to be made or maintained within the proposed district include the following:

- 1. Construction, operation, management, maintenance, repair, marketing, promotion, programming and success of the Main Street Square Plaza.
- 2. Projects that encourage economic development within the district.

BE IT FURTHER RESOLVED that the proposed or estimated costs for improvements, facilities and activities within the district is Two Hundred Fifty-Five Thousand Forty Dollars (\$255,040).

BE IT FURTHER RESOLVED that the district's tax revenue shall be raised by special assessment as follows:

- 1. For property in Zone 1, an assessment of One Dollar Fifty Cents (\$1.50) per One Thousand Dollars (\$1,000.00) of assessed valuation of property.
- 2. For property in Zone 2, an assessment of Seventy-five Cents (\$0.75) per One Thousand Dollars (\$1,000.00) of assessed valuation of property.
- 3. The maximum assessment on each property shall be Three Thousand Dollars (\$3,000.00) per year.
- 4. The maximum assessment shall be increased each year by Three and one-half Percent (3.5%).

BE IT FURTHER RESOLVED that the special assessment tax shall be fair and equitable as required by SDCL 9-55-7.

BE IT FURTHER RESOLVED that the assessment shall be based upon the special benefit to the property within the district.

BE IT FURTHER RESOLVED that a hearing shall be held by the Common Council to consider the establishment of the Downtown Business Improvement District on the 21st day of December, 2009; and

BE IT FURTHER RESOLVED that the Finance Officer shall cause a Notice of Public Hearing for the creation of the proposed Downtown Business Improvement District to be mailed to each property owner at least thirty (30) days prior to the public hearing.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
Finance Officer

(seal)