

0060.030.026
LCM/crd
01/27/89
R:02/16/89

ORDINANCE NO. 89-04

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, FORMING A BUSINESS IMPROVEMENT AREA PURSUANT TO RCW 35.87A; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS UPON BUSINESSES WITHIN THE AREA AND FOR EXPENDITURES OF SAID FUNDS; AND AUTHORIZING FORMATION OF A CONTRACT FOR ADMINISTRATION OF THE BIA.

WHEREAS, a petition meeting the requirements of RCW 35.87A.030 has been filed with the City Council by the operators of businesses within the Downtown Poulsbo Area requesting formation of a business improvement area pursuant to RCW Chapter 35.87A, and

WHEREAS, on the 21st day of December 1988, the City Council adopted Resolution No. 88-16 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, EXPRESSING THE INTENT TO FORM A BUSINESS IMPROVEMENT AREA PURSUANT TO RCW 35.87A AND GIVING NOTICE OF A PUBLIC HEARING UPON THE MATTER", and

WHEREAS, after publishing and mailing notice as required by RCW 35.87A.050, the City Council conducted a public hearing at 7:30 pm on the 18th day of January, 1989, for the purpose of considering public testimony regarding formation of the business improvement area, and after considering all public testimony the Council determined that a business improvement area should be formed as requested in the petition, now, therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. A business improvement area is hereby established pursuant to RCW 35.87A, Poulsbo City Council Resolution No. 88-16, and the petition for formation of the business improvement area filed with the City, to be known as the Downtown Poulsbo Business Improvement Area (hereinafter "BIA").

Section 2. The boundaries of the BIA shall be as set forth on the legal description attached hereto as Exhibit A, and incorporated herein by this reference as if set forth in full.

Section 3. All businesses located within the boundaries of the BIA shall be subject to special assessments as authorized by RCW 35.87A.010 as follows: commencing on April 1, 1989, and upon April 1st of each year thereafter, assessments are hereby imposed in the manner and amount set forth in the petition for formation of the BIA, a copy of which is attached hereto as Exhibit B, and which is incorporated herein by this reference as if set forth in full. The assessments shall continue at the same rates unless the Downtown Poulsbo Business Improvement Area Association requests revision of the rates, or a petition signed by the operators of businesses subject to a majority of the assessments is filed with the City Clerk requesting revision, and thereafter the rates are revised by adoption of an ordinance by the City Council after conducting a public hearing. Prior to conducting a public hearing to consider a revision in the assessment rates, the City Council shall adopt a resolution

stating its intention to change the rate at least fifteen (15) days prior to conducting the public hearing. The resolution shall specify the proposed change and shall state the time and place of the hearing, provided that proceedings to change the rate of special assessments shall terminate if protest is made by businesses within the boundaries of the BIA which would pay a majority of the proposed revised assessments, all in accord with RCW 35.87A.140. The foregoing assessments shall be subject to those exemptions expressly stated in the petition. Additionally, the operator of any new business commencing operation within the BIA may elect to forgo paying any assessment installment which becomes due within one year after commencement of the business.

Section 4. Annual assessments may be paid in quarterly installments submitted to the City Finance Director no later than April 15, July 15, October 15 and January 15 of each year, provided that in the event any quarterly installment is not paid on or before the due date, the Finance Director shall notify the operator of the business responsible for the delinquent assessment that unless the entire delinquent installment and interest is paid within thirty (30) days of the installment due date, the entire annual assessment shall become immediately due and payable. In the event any installment becomes more than thirty (30) days delinquent and the business operator has been notified by the Finance Director as required in this Section, then the entire assessment shall become immediately due and payable. All delinquent installments, and subsequent to issuance

of a notice of a delinquent installment, the entire annual assessment shall bear interest at the rate of 12% per annum. Assessments and installments shall not be pro-rated or refundable. In the event the City incurs costs and/or attorneys fees in efforts to collect any delinquent installment or assessment, the responsible business operators shall be liable for such costs and fees.

Section 5. There is hereby established a separate fund to be known as the Downtown Poulsbo Business Improvement Area Fund, into which shall be deposited the proceeds from all assessments, together with any other revenue of the Poulsbo Downtown Business Improvement Area.

Section 6. The City Finance Director is instructed to establish and carry out a system of mailing statements advising business operators of annual assessments and quarterly installment due dates and collecting assessments. In December of 1989, the Finance Director shall evaluate the costs incurred and staff time devoted to the assessment collection process and recommend to the City Council whether administrative costs for assessment collection efforts in 1990 and thereafter should be paid from the proceeds of the BIA.

