



Streetscape Improvements along Second Street (Main Street), Owensboro, Kentucky

**MAIN STREET MANAGEMENT DISTRICT
1992-1997**

**CITY OF OWENSBORO ENABLING ORDINANCES
10-92 and 19-92**

*Reformatted version of original documents
Owensboro Metropolitan Planning Commission
July 22, 2003*

ORDINANCE NO. 10-92

AN ORDINANCE ESTABLISHING THE MAIN STREET MANAGEMENT DISTRICT FOR THE PURPOSE OF IMPLEMENTING CERTAIN ECONOMIC IMPROVEMENTS THAT WILL SPECIALLY BENEFIT THE PROPERTIES WITHIN THE PROPOSED DISTRICT.

WHEREAS, the City of Owensboro, Kentucky, is authorized by KRS Chapter 91A.550 et seq, to establish within its corporate limits, one or more management districts for the purpose of providing and financing economic improvements that specially benefit privately owned property within said management district, and

WHEREAS, a group of local property owners presented to and filed with the City of Owensboro, a petition requesting the City to establish a management district over a nine-block area of Main Street from its eastern terminus at Crittenden Street to its western terminus at Walnut Street; and

WHEREAS, said petition was signed by property owners of at least 51% or more of the properties within the proposed district and who are the owners of real property equal to at least 51% of the total assessed value of all property within the proposed district; and

WHEREAS, the Mayor has determined that the petition satisfies all requirements of KRS 91A.560, and has therefore forwarded it to the legislative body of the City of Owensboro for the adoption of an ordinance establishing the management district as requested by said petition; and

WHEREAS, a proposed management district is a public-private partnership established for the purpose of providing and financing economic improvements which will directly benefit private properties, as well as serving the public purpose of maintaining and promoting the economic vitality of the downtown area; and

WHEREAS, the City of Owensboro having considered the petition received by it and having provided copies of this ordinance to the owners of all properties that will benefit hereby, and having made provisions for a public hearing as required by law, on March 17, 1992, has determined that the establishment of the management district as requested, would be in the best interest of the City, as well as the property owners benefiting hereunder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, as follows:

SECTION 1. ESTABLISHMENT

(A) There is hereby established pursuant to KRS 91A.550 et seq, a downtown management district within the City of Owensboro to be known as the "Main Street Management District" (hereinafter referred to as the "District") for the purpose of providing and financing certain economic improvements that will specially benefit property within the District. The boundaries of the District are designated by the map attached hereto as Exhibit "A", which is incorporated into this ordinance by reference thereto and made a part of this ordinance as if fully set forth herein.

(B) The District shall constitute a body corporate, with the power to contract and be contracted with. The affairs of the District shall be managed and controlled by a Board of Directors composed of nine (9) members. A majority of the board shall be property owners within the District. Members of the Board shall be appointed as follows:

1. The Mayor, with the approval of the Board of Commissioners, shall appoint nine (9) members who shall be either tenants and/or owners of the benefited properties within the District.

2. The Mayor, shall have the authority to appoint ex officio members to the District board.

(C) The nine (9) initial appointments to the District board shall be for five (5) year terms. All appointees to the District Board of Directors shall comply with, and be governed by the City's code of conduct duly adopted by this legislative body. Any member of the District Board of Directors appointed by the Mayor may be removed by the Mayor, for cause. A vacancy shall be filled in the same manner as the original appointment for the unexpired term.

SECTION 2.

(A) At the first meeting of the Board of Directors of the District, the members shall elect, by a majority vote, a member to serve as chairman.

(B) The Board of Directors of the District shall have the right to transact business on behalf of the District immediately after the appointment of its members.

(C) The Board of Directors shall have full powers to make bylaws and rules for the regulation and management of the affairs of the District not inconsistent with KRS 91A.550 et seq, and the provisions of this ordinance.

(D) The Board of Directors shall have all powers set forth in KRS 91A.550 TO 91A.580, and as provided herein in order to properly conduct the affairs of the District. These powers include, but are not limited to, the following:

1. The preparation and recommendation of an annual economic improvement plan and budget to the Owensboro Board of Commissioners.
2. Implementation of the economic improvement plan adopted by the Owensboro Board of Commissioners.
3. Making policy for operation of the District; and
4. Managing the fiscal affairs of the District in cooperation with the City of Owensboro.

