

ORDINANCE NO. 2001- 36

AN ORDINANCE of the City of Yakima, Washington, initiating the reformation of a parking and business improvement area in the North Front Street area of downtown Yakima, and establishing special assessments for certain uses and projects within such parking and business improvement area as provided herein.

WHEREAS, the City Council (the "Council") of the City of Yakima, Washington (the "City"), adopted Resolution No. R-2001-111 on July 17, 2001 initiating the reformation of a parking and business improvement area for the North Front Street area of Yakima in accordance with RCW 35.86A.030; and

WHEREAS, the Council adopted Resolution No. R-2001-111 on July 17, 2001 declaring the City's intent to reform a parking and business improvement area for the North Front Street area of Yakima in accordance with RCW 35.87A.040; and

WHEREAS, a public hearing concerning the reformation of such parking and business improvement area was held on August 7, 2001;

NOW THEREFORE, THE CITY OF YAKIMA, WASHINGTON, DO ORDAIN, as follows:

Section 1. It is the intention of the City Council (the "Council") of the City of Yakima, Washington, to reform a parking and business improvement area ("PBIA") for a portion of the North Front Street area of the City, as provided under Chapter 35.87A RCW, for the purpose of assisting trade, economic vitality and livability within the area. The boundaries of the PBIA are set forth on Exhibit A attached hereto and by this reference incorporated herein.

Section 2. The uses and projects to which the special assessments shall be put are set forth on Exhibit B attached hereto and by this reference incorporated herein. The special assessments shall be applied among the various uses and projects set forth on Exhibit B so as to accomplish, as nearly as may be, all such uses and projects within the estimated budget set forth in Section 4 hereof. If the City determines in consultation with the North Front Street Business Improvement Association (the "Association") that it has become impractical or undesirable to accomplish any of such uses or projects by reason of increased costs, changed conditions or needs, alternative uses or projects may be substituted; provided, however, that such alternative uses or projects must include any one or more of the following:

- (a) The acquisition, construction or maintenance of parking facilities for the benefit of the area;
- (b) Decoration of any public place in the area;
- (c) Promotion of public events that are to take place on or in public places in the area;
- (d) Furnishing of music in any public place in the area;

- (e) Providing professional management, planning and promotion for the area, including the management and promotion of retail trade activities in the area;
- (f) Providing maintenance and security for common, public area; and
- (g) Any other purposes that may hereafter be permitted under Chapter 35.87A RCW, as amended, or its successor statute, in any;

And provided further that the City in consultation with the Association may not substitute any such alternative use or project for those set forth on Exhibit B if, within 30 days of the City's mailing notice of such proposed substitution to all businesses within the PBIA subject to assessments, objections in writing are received from operators of businesses that would be required to pay more than fifty percent of the proposed special assessments within such PBIA.

All such uses and projects shall be supplemental to regular street maintenance provided by the City and shall not displace any services regularly provided by the City.

Section 3. In the event that such PBIA is reformed, special assessments would be levied against all businesses within the PBIA to provide funds necessary for the purposes set forth in Section 2, which special assessments would be levied upon the following classes of business and at the following rates:

<u>Category</u>	<u>Assessment</u>
First Floor Business	\$150
Upper Floor Business	\$100

Section 4. The total estimated annual cost for the improvements set forth in Exhibit B is \$3,000.

Section 5. The City will contract with the Association to administer the operation of the PBIA, as authorized by RCW 35.87A.110.

Section 6. The special assessments described herein will be levied every year for five years following the reformation of such PBIA and then terminated. The City may then elect to reform such PBIA in accordance with the procedures for forming a new PBIA established by Chapter 35.87A RCW or any successor statute, if any.

Section 7. All persons who may desire to support, object to, or comment on the reformation of such PBIA were notified to appear at a hearing of the Council held at City Hall, Yakima, Washington, at 2 o'clock P.M., on the 7th day of August, 2001, which time and place are hereby fixed for hearing of all matters relating to the establishment of said PBIA, the proposed uses and projects to be

financed within said reformed PBIA, and the proposed special assessments to be levied upon businesses within said PBIA.

Section 8. This ordinance shall be in full force and effect thirty days after its passage, approval and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL this 7th day of August, 2001.

Mary Place, Mayor

ATTEST:

City Clerk

Publication Date: 8-10-2001
Effective Date: 9-9-2001