Section 7. Except as provided in the preceding section regarding collection of assessments, it is the intent of the City Council to enter into a contract for administration of the Downtown Poulsbo Business Improvement Area with the Downtown Poulsbo Business Improvement Area Association (the Association)

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SUMMARY OF ORDINANCE NO. 89-04
of the City of Poulsbo, Washington

On February 15, 1989, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 89-04, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, FORMING A BUSINESS IMPROVEMENT AREA PURSUANT TO RCW 35.87A; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS UPON BUSINESSES WITHIN THE AREA AND FOR EXPENDITURES OF SAID FUNDS; AND AUTHORIZING FORMATION OF A CONTRACT FOR ADMINISTRATION OF THE BIA.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of February 15, 1989.


CITY CLERK, JOYCE VOSBURG

PETITION

For Establishing A
Business Improvement Area
For The
Poulsbo Downtown Waterfront Business District

We, the operators of businesses located within the Poulsbo Waterfront Business District, hereby petition the City Council of Poulsbo to establish a Poulsbo Waterfront Business Improvement Area (BIA) as authorized by RCW Chapter 35.87A within the boundaries described on Exhibit "A". Special assessments will be collected from all businesses within the BIA Boundaries and will be deposited in an account specifically designated for the BIA use, except as noted in item two below. Collected funds will be expended only for activities benefiting the BIA as designated in the following paragraphs:

1. The initial BIA budget is proposed to be approximately \$50,000. The projects upon which these funds will be spent will fall within the scope of the purposes listed below. The annual cost of such projects shall not exceed the total of the annual collections. The actual dollar value will be determined by applying the assessment formula to each business within the district boundaries.
 - a. For all retail businesses, the annual assessment is proposed to be \$300 per 1000 gross square feet of enclosed building area devoted to the business. The total assessment for any retail business is not to exceed \$2400 per year nor be less than \$240 per year.
 - b. For all non-retailing businesses, the annual assessment is proposed to be \$180 per 1000 gross square feet of enclosed building area devoted to the business. The total annual assessment will not exceed \$1800 nor be less than \$180.
2. The following businesses and activities will be exempt from this BIA assessment:
 - a. Qualified charitable organizations as defined by the IRS Code 26 USC 170(c).
 - b. Governmental agencies and offices.
 - c. Sponsors of and concessionaires at public events and vendors or entertainers in streets and parks who engage in business within the BIA for less than 30 days per year.

3. BIA revenues will be used to fund projects and activities which come under the general scope of one or more of the following categories:
 - 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 which 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; or
 - f. Providing maintenance and security for common, public areas.

4. In accordance with State law, the City will collect the BIA assessments. In turn, the City will contract with the Poulsbo Waterfront Committee of the Greater Poulsbo Chamber of Commerce to administer the BIA. A Board made up of representatives of businesses within the BIA district will be responsible for managing BIA programs and activities as well as hiring and supervising required personnel, purchasing office supplies and equipment. The BIA Board will work closely with the Chamber and City Council to implement the goals of the BIA district in accordance with the law, establishing each annual budget and approving the expenditure of funds.