(E) The Board of Directors may employ or contract with persons or corporations to assist it in its responsibilities, management, and/or administration of the affairs of the District.

SECTION 3. ECONOMIC IMPROVEMENT PLAN

(A) As soon as practicable after its appointment, and each year thereafter, the Board shall develop a plan for economic improvements within the District and shall prepare an annual budget for the cost of providing economic improvements and shall submit the plan and budget to the City of Owensboro for its approval. Economic improvement plans shall describe the economic improvements to be undertaken during the year. The annual budget shall be presented in such form as shall be required by the City of Owensboro's Director of Finance and Administration. The District board may not take any action or expend any money pursuant to the proposed economic improvement plans and budget until such time as they are approved by the City of Owensboro. If the Board of Commissioners for the City of Owensboro fail to approve the proposed budget as of the first day of the new year, the budget of the previous year shall have full force and effect as if readopted, until such time as a new budget is approved.

(B) As soon as practicable after its appointment, the board shall develop an economic plan within the District which includes, but is not necessarily limited to, the demolition of existing sidewalks, installation of new paver/concrete sidewalks, curbs, inlets, and handicap ramps; the relocation of exposed utilities underground, urban landscaping with street trees, and new street lighting. All economic improvements proposed therein shall be

confined to public property and dedicated right of way immediately adjacent to privately owned property specially benefited by said economic improvements.

(C) The District may operate on a calendar or fiscal year basis.

(D) Upon approval of the economic improvement plan and annual budget by the City of Owensboro, the Board shall publish both pursuant to KRS Chapter 424 and shall mail by first class mail to each effected property owner, a description of the plan, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio that the cost to each property owner bears to the total cost of the economic improvements.

SECTION 4. METHOD OF ASSESSMENT FOR ECONOMIC IMPROVEMENTS

(A) The Board of Directors of the District shall provide in the annual budget for the imposition of a rate of assessment on all properties within the District specially benefited by said economic improvements. The annual rate of assessment shall be sufficient to finance the economic improvements to be undertaken pursuant to the economic improvement plan, and once established, shall not increase annually due to inflation, new growth, or any other factors without approval of the Board and legislative body.

(B) The total costs to property owners within the District for an economic improvement plan approved by the City shall be ratably apportioned among all benefited properties adjoining said economic improvements within the District on a benefits received basis as authorized by KRS 91A.200 to 91A.290, over a maximum five-year amortization period.

(C) Annual assessments to benefited property owners for economic improvements approved hereunder shall be collected by the Department of Finance and Administration in the same manner, and at the same time as authorized by State and Local Law for the collection and enforcement of City ad valorem taxes, and shall be included on the annual real property tax bill, where applicable, for the owners of benefited properties within the District. Benefited properties (sic) owned by the State, a local unit of Government, or any educational, religious or charitable organization shall be assessed and billed by separate written assessment, to be collected and paid in the same manner as provided for all other benefited properties. Penalties and interest applicable to delinquent taxes shall apply to delinquent assessments, however, no discount shall be provided for early payment. The Department of Finance and Administration shall make remittances of all amounts collected hereunder, to the Board of Directors, subject however, to any agreement between the City and the Board for remittance of assessments thus collected.

(D) Notwithstanding the method of collection for the assessment that is adopted, any affected property owner shall be afforded the right to contest the amount of assessment or the inclusion of his or her property. The contest shall be filed, in writing, with the Board within thirty (30) days of the receipt of the assessment. The property owner shall have the right to appear before the Board and present evidence. A record shall be made of the proceedings and the Board shall enter a written decision. The decision of the Board may be appealed to the Circuit Court of the county in which the city is located. The most current records compiled by the Property Valuation Administration or the City Engineering Department shall be conclusive as to the assessed value of property as well as property dimensions, unless the property owner has successfully protested the amount of the assessment pursuant to KRS 133.120, or can establish by a preponderance of the evidence, that he or she has been unfairly assessed for economic improvements under the approved method of assessment.

