

RESOLUTION NO. CC-2007-21

A RESOLUTION OF THE STILLWATER CITY COUNCIL AUTHORIZING THE CREATION OF A BUSINESS IMPROVEMENT AND SPECIAL SERVICES ASSESSMENT DISTRICT TO BE KNOWN AS "BUSINESS IMPROVEMENT AND SPECIAL SERVICES DISTRICT NO. 1"; SETTING FORTH THE TYPE AND CHARACTER OF THE IMPROVEMENTS AND/OR SERVICES TO BE CONSTRUCTED AND/OR PERFORMED WITHIN SAID DISTRICT AND DETERMINING THAT SUCH IMPROVEMENTS AND/OR SERVICES ARE ADVISABLE; ESTABLISHING THE ESTIMATED COST OF SUCH IMPROVEMENTS AND/OR SERVICES, THE MANNER OF PAYING THEREFOR, AND THE AMOUNT TO BE ASSESSED AGAINST THE INDIVIDUAL TRACTS OR PARCELS OF LAND LOCATED WITHIN THE BOUNDARIES OF SAID DISTRICT; DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY AND REASONABLE FOR THE PROVISION OF SUCH IMPROVEMENTS AND/OR SERVICES WITHIN SAID DISTRICT BY FORCE ACCOUNT AND/OR THROUGH NEGOTIATION AND/OR THROUGH COMPETITIVE BIDDING (IF LEGALLY NECESSARY) OF A CONTRACT FOR SUCH IMPROVEMENTS AND/OR SERVICES TO BE APPROVED BY THE CITY COUNCIL IN ACCORDANCE WITH O.S. §39-109; DIRECTING THE CITY MANAGER TO PREPARE AN ASSESSMENT ROLL AS REQUIRED BY 11 O.S. §39-110; AND EXCLUDING CERTAIN RESIDENTIAL PROPERTIES FROM PAYMENT OF ASSESSMENT.

WHEREAS, certain citizens and owners of real property located in the Downtown Stillwater area have requested that the City of Stillwater, pursuant to the Oklahoma Improvement District Act, 11 O.S §§ 39-101, *et seq.*, create an improvement and special services assessment district encompassing a portion of said Downtown area to be called the "Business Improvement and Special Services District No. 1" (hereinafter the "BID #1"); and

WHEREAS, on May 7, 2007, the Mayor and City Commission (now Council) adopted Resolution No. CC-2007-7, wherein said Mayor and City Commission of the City of Stillwater, in accordance with 11 O.S. §39-103.1 and §39-106, directed the City Manager to prepare a report to include the following, to wit:

1. A description of the property to be included in the proposed "Downtown Business Improvement District";
2. An assessment plat showing the area to be included in the proposed "Downtown Business Improvement District";
3. An addendum to the assessment plat showing the amount of maximum benefit estimated to be assessed against each tract or parcel in the district on a front-foot, zone area, and/or other equitable basis;
4. Preliminary plans for each type of proposed improvement and/or special services and an estimate of the total cost of such improvement and/or special service, which shall include all items set forth in 11 O.S. §39-106(D); and

WHEREAS, pursuant to said resolution, the City Manager has prepared a report on the proposed improvement and special services district and submitted said report to the City Clerk; and

WHEREAS, on July 16, 2007, in accordance with 11 O.S. §39-106, the Mayor and Council examined the assessment plat, preliminary plans, and estimates for the cost of the proposed improvement and special services district; and

WHEREAS, having examined said plat, plans and estimates, the Mayor and City Council found that the creation of the proposed improvement and special services district and the type and character of the improvements and/or services to be performed within said district, as set forth in said documents were advisable and will provide a benefit to the properties located within the area designated to comprise said district; and

WHEREAS, pursuant to 11 O.S. §39-107, the City Council adopted Amended Resolution No. CC-2007-17, setting a public hearing on the proposed business and/or special services district for August 20, 2007 and directing the City Manager to prepare and provide notice as required by said statute; and

WHEREAS, in accordance with said statute and resolution, the City Manager prepared and caused to be mailed to owners of tracts and parcels located within the boundaries of said proposed improvement and/or special services district notice of said hearing; and

WHEREAS, in accordance with said statute and resolution, the City Manager prepared and caused to be published in the *Stillwater NewsPress* notice of said hearing; and

WHEREAS, on August 20, 2007, the City Council conducted a public hearing on the creation of the proposed improvement and/or special services district in accordance with 11 O.S. §39-108; and

WHEREAS, the City Clerk received written protests and objections from interested persons and owners of property to be assessed for the improvements and/or special services questioning the propriety and advisability of constructing the improvements and/or providing special services; the estimated costs of the improvements and/or special services; the manner of paying for the improvements and/or special services; and the amount to be assessed against the individual tract or parcel of land; and

WHEREAS, at said hearing, the City Council heard the statements of interested persons and owners of property to be assessed for the improvements and/or special services questioning the propriety and advisability of constructing the improvements and/or providing special services; the estimated costs of the improvements and/or special services; the manner of paying for the improvements and/or special services; and the amount to be assessed against the individual tract or parcel of land; and

WHEREAS, at said public hearing, the City Council exercised those powers granted by 11 O.S. §39-108 to make the necessary corrections and adjustments to the

improvement and special services district, including a determination that owner-occupied single family residential properties located within said district do not share all of the immediate benefits of the improvements and/or special services offered in said district and should not be assessed for such improvements and/or special services until such time as said properties are utilized as commercial or other income-producing properties; and

WHEREAS, the City Council, upon conclusion of the public hearing, finds that the proceedings establishing said improvement and special services district were proper in all respects; that creation of the proposed improvement and special services district and the type and character of the improvements and/or services to be performed within said district, are advisable and will provide a benefit to the properties located within the area designated to comprise said district; that the annual cost of constructing such improvements and/or providing special services is estimated to be one hundred forty-three thousand three hundred twenty eight dollars and three cents (\$143,328.03); that said improvements can be paid for by annually assessing each privately-owned parcel or tract of land located within said improvement and special services district an amount equal to three percent (.03%) of the "assessed value" of each such parcel or tract of land as determined by the Payne County Assessor's Office, each publicly-owned parcel or tract of land located within said improvement and special services district an amount equal to five cents (\$.05) per square foot, and each parcel or tract of land located within said improvement and special services district owned by a non-profit entity or public service provider an amount equal to five cents (\$.05) per square foot; and

WHEREAS, said improvement and special services district should be created.