5. The recommended boundaries of the BIA are delineated in Exhibit "A".

Name: _____

Business: _____

Street Address: _____

Mailing Address: _____

Date: _____

EXHIBIT A

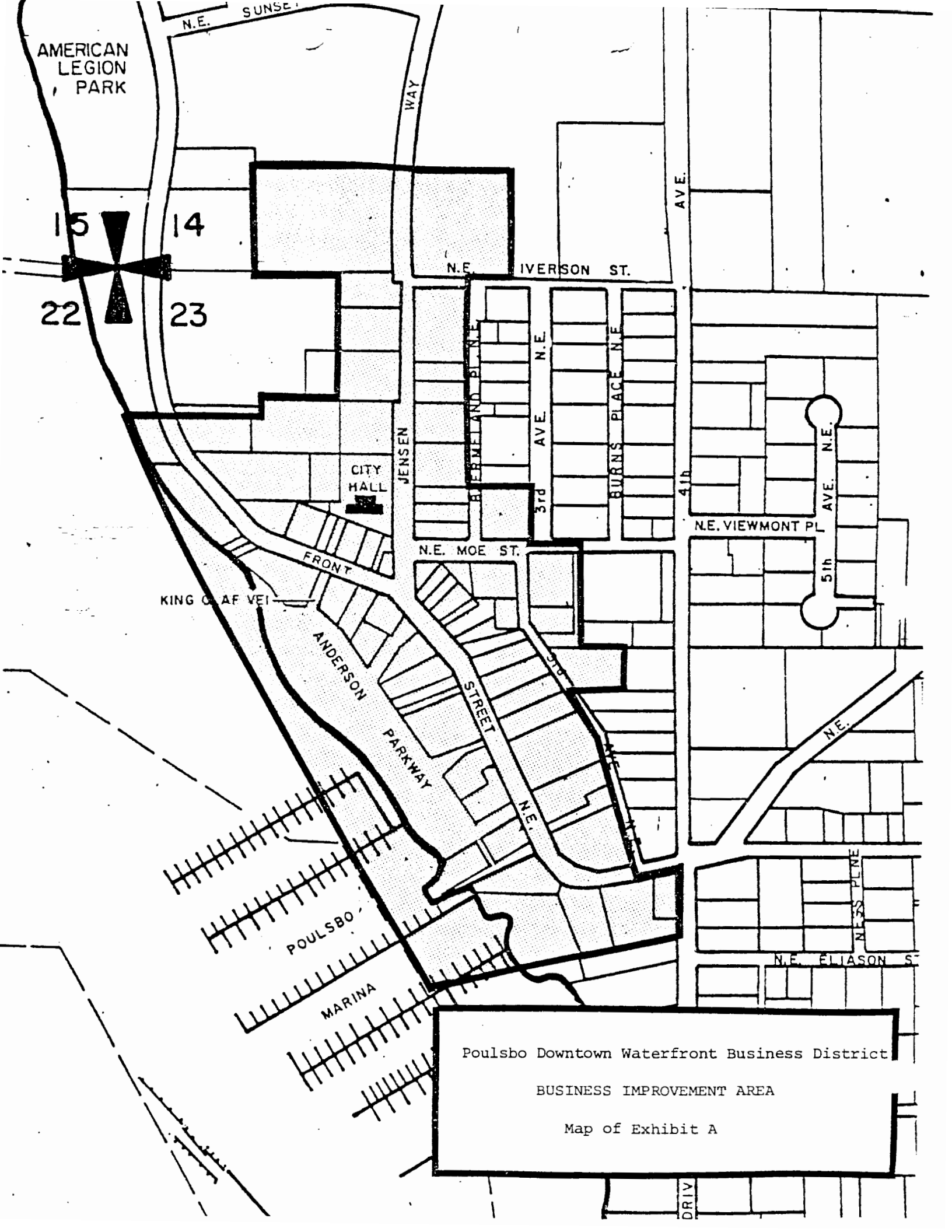
POULSBO BUSINESS DISTRICT

PARCEL A

A portion of Section 23, Township 26 North, Range 1 East, W.M., more particularly described as follows: Beginning at the Northwest corner of said Section 23; thence S 1°03'27" W along the Section line, 336.26 feet to the North line of the Original Town of Poulsbo and the True Point of Beginning; thence along said North line of the Plat of the Original Town of Poulsbo, S 88°57'55" E 357.41 feet; thence N 1°02'05" E 30.00 feet; thence S 88°57'55" E 152.00 feet; thence N 2°17'05" E 297.0 feet, more or less to the North line of said Section 23; thence East along said Section line, 288.0 feet, more or less to a point lying N 2°17'05" E of the Northeast corner of Lot 1, Iversen Addition to the Town of Poulsbo; thence S 2°17'05" W 492.00 feet; thence S 88°09'23" E 187.00 feet; thence S 2°17'05" W 143.00 feet; thence S 88°09'23" E 89.03 feet; thence S 2°17'05" W 240.34 feet; thence S 87°59'15" E 113.36 feet; thence S 2°00'45" W 100.00 feet; thence N 87°59'15" W 152.81 feet to the approximate centerline of Third Avenue; thence along said centerline, S 18°19'00" E 496.42 feet; thence leaving said centerline, N 77°56' E 119.04 feet to the East line of Government Lot 3, said Section 23; thence S 2°20'20" W 178.00 feet along said East line; thence S 75°20'20" W 572.61 feet to the Inner Harbor Line of Liberty Bay; thence N 28°18'17" W along said Inner Harbor Line 506.46 feet; thence leaving said Harbor Line, but continuing N 28°18'17" W 873.96 feet to the Meander Line of said Section 23; thence along said Meander Line, N 44°24'19" W 70.69 feet; thence N 9°24'19" W 99.36 feet; thence N 1°03'27" E 76.67 feet to the True Point of Beginning.

PARCEL B

A portion of Section 14, Township 26 North, Range 1 East, W.M., more particularly described as follows: Beginning at the Southwest corner of said Section 14; thence along the South line of said Section 14, S 89°28'30" E 367.36 feet to the True Point of Beginning; thence N 0°58'00" E 308.00 feet; thence S 89°28'30" E 278.35 feet to the West margin of Jensen Way; thence South along said West margin 27.00 feet; thence S 89°28'30" E 233.00 feet more or less to the East line of the Post Office Property; thence S 0°58'00" W 281.00 feet to the South line of said Section 14; thence along said South line, N 89°28'30" W 510.00 feet, more or less to the True Point of Beginning.



AMERICAN
LEGION
PARK

N.E. SUNSET
WAY

15

14

22

23

N.E. IVERSON ST.

CITY
HALL

N.E. MOE ST.

N.E. VIEWMONT PL

KING OF AF VEI

FRONT

ANDERSON
PARKWAY

STREET

N.E.

POULSBO
MARINA

Poulsbo Downtown Waterfront Business District

BUSINESS IMPROVEMENT AREA

Map of Exhibit A

DRIV