(E) The amount of any outstanding assessment on any property, and accrued interest and other charges, shall constitute a lien on the property. The lien shall take precedence over all other liens, whether created prior to or subsequent to the assessment, except a lien for State and County taxes, general municipal taxes, and prior improvement assessments, and shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property, or the names of the owners. No error in the

proceedings of the Owensboro Board of Commissioners, or the District Board of Directors shall exempt any property from the lien for the economic improvement assessment, or from payment thereof, or from the penalties or interest thereon, as herein provided.

(F) The Board of Directors shall, within ninety (90) days following the end of the fiscal year, contract with a certified public accountant to prepare an audit of all funds controlled by the Board of Directors. A copy of the audit report shall be furnished to the City Commissioners and the Director of Finance and Administration.

(G) The Board of Directors shall prepare an annual report to the owners of benefited properties in the District evaluating the District's effectiveness and describing its accomplishments during the preceding fiscal year. The report shall be sent to the owner of each benefited property at the same time as the annual improvement plan and budget is submitted to the Owensboro Board of Commissioners pursuant to this ordinance.

SECTION 5. MANAGEMENT DISTRICT RENEWAL, DISSOLUTION AND/OR DISPOSAL OF FUNDS

(A) The District shall be terminated and its assets distributed pursuant to 91A.580(4), at the end of five (5) years from the effective date of this ordinance unless renewed for a subsequent period, not to exceed five (5) years, as provided therein.

(B) No later than six months prior to the termination of the District provided in paragraph (A), the Board of Directors may request the City of Owensboro to renew the District pursuant to KRS 91A.580. Prior to renewal, the Owensboro Board of Commissioners shall conduct a review and analysis of the District's effectiveness since its establishment, and may solicit input and information from the owners of all property within the District.

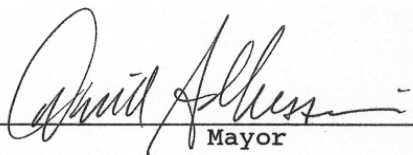
(C) The District may be dissolved only as provided in KRS 91A.580(3), and only after assessments have been levied and sufficient amounts collected to retire all outstanding debts, fees, and administrative expenses in connection with the previously approved economic improvement plan.

SECTION 6.

This Ordinance shall become effective upon its passage and all other ordinances, or parts of ordinances in conflict herewith, are to the extent of such conflict, hereby repealed. If any provision of this ordinance, or its application to any person or circumstances, shall be held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances, shall not be affected.


INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 3rd day of March, 1992.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 17th day of March, 1992.