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with the Oklahoma Improvement District Act, 11 O.S §§ 39-101; *et seq.*, does hereby create an improvement and special services assessment district encompassing a portion of said Downtown area to be called the "Business Improvement and Special Services District No. 1." This improvement and special services district shall exist for a term of ten (10) years, unless earlier dissolved by action of the City Council, and shall commence upon the effective date of the ordinance levying assessments against the parcels and tracts of land situated therein.

BE IT FURTHER RESOLVED, that the City of Stillwater will utilize the funds collected from BID #1 assessments solely for the purpose of improving and increasing the level of business activities within the boundaries of said improvement and special services district. The City will employ and/or contract with individuals, organizations, consultants, corporations, or

other legal entities to perform services or provide goods to help construct and achieve one or more of the following improvements and/or special services:

- Provide personnel to serve as a liaison between the City, BID Advisory Board, existing property and business owners of the District, developers and investors, contractors, Oklahoma State University, and others in accomplishing the District Improvements.
- Provide assistance to property owners in seeking new business investors to occupy vacancies in the District.
- Develop and implement marketing plans to recruit specific businesses to the District which will enhance the vitality of the District business area.
- Provide incentives to attract and maintain businesses in the District.
- Market the District through branding, promotions, advertising, special events, and image development.
- Develop and implement projects to improve the physical appearance of the District.
- Facilitate cooperation and communications between developers, investors, business and property owners, and the City in new business development within the District.

BE IT FURTHER RESOLVED, that the annual cost of constructing such improvements and/or providing special services is estimated to be one hundred forty-three thousand three hundred twenty eight dollars and three cents (\$143,328.03); that said improvements can be paid for by annually assessing each privately-owned parcel or tract of land located within said improvement and special services district an amount equal to three percent (.03%) of the "assessed value" of each such parcel or tract of land as determined by the Payne County Assessor's Office, each publicly-owned parcel or tract of land located within said improvement and special services district an amount equal to five cents (\$.05) per square foot, and each parcel or tract of land located within said improvement and special services district owned by a non-profit entity or public service provider an amount equal to five cents (\$.05) per square foot.

BE IT FURTHER RESOLVED, that all tracts or parcels of land located within the area described below, shall be included in said BID #1, unless specifically exempt by law or deleted by action of the City Council:

An area bounded by 4th Avenue from Duncan Street to Lowry Street; Lowry Street from 4th Avenue to 10th Avenue; 10th Avenue from Lowry Street to Lewis Street; Lewis Street from 10th Avenue to 11th Avenue; 11th Avenue from Lewis Street to the alley between Lewis Street and Main Street; the alley between Lewis Street and Main Street from 11th Avenue to 15th Avenue; 15th Avenue from the alley between Lewis Street and Main Street to the alley between Main Street and Husband Place; the alley between Main Street and Husband Place from 15th Avenue to 13th Avenue; 13th Avenue from the alley between Main Street and Husband Place to Husband Street; Husband Street from 13th Avenue to 12th Avenue; 12th Avenue from Husband Street to Duncan Street; and Duncan Street from 12th Avenue to 4th Avenue, as depicted on the attached map (Exhibit "A").

BE IT FURTHER RESOLVED, that the City Manager is directed to commence preliminary action for construction improvements and/or provision of special services authorized

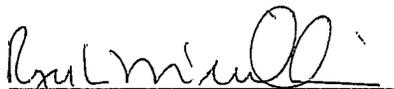
by BID #1, including the negotiation and/or competitive bidding (if legally required) of contracts, in accordance with 11 O.S. §11-39-109.

BE IT FURTHER RESOLVED, that the City Manager is directed to prepare and file an assessment roll with the City Clerk in accordance with 11 O.S. §39-110 and upon completion of such, advise the City Council, who shall then by resolution, set a date and time for a hearing to permit owners of tracts and parcels of land located within the boundaries of BID #1 to object to the amount of any such assessment.

BE IT FURTHER RESOLVED, that the City Council finds owner-occupied single family residential properties located within said district do not share all of the immediate benefits of the improvements and/or special services offered in said district and should not be assessed for such improvements and/or special services until such time as said properties are utilized for commercial or other income-producing purposes. Accordingly, the City Council directs the City Manager to forego collection of any assessment levied against such tracts or parcels of land, provided the owner annually produces evidence that said parcel or tract of land is a primary residence and he or she has been granted a "Homestead Exemption" on said parcel or tract of land as provided by Oklahoma Statutes. The City Manager is further directed to promulgate and implement written procedures sufficient to verify the existence of a Homestead Exemption on any such parcel or tract of land.

APPROVED AND ADOPTED THIS 20TH DAY OF AUGUST, 2007.

CITY OF STILLWATER, OKLAHOMA
A Municipal Corporation


ROBERT L. MCMILLIAN, MAYOR

(SEAL)
ATTEST:


MARCY ALEXANDER, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 20TH DAY OF AUGUST, 2007.


JOHN E. DORMAN, CITY ATTORNEY

EXHIBIT "A"

