

COMMITTEE OF THE WHOLE

09-047-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE EXTENDING THE TERM OF THE DOWNTOWN  
WATERFRONT SPECIAL SERVICE DISTRICT.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. PURPOSE AND AUTHORIZATION.

1.01. The city has received a petition (the "petition") from property owners in the Downtown Waterfront who want to improve the safety, cleanliness and economic vitality of the Downtown Waterfront area by extending the Downtown Waterfront Special Service District ("district") pursuant to Minn. Stat. §§ 428A.01-428A.101 (the "act"). The petition has been signed by owners of more than 60 percent of the net tax capacity of property that will be subject to service charges and by owners of more than 25 percent of the land area of property that will be subject to service charges.

1.02. Under the provisions of the act, the city council may adopt an ordinance establishing a special service district. Only property that is classified under Section 273.13 and used for commercial, industrial, or public utility purposes, or is vacant land zoned or designated on a land use plan for commercial or industrial use and located in the special service district, may be subject to the charges imposed by the city on the special service district. The ordinance must describe, with particularity, the area within the city to be included within the district and the special services to be furnished in the district. Special services may not include a service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

1.03. The council originally established the district on September 13, 2004, pursuant to Ordinance 9688. An operating plan for Duluth's Downtown Waterfront District dated May 5, 2009, ("operating plan") has been developed by a steering committee composed of a broad range of people representing property owners, business leaders, the city and others with a direct stake in enhanced

business and economic development conditions in the Downtown Waterfront. A copy of the operating plan is available for public inspection in the city clerk's office, 411 West First Street, Duluth, Minnesota. The operating plan sets forth the special services to be provided within the district, the particular area of the city to be included within the district's boundaries, the amount and manner of imposing service charges, and the manner in which the special services will be implemented. The operating plan is hereby incorporated into this ordinance. A copy of the operating plan is available for public inspection in the city clerk's office, 411 West First Street, Duluth, Minnesota.

1.04. Pursuant to the authority herein recited, and as requested in the petition, the city council hereby extends the term of the district to provide the special services as provided below.

Section 2. DESCRIPTION OF THE AREA WITHIN THE CITY TO BE INCLUDED IN THE SPECIAL SERVICE DISTRICT.

2.01. The area within the city of Duluth to be included within the District is bounded by the following:

Beginning at the intersection of the east line of Mesaba Avenue and the centerline of Third Street Alley (the "point of beginning"); thence northeast along said centerline and the continuation of said centerline to the northeast line of Tenth Avenue East; thence southeast along the northeast line of Tenth Avenue East to the southeast line of Superior Street (the district includes those properties that abut upon the northeast side of Tenth Avenue East); thence southwest along the southeast line of Superior Street to the southwest line of Eighth Avenue East; thence deflect left at an angle of 45 degrees to the shoreline of Lake Superior; thence continue south and west along the shore of Lake Superior to the northwest line of the Duluth Shipping Canal; thence south and west along said canal to Superior Bay; thence along the Duluth Superior Harbor line to the southwest line of Bayfront Park; thence north and west along the southwest line of Bayfront Park and its extension to the southeast right-of-

way of U.S. Interstate Highway 35; thence south and west along said right-of-way line to the northeast line of Eighth Avenue West; thence northwest along said northeast line to the east line of Mesaba Avenue; thence north and east along the east line of Mesaba Avenue to the point of beginning.

All as more particularly depicted in Appendix B to the operating plan.

Section 3. DESCRIPTION OF SPECIAL SERVICES.

3.01. The special services to be furnished in the district are described with particularity in the operating plan on file with the city clerk as Public Document No. \_\_\_\_\_ and will include services relating to (i) clean and safe programs, (ii) marketing/ promotion/ special events and (iii) physical enhancements.

Section 4. TERM OF THE SPECIAL SERVICE DISTRICT.

4.01. The extended term of the District will begin on January 1, 2010, and will end on December 31, 2014.

Section 5. SERVICE CHARGES.

5.01. Service charges to be imposed within the district will be established by a separate resolution. The resolution must meet the requirements of Minn. Stat. § 428A.03 and may, in addition, meet the requirements of Minn. Stat. § 428A.10.

Section 6. NOTICE TO COMMISSIONER OF REVENUE.

6.01. The city clerk is directed to send a copy of this ordinance to the commissioner of revenue within 30 days after its adoption.

Section 7. NOTICE OF VETO POWER.

7.01. The city clerk is directed, within five days after adoption of this ordinance, to mail a summary of this ordinance to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge. The notice must meet the requirements of Minn. Stat. § 428A.09.

Section 8. EFFECTIVE DATE.

8.01. This ordinance shall take affect and be in force 45 days from and after the date upon which it is adopted.

Approved for presentation to council:

\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

Approved:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Auditor

ADMN/ATTY      DM/GBJ:cjk      8/14/2009

STATEMENT OF PURPOSE: This ordinance extends the Downtown Waterfront Special Service District to December 31, 2014.