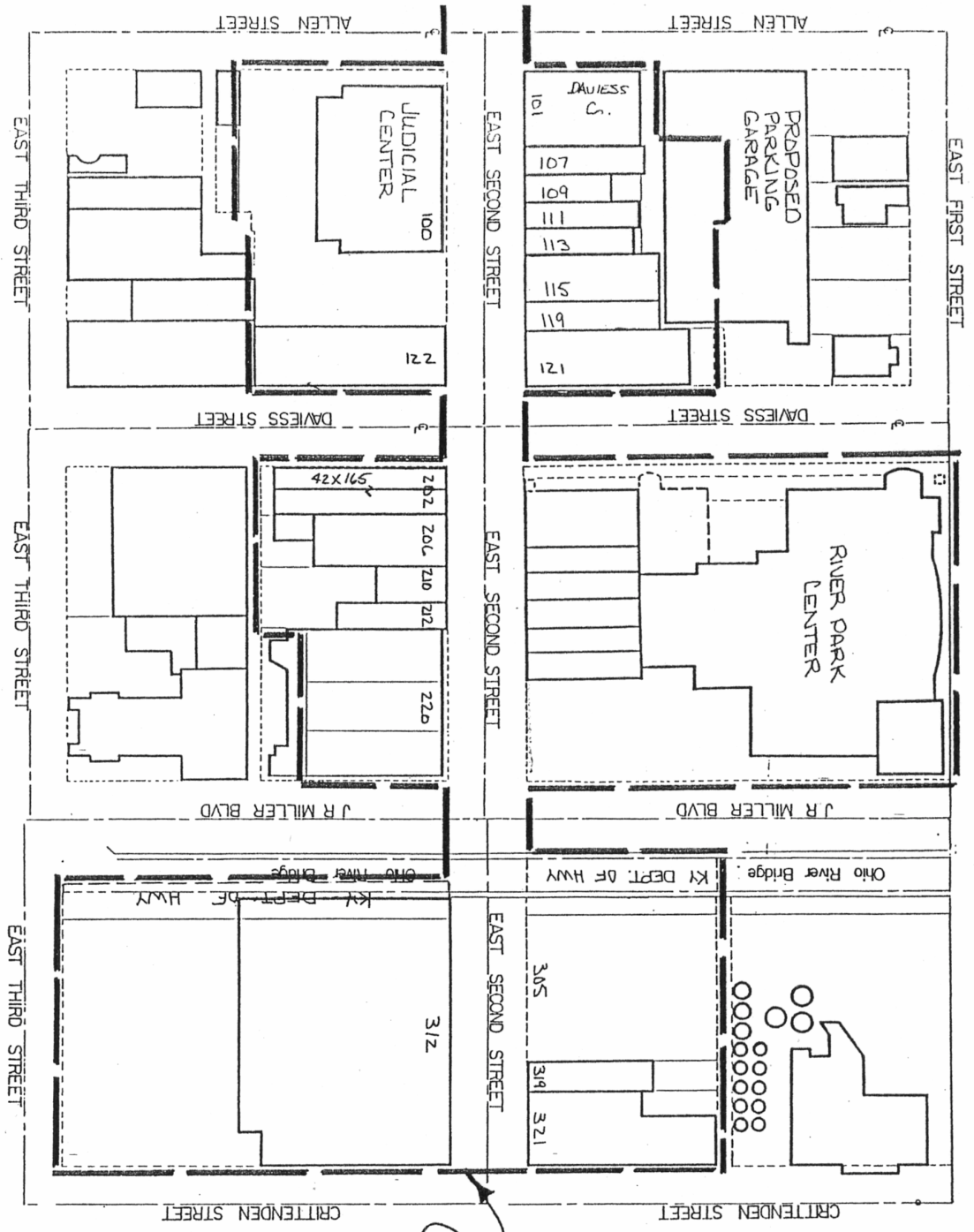


Mayor

ATTEST:



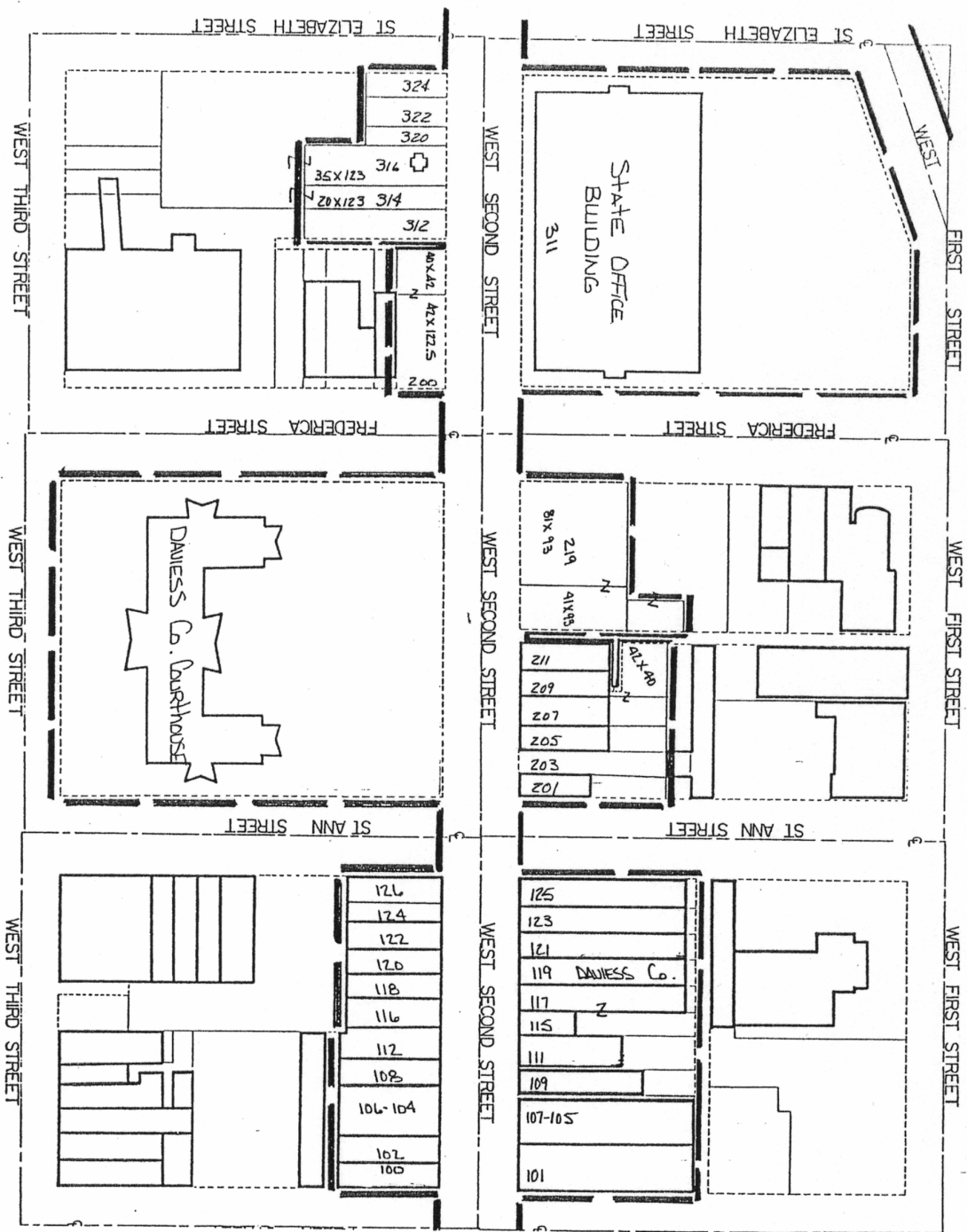
City Clerk



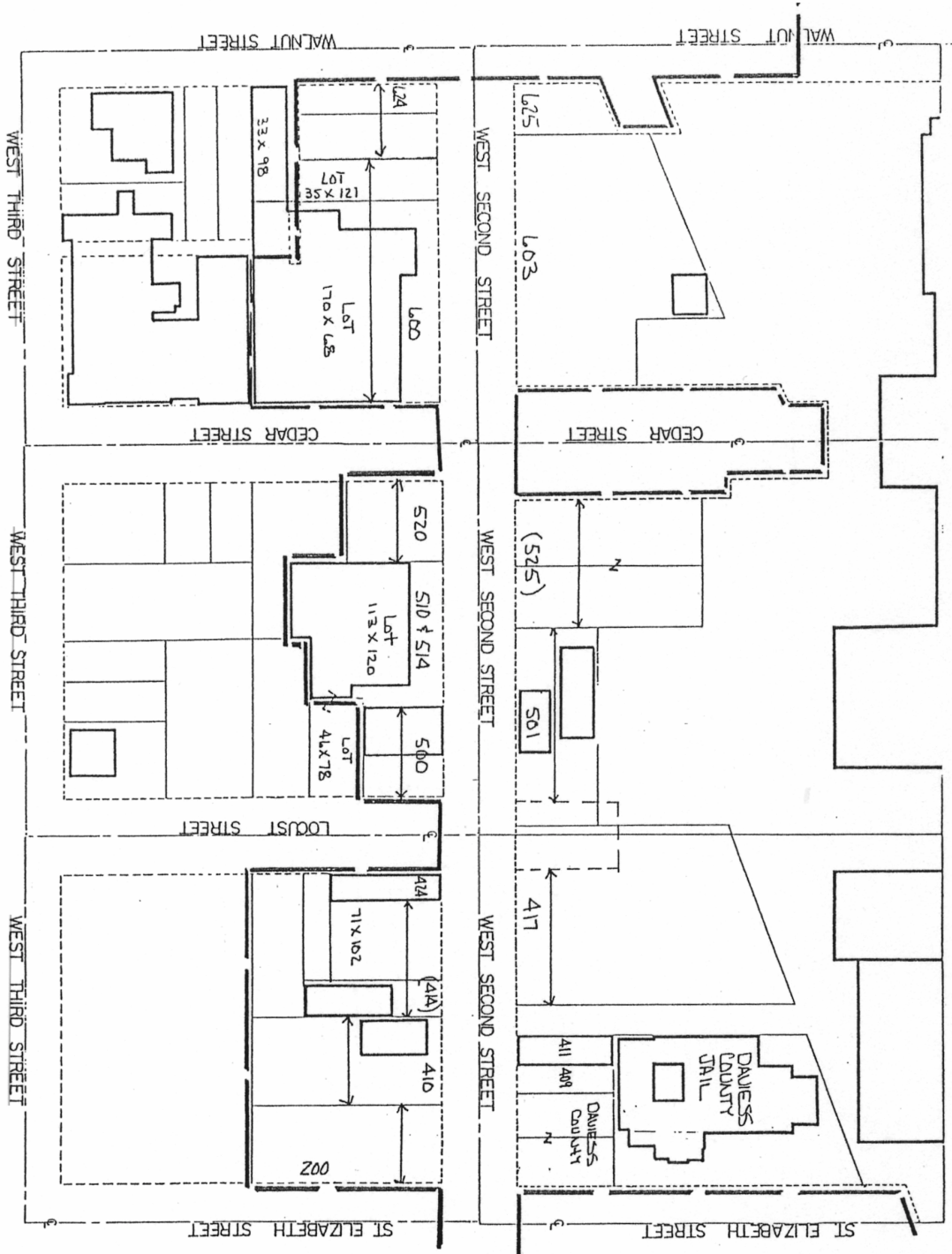
MAN STREET
MANAGEMENT
DISTRICT

100 feet
OMPC 10/91





EXECUTIVE INN



100 feet
OMPC 10/91



ORDINANCE NO. 19-92

AN ORDINANCE APPROVING THE ECONOMIC IMPROVEMENT PLAN ADOPTED BY THE MAIN STREET MANAGEMENT DISTRICT, WHICH PROVIDES FOR CERTAIN PUBLIC IMPROVEMENTS THAT WILL SPECIALLY BENEFIT PRIVATE PROPERTIES WITHIN THE DISTRICT.

WHEREAS, a group of local property owners presented to, and filed with the City of Owensboro, a petition requesting the City to establish a Management District over a nine-block area of Main Street from Crittenden to Walnut Street, which petition satisfied all requirements of KRS 91A.560; and

WHEREAS, pursuant thereto, the Board of Commissioners adopted Ordinance No. 10-92, thereby establishing the "Main Street Management District" for the purpose of implementing certain economic, public improvements within the proposed district; and

WHEREAS, the Board of Directors of the Main Street Management District met in regular session on Thursday, April 2, 1992, at which time the Board considered and adopted an Economic Improvement Plan and cost estimates, which calls for the implementation of certain public, economic improvements to the streets and sidewalks within the district at a projected cost of \$731,200.00, which is to be paid initially by the City of Owensboro, with a portion of the cost to be recovered from the Main Street property owners through an annual assessment amortized over a five-year period.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, as follows:

SECTION 1. That the City of Owensboro, Kentucky, does hereby approve and adopt the Economic Improvement Plan and cost estimates adopted by the Main Street Management District Board of Directors on Thursday, April 2, 1992. A copy of the Economic Improvement Plan and cost estimates, is attached hereto and incorporated by reference herein.

SECTION 2. That sufficient revenues shall be appropriated to cover the projected costs of the economic improvement plan with a portion of the costs to be recovered from those specially benefited properties (owners) through an annual assessment amortized over a five-year period, subject to a maximum individual assessment of \$80.00 per linear foot, which assessment shall be calculated as indicated in the "plan," and levied beginning with the tax year 1993.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 7th day of April, 1992.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 21st day of April, 1992.



Mayor

Attest:



City Clerk

**ECONOMIC IMPROVEMENT PLAN
of the
MAIN STREET MANAGEMENT DISTRICT**

INTRODUCTION.

