

ORDINANCE 1395

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI BUSINESS REGULATIONS, BY ADDING CHAPTER 122, WHICH ESTABLISHES A BUSINESS IMPROVEMENT DISTRICT NO. 2 WITHIN THE MUNICIPAL LIMITS OF THE CITY OF VERMILLION FOR THE IMPROVEMENT OF PUBLIC FACILITIES AND ACTIVITIES IN THE CENTRAL BUSINESS DISTRICT.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that there be established a Business Improvement District No. 2 for the improvement of public facilities and activities within such district with the addition of Chapter 122 as follows:

122.01 Establishment of the district. Pursuant to the provisions of SDCL Ch. 9-55, Business Improvement District No. 2 (BID #2) of the City of Vermillion, S.D. is created. A resolution (No. 299-19) of intent to create this district was approved by the City Council on October 21, 2019. The public hearing on creation of the district was held in the City Council Chambers, located at 25 Center Street, Vermillion, South Dakota at 7:00 p.m. on December 2, 2019.

122.02 Boundaries of the district. A resolution (No. 110-18) establishing the boundaries of BID #2 was approved on April 16, 2018. It shall be a contiguous district for properties zoned business or commercial within the Central Business District of the City of Vermillion, specifically as outlined below:

Beginning at the intersection of the centerlines of 12th Street and Kidder Street; then north along the centerline of 12th Street for 582-feet to the intersection with the centerline of the east-west alley in Block 39 of Snyder's Addition; then east along the centerline of the east-west alley in Block 39 of Snyder's Addition to the intersection with the centerline of Franklin Street; then north along the centerline Franklin Street for 2-feet; then east for 200-feet to the intersection with the centerline of the north-south alley in Block 38 of Snyder's Addition; then south along the centerline of the north-south alley in Block 38 of Snyder's Addition for 24-feet; then east for 192-feet to the intersection with the centerline of Washington Street; then north along the centerline of Washington Street for 374-feet; then east for 200-feet to the intersection with the centerline of the north-south alley in Block 42 of Snyder's Addition; then south along the north-south alley in Block 42 of Snyder's Addition for 165-feet to the intersection with the centerline of West National Street; then east along the centerline of West National Street for 200-feet to the intersection with the centerline of High Street; then south along the centerline of High Street for 121-feet; then east for 200-feet to the intersection with the centerline of the north-south alley in Block 36 of Snyder's Addition; then south along the centerline of the north-south alley in Block 36 of Snyder's Addition for 44-feet; then east for 200-feet to the intersection with the centerline of Prospect Street; then north along the centerline of Prospect Street for 66-feet; then east for 200-feet to the intersection with the centerline of the north-south alley in Block 35 of Snyder's Addition; then north along the centerline of the north-south alley in Block 35 of Snyder's Addition for 220-feet; then east for 200-feet to the intersection with the centerline of Center Street; then south along the centerline of Center Street for 121-feet to the intersection with the centerline of East National Street; then east along the centerline of East National Street for 130-feet; then north for 121-feet; then east for 70-feet to the intersection with the centerline of the north-south alley in Block 45 of Snyder's Addition; then south along the centerline of the north-south alley in Block 45 of Snyder's Addition to the

