

CHAPTER 3.25: DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

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3.25.010 Establishment of district.

Pursuant to the provisions of SDCL Chapter 9-55, the Downtown Business Improvement District of the city is hereby created. Resolution 2009-149 entitled "A Resolution of Intent to Establish the Downtown Business Improvement District" was adopted by the Common Council of Rapid City on November 16, 2009. The public hearing on creation of the district was held in the City Council Chambers, located at 300 Sixth Street, Rapid City, South Dakota, at 7:00 p.m. on February 22, 2010.

(Ord. 5591 (part), 2010)

3.25.020 Boundaries of district.

A. The Downtown Business Improvement District shall include the following property:

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 and Vacated Alley and 1/2 Vacated 6th Street, Lots 1-24 and Vacated Alley and 1/2 Vacated 6th Street of Block 125, Original Town of Rapid City;
6. Lot A, Knights of Columbus Subdivision.
7. Lots 1-8 and adjoining 40 feet 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;

B. The Downtown Business Improvement District shall be divided into 2 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 feet of Lots 15-16 of Block 103, Original Town of Rapid City and S 50 feet 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 feet of Tract A of Blocks 71-72, Lots 25-32, Lots 33-34, a subdivision of the S 56.6 feet of Lots 1-6, and Vacated Alley of Block 72, Original Town of Rapid City.
 - d. Lots 1-6 and E 2 feet of Lot 7, Block 82, Original Town of Rapid City.
 - e. N 65 feet of Lots 30-32 of Block 82. Original Town of Rapid City.
 - f. E 14 feet 2 1/4 inches of S 78 feet 4 inches of Lot 28 and E 21 feet 13 1/4 inches of the N 61 feet 8 inches of Lot 28 and all of Lot 29 and S 75 feet of Lots 30-32, Block 82, Original Town of Rapid City.
 - g. Lots 1-2 and Tract B of Lot 3, Block 92, Original Town of Rapid City.
 - h. W 20 feet 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 feet of Lots 17-19 of Block 86, Original Town of Rapid City.
 - l. N 70 feet 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 and 2 and Common Area, Aby's Feed and 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 and Lot H2, Balance of Lots 12-16 Less Lot H1 of Lot 16, N 10 feet 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.

(Ord. 5591 (part), 2010)

3.25.030 Purpose of district.

The Downtown Business Improvement District is created for the purpose of funding a portion or all of the future proposed public activities, facilities and improvements along with the costs of acquisition, construction, maintenance, operation and repair of such improvements, facilities or activities:

- A. Construction, operation, management, maintenance, repair, marketing, promotion, programming and success of the Main Street Square Plaza.
- B. Projects allowed by SDCL Ch. 9-55 that encourage economic development within the district.

(Ord. 5591 (part), 2010)

3.25.040 Special assessments.

A. The real property in the district shall be subject to an annual special assessment based upon the special benefit to the property within the district as authorized by SDCL § 9-55-2. The special assessment shall be fair and equitable as required by SDCL § 9-55-7. The rate of each special assessment shall be determined pursuant to SDCL § 9-55-13 based upon the following formula:

- 1. For property in Zone 1, an assessment of \$1.50 per \$1,000 of assessed valuation of property.
- 2. For property in Zone 2, an assessment of \$0.75 per \$1,000 of assessed valuation of property.
- 3. The maximum assessment on each property shall be capped at \$3,000 for the year 2010, and such cap shall be increased each year thereafter by 3.5%.

B. The assessments shall be subject to adjustment by the City Common Council by resolution as provided in SDCL Ch. 9-55.

(Ord. 5591 (part), 2010)

3.25.050 Exemptions.

The following real property is exempt from taxation or assessment under this chapter:

- A. All real property which is exempt from taxation under SDCL Ch. 10-4.
- B. Owner occupied residential property.

(Ord. 5591 (part), 2010)

3.25.060 Downtown Business Improvement Board.

There is hereby created a Downtown Business Improvement Board.

A. *Composition.* The Board shall consist of 5 owners of property within the business area, who shall be appointed by the Mayor with the approval of the Common Council. Of the 5, 3 shall own property within Zone 1 and 2 shall own property within Zone 2. A single property owner who owns property in both zones may be appointed to represent either zone. For purposes of this section, a property owner includes the following:

- 1. An officer or director of a corporate property owner;
- 2. A manager or member of a limited liability company that owns property;
- 3. A partner of a partnership that owns property; and

4. A person designated in writing as the representative of an owner of property within the District.

B. *Terms.* Upon initial appointment, 2 of the members representing Zone 1 and 1 member representing Zone 2 shall be appointed for 2-year terms, and 1 member representing each zone shall be appointed for 1-year terms. Thereafter, all members of the Board shall be appointed to serve a 2-year term. A member of the Board may serve more than 1 term.

C. *Vacancies.* The Mayor, with the approval of the Common Council, shall fill any vacancy for the remainder of the term vacated.

D. *Officers.* The Board shall annually select from its members a chair, vice chair, and secretary.

E. *Compensation.* All members of the Board shall serve as such without compensation, except for actual expenses, which shall be subject to approval of the Common Council.

(Ord. 6370, 2020; Ord. 5591 (part), 2010)

3.25.070 Duties of the Board.

The Downtown Business Improvement Board shall oversee the administration of the district, the construction and maintenance of facilities, the establishment of programs, and supervise the completion of the district's projects. The Board shall have the power to contract for all services necessary for carrying out its duties. The Board shall annually determine the amount needed to achieve the purposes of the district for the following calendar year. This amount, along with a proposed assessment role shall be forwarded to the Common Council as a recommendation for the special assessments to be assessed pursuant to this chapter. The Board's recommendation shall be made no later than June 15 of each year.

(Ord. 5591 (part), 2010)