Pursuant to KRS 91A.550 et seq, a group of Main Street property owners presented a petition to the City of Owensboro, requesting legislative action to establish a Main Street Management District covering a nine-block area of Second Street (Main Street) from its eastern terminus at Crittenden Street to its western terminus at Walnut Street. The petition was signed by the owners of at least 51% or more of the properties within the proposed District who also are the owners of real property equal to at least 51% of the total assessed value of all property within the proposed district.

Having determined that the petition satisfied all requirements of KRS 91A.560, and after a Public Hearing on March 17, 1992, the Board of Commissioners passed ordinance No. 10-92. This Ordinance established a Main Street Management District for the purpose of implementing certain economic improvements on public right-of-way along the north and south sides of the nine-block area of Second Street (Main street). The Management District includes the public right-of-way to be improved, as well as the adjoining private properties benefiting from the project. (See map attached to Ordinance 10-92.)

Pursuant to ordinance 10-92, the Mayor, with the approval of the Board of Commissioners, appointed a nine-member Main Street Management District Board, plus one ex-officio member. All members are either property owners or tenants of properties within the Main Street Management District.

ADMINISTRATIVE RESPONSIBILITIES.

Downtown Owensboro, Inc. Director.

The Downtown Owensboro, Inc. Director has been employed by the City to serve as a liaison between the Main Street Management District Board and affected property owners.

Project Director.

The City Street and Sewer Department Superintendent will be the Project Director for the Main Street Management District project. His primary responsibility is to oversee construction of the project and coordinate work of the utility companies, engineers, architects, and contractor.

Architectural and Engineering Services.

Ranney, Blake and Strehl, P.S.C., has been retained by the City to provide all architectural and engineering services necessary for the design, coordination and implementation of the project.

City Finance Department.

The Main Street Management District Board hereby designates the Director of Finance and Administration of the City of Owensboro as the fiscal agent for the Management District Board.

SCOPE OF PROJECT.

The Main Street Management District Board proposes to implement the following Economic Improvement Plan within the District, subject to the budget (cost estimate) limitations.

1. Design, layout and implementation of public improvements.
2. Demolition of existing sidewalks.
3. In-fill of cavities under sidewalks where necessary and possible.
4. Installation of concrete and paver sidewalks.
5. Replacement of drain inlets.
6. New curbs.
7. Handicap ramps at each intersection.
8. New street lights.
9. Urban trees.
10. Tree grates.
11. Special design of crosswalks and intersections.

PROJECT SCHEDULE.

The Main street project is scheduled to begin with demolition of the sidewalks on May 11, 1992, and to be completed by September, 1992.

MAINTENANCE.

It is proposed that the City of Owensboro accept responsibility for maintenance and repairs of the sidewalk areas (including paver/concrete surfaces) within the Main Street Management District. OMU will be responsible for the replacement and maintenance of light poles and fixtures. The City Beautification Department will be responsible for the maintenance of all trees in the district. Any damage to the sidewalk area caused by any individual or adjoining property owner will be repaired by the City and charged to that individual or property owner. This does not include damage due to natural causes or public use.

EXCEPTIONS.

A) The Main Street Management District Board recommends that the existing sidewalk in front of the Judicial Center remain as is and that economic improvements be limited to the placement of new lights consistent with the overall design of the project.

B) Other proposed improvements may be modified or restricted by the Board to accommodate adjoining property owners whose business access or parking is unreasonably impacted by the proposed improvements.

PROJECTED COST, FUNDING AND METHOD OF ASSESSMENT.

All economic improvements proposed herein shall be confined to public property and dedicated right-of-way immediately adjacent to privately owned property specially benefited by this plan. A preliminary budget (cost estimate) of the Main Street Economic Improvement Plan is attached hereto and incorporated by reference. The preliminary cost of the plan outlined herein is estimated at \$ 40,000, per side, per block. The Main Street Management District Board proposes that the total cost of the plan shall be paid initially, by the City of Owensboro, with a portion of the cost to be recovered from the Main Street property owners through an annual assessment amortized over a five-year period, which assessment shall be established by this board, with respect to each individual property owner, on a benefits-received (linear foot) basis, calculated as follows:

Cost of proposed improvements	\$	_____
Divided by Total Linear Feet of property fronting Main Street	(-)	_____
Cost per linear foot	(=)	_____
Number of linear feet fronting Main Street, per property owner	(x)	_____
TOTAL ASSESSMENT	(=)	_____
Assessment amortized over five (5) years, without interest	(-)	_____
TOTAL ANNUAL ASSESSMENT	(=) \$	_____

The total assessment to each private property owner shall not, under any circumstances, exceed \$80 per linear foot of property fronting Main Street. All costs in excess of this "cap" shall be borne by the City of Owensboro, Kentucky and/or other entities.