intersection with the centerline of East National Street; then east along the centerline of East National Street for 197.5-feet to the intersection with the centerline of Elm Street; then south along the centerline of Elm Street for 99-feet; then east for 180.5-feet to the intersection with the centerline of the north-south alley in Block 33 of Snyder's Addition; then south along the centerline of the north-south alley in Block 33 of Snyder's Addition for 120-feet to the intersection of the vacated east-west alley in Block 33 of Snyder's Addition; then east along the centerline of the vacated east-west alley in Block 33 of Snyder's Addition for 183-feet to the intersection with the centerline of North Dakota Street; then north along the centerline of North Dakota Street for 35-feet to the intersection with the centerline of the east-west alley in Block 61 of Bigelow's Addition; then east along the centerline of the east-west alley in Block 61 of Bigelow's Addition for 200-feet to the intersection with the centerline of the north-south alley in Block 61 of Bigelow's Addition; then south along the centerline of the north-south alley in Block 61 of Bigelow's Addition for 189-feet to the intersection with the centerline of East Main Street; then east along the centerline of East Main Street for 25-feet to the intersection with the centerline of Forest Avenue; then south along the centerline of Forest Avenue for 188-feet to the intersection with the centerline of the vacated east-west alley in Block 73 of Smith's Addition; then west along the centerline of the vacated east-west alley in Block 73 of Smith's Addition for 225-feet to the intersection with the centerline of South Dakota Street; then north along the centerline of South Dakota Street for 96-feet; then west for 81-feet; then south for 132-feet; then west for 105.5-feet to the intersection with the centerline of the north-south alley in Block 26 of Original Vermillion; then south along the centerline of the north-south alley in Block 26 of Original Vermillion for 212-feet to the intersection with the south right-of-way line of the vacated Kidder Street; then east along the south right-of-way line of the vacated Kidder Street for 241-feet to the intersection with the centerline of South Dakota Street; then south along the centerline of South Dakota Street for 220-feet; then southwest to the intersection with the centerline of the vacated Bloomingdale Street for 128-feet south and 81-feet west; then west along the centerline of the vacated Bloomingdale Street for 360-feet to the intersection with the centerline of Church Street; then north along the centerline of Church Street for 388-feet to the intersection with the centerline of Kidder Street; then west along the centerline of Kidder Street for 400-feet to the intersection with the centerline of Court Street; then south along the centerline of Court Street for 172-feet; then west for 200-feet to the intersection with the centerline of the north-south alley in Block 23 of Original Vermillion; then south along the centerline of the north-south alley in Block 23 of Original Vermillion for 216-feet to the intersection with the centerline of Bloomingdale Street; then west along the centerline of Bloomingdale Street for 410-feet to the intersection with the centerline of the north-south alley in Block 22 of Original Vermillion; then north along the centerline of the north-south alley in Block 22 of Original Vermillion for 388-feet to the intersection with the centerline of Kidder Street; then west along the centerline of Kidder Street for 600-feet to the intersection with the centerline of Luxemburg Street; then north along the centerline of Luxemburg Street for 106-feet; then west for 200-feet to the intersection with centerline of the north-south alley in Block 31 of Original Vermillion; then south along the centerline of the north-south alley in Block 31 of Original Vermillion for 106-feet to the intersection with the centerline of Kidder Street; then west along the centerline of Kidder Street for 200-feet to the intersection with the centerline of 12th Street being the point of beginning.

122.021 Division of district into two areas. The boundaries of BID #2 will further be divided into two areas; Area A and Area B. Area A is described as an area encompassing the following parcels: Lots 1 and 2 and West 10-feet of Lot 3 and North half of vacated alley and North 99.5-

feet of Lots 4, 5, and 6 and North 99.5-feet of East 15-feet of Lot 3 and Part of South Dakota Street commencing 34-feet at the Northwest of Lot 1 then West 5-feet then South 66-feet then 5-feet then 66-feet to point of beginning; and, the West 41-feet of vacated Dakota Street abutting Lot 1 and East 18-feet of Lot 1 Block 26, Original Town; and, East 29.5-feet of West 95.5-feet of Lots 2, 3 and 4 and East 66-feet of West 132-feet of Lot 1, Block 26, Original Town; and, East 15-feet of West 66-feet of Lots 1, 2, 3 and 4, Block 26, Original Town; and, East 20-feet of West 51-feet of Lots 1, 2, 3, and 4, Block 26, Original Town; and, West 31-feet of Lots 1, 2, 3, and 4, Block 26, Original Town; and, Lots 15, 16, and 17, Block 26, Replat of Lots 13 and 14, Original Town; and, and, Lots 8, 9, 10, 11 and 12, Block 26, Original Town; and, Block 27, Original Town; and, Block 28, Original Town; and, Lots 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Block 29, Original Town; and, Lot A, Block 29, Original Town; and, Lot 24, Block 36, Snyders Addition; and, Lot HD-1 Lot 15, Block 35, Snyders Addition; and, West 25-feet of Lot 15 excluding Lot HD-1, Block 35, Snyders Addition; and, East 25-feet of Lot 15, Block 35, Snyders Addition; and, Lots 16 through 25, including all the vacated alley between lots 19 and 20, Block 35, Snyders Addition; and, Lot 15A, Block 34, Snyders Addition; and, Lot 16A, Block 34, Snyders Addition; and, Lots 17 through 23, Block 34, Snyders Addition; and, Lots 15 through 19, Block 33, Snyders Addition; and, Lot 18A, Block 33, Snyders Addition; and, West 11-feet of Lot 20, Block 33, Snyders Addition; and, East 15-feet of South 90-feet of Lot 20 and Lots 21 through 25, Block 33, Snyders Addition; and, Lots 20 through 25 excluding West 11-feet of Lot 20 and excluding South 90-feet of Lots 20 through 25, Block 33, and Track of land 50-feet East and West by 20-feet North and South excluding West 7-feet of said tract, Snyders Addition.

