

BUSINESS IMPROVEMENT DISTRICT #1

Section One. There is hereby created pursuant to South Dakota Codified Laws Chapter 9-55 Business Improvement District #1 of the City of Hot Springs, South Dakota.

Section Two. The boundaries of the Business Improvement District shall be all lodging establishments located within the following zoning districts within the municipality as follows: General Commercial (GC); Highway Service (HS); Mixed Use District (MXD-I) and Golf Course Commercial, to wit:

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| Cachro Wladyslaw and Danuta | Block 1, Lot 2 Trimmer Addition |
| Fall River Hotel Group LLC | The Mueller Tract of Trimmer Addition, Hot Springs formerly known as Trimmer Addition: Lots 1 thru 13 Block 7 North 350' of Block 12 and adjoining abandoned Railroad right of way |
| Pantho Path LLC | |
| America's Best Value Inn | Block 23, Lots 1 4 and Lot 28 revised Lot 7 and vacated portion of the West River Street adjacent to the above described real property. |
| Shirag Inc., Super 8 Motel | Block 2 and 5 and vacated part of Flint Street lying between Lots 4 and 5 of Block 2 and Lots 1 and 8 of Block 5 Andersons Mountain View ½ vacated Catholican Street 15' X 220' |
| Boulder Falls, Inc. Stay USA | Boulder Falls Business Park Addition; Lots S 6A Section 24, TWP 7, Range 5 (4.70 acres). |
| Minnekahta Resort Property, LLC | Sulphur Springs First |
| Red Rock River Resort | Addition, South 3'3" of Lot 25, all of Lots 26 29, Block 56. |

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| Montgomery Steve and Jeanie Historic Log Cabins | Mammoth Springs Addition Lots 1 thru 13 and part of SW ¼, NW ¼, Less Lot 202 AB (1.53 acres) 13 7 5, Block 21 |
| Daname, LLC, Motel 6 | Catholican Addition Tract E Block 21 (1.425 acres) |
| Poston Perry A. and Smith Aaron D., Skyline Motel | Mammoth Springs Addition Lots 1 thru 9, less R/W Block 16. |
| Tulsa Hospitality LLC, Dollar Inn | Mammoth Springs Addition Lots 5 thru 11, less Highway right of way of 0.101 A Block 15 and Mammoth Springs Addition Lots 22 thru 40, Block 16. |
| Hagan Properties LLC, Flat Iron | Sulphur Springs First Addition Lots 1R and 2R Block 56. |
| Kellogg Douglas and Bonnie S. Hide A Way Cabins | Original Town Addition East 10' of Lot 6, all Lot 7, PT O L 6A, O L 7A, Block 5. |
| Smith Richard and Elizabeth Smith Fargo | Original Town Addition Lots 4A and one half vacated alley between Lots 3A and 4A Block 22. |
| Simunek Floyd Christopher and Kelly Marie, Riverside Inn | Petty Addition: One half vacated alley adjoining E 25' of Lot 1, Lots 1 and 2 and unplatted portion Block 3 also a triangular parcel of land in NW ¼, SE ¼, 24 7 5, as shown in Block 64, PG 56. |
| Turnquist Dirk and Olga | Sulphur Springs First Addition: Lot 1 Block 54 Central Addition Block 1. |

Section 3. A resolution of intent of the creation of this District was adopted on May 2, 2011.

Section 4. A public hearing on the creation of this district was held on June 20, 2011.

Section 5. The purposes of Business Improvement District #1 for funding a portion or all of the future proposed public activities, facilities, and improvements, along with costs of acquisitions, construction,

maintenance, operation and repair of such improvements, facilities or activities, with primary focus on promotion, marketing, and betterment of the City of Hot Springs.

Section 6. The public improvements, facilities and activities to be performed by the district are as follows: Marketing and promotion will be funded by proceeds from an occupation tax of \$2.00 per unit per night collected from transient