LEVY AND COLLECTION OF PROPERTY ASSESSMENTS.

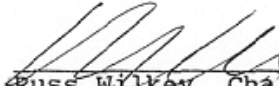
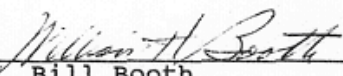
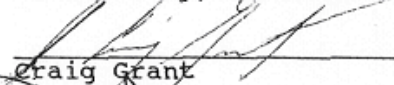
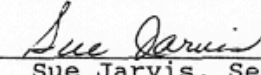
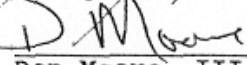
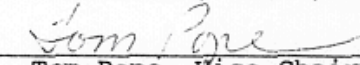
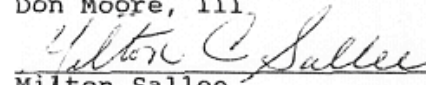
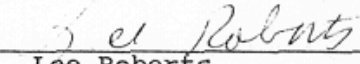
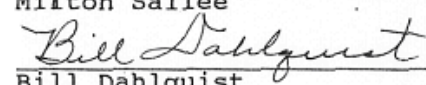
Annual assessments to property owners specially benefited by his Economic Improvement Plan, shall be collected by the Department of Finance and Administration, in the same manner, and at the same time as authorized by state and local law for the collection and enforcement of city ad valorem taxes, and shall be included on the annual real property tax bill, where applicable, or the owners of benefited properties in the district. Benefited properties owned by the state, county, or any educational, religious or charitable organization shall be assessed and billed by separate written assessment, to be collected and paid in the manner as provided for all other benefited properties. Penalties and interest applicable to delinquent taxes shall apply to delinquent assessments, however, no discount shall be provided for early payment. All assessments collected shall become the property of the City of Owensboro, Kentucky, for deposit in its general fund.

TERMINATION OF THE BOARD.

The Main Street Management District shall be terminated, and its assets, if any, distributed pursuant to KRS 91A.580(4), at the end of five years from the effective date of the proposed ordinance, unless renewed for a subsequent period, in order to complete levy and collection of assessments herein proposed, not to exceed five years. Prior to the dissolution or renewal of the Main Street Management District, the Board of Commissioners shall conduct a review and analysis of the District's effectiveness since its establishment, and may solicit input and information from the owners of all property within its boundaries.

Duly considered and approved by the Main Street Management District Board of Directors as authorized by law, by Resolution dated this 2nd day of April, 1992.

MAIN STREET MANAGEMENT DISTRICT BOARD OF DIRECTORS

 _____ Russ Wilkey, Chairman	 _____ Bill Booth
 _____ Craig Grant	 _____ Sue Jarvis, Sec't/Treasurer
 _____ Don Moore, III	 _____ Tom Pope, Vice-Chairman
 _____ Milton Sallee	 _____ Lee Roberts
 _____ Bill Dahlquist	

MAIN STREET MANAGEMENT DISTRICT
Summary of Cost Estimates

	<u>Estimated Cost</u>
Demolition of Sidewalks	46,000
Construction of new curbs	86,000
Concrete sidewalks	104,000
Paver sidewalks	120,000
Closing areaways under sidewalk	34,700
Lamp posts	90,000
Sewer Dept. - Rework inlets	60,000
Paving of street after construction	35,000
Professional Fees	56,500
Contingency fund for unexpected cost	90,000
Trees	9,000
TOTAL ESTIMATED EXPENSES	\$ 731,200
ESTIMATED RECEIPT OF ASSESSMENTS FROM PROPERTY OWNERS	\$ 380,000
(This estimate is projected from the City's tax bill/PVA information.)	
ESTIMATED MINIMUM COST TO CITY	\$ 380,000