Area B is described as the land outside of Area A, but within the boundary of the Business Improvement District no. 2.

122.03 New properties within the district. Pursuant to the provisions of SDCL 9-55, BID #2 may be amended to include new businesses constructed or established within these boundaries.

122.04 Purpose of the district. BID#2 is created for the purpose of funding a portion of the project that would renovate the Central Business District (referred to as the Downtown Streetscape Project). The public improvements may include: removal and reconstruction of sidewalks, removal and reconstruction of street pavement as needed, removal and reconstruction of curb and gutter, construction of landscaping features, signage, street lighting, landscaping, storm sewer improvements, and necessary staffing for the consultant to execute these efforts.

122.05 Funding. This cost would be split between the City and the owners of taxable property within the Business Improvement District at a rate of 82 percent City funding and 18 percent BID #2 funds from a special assessment imposed on the properties within the district. The rate of special assessment will be dependent on whether a property is within Area A or Area B, and will be based on the total cost of construction reduced by the amount of any grants or donations received for the project. Furthermore, the owners within Area A will pay a special assessment amount of 0.162 times the total cost of the project divided by 69. The owners within Area B will pay a special assessment amount of 0.018 times the total cost of the project divided by 23. The special assessments are to be payable in ten (10) equal installments at zero (0) percent interest. The City Finance Officer shall deposit BID #2 funds into a separate fund established for BID #2. Any grants and donations to the project shall be deducted from the total cost of the project prior to the cost being divided amongst the owners of Area A and Area B.

122.06 Penalties for failure to pay special assessment. The special assessment shall be payable in ten (10) equal annual installment with the amount determined after completion of construction based on total construction costs less any grants or donations received as of the assessment date. Any assessment or installment not paid within thirty (30) days after filing the approved assessment role in the Finance Office shall be collected under Plan One, collection by the County Treasurer, as set forth in SDCL 9-43. All current and deferred installments shall bear zero (0) percent interest and any delinquent payment shall bear interest at the rate of ten (10%) per annum.

122.07 Creation of business improvement board of directors. The BID #2 Board of Directors is hereby established. The Mayor shall appoint the members of the Board of Directors, subject to the approval of the City Council. There shall be five (5) members of the BID #2 Board of Directors whose terms shall be three years, except at time of establishment, in which, two members shall serve for a one year term, two members for a two year term, and one member for a three year term.

122.08 Severability. Should any section, clause or provision of this article be declared by the courts to be invalid, the same shall not affect the validity of the article as a whole or any part thereof, other than the part declared to be invalid.

122.09 Reporting. The Board of Directors shall make annual recommendations for project improvements and/or changes along with method to the Finance Office that are consistent with the City's "Plan", funding and purpose as noted above, and SDCL 9-55-3, as amended.

122.10 Effective Date. From and after the 16th day of January, 2020.

Dated at Vermillion, South Dakota this day 16th day of December, 2019.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

BY John E. Powell
John E. (Jack) Powell, Mayor

ATTEST:

BY Michael D. Carlson
Michael D. Carlson, Finance Officer

First Reading: December 2, 2019
Second Reading: December 16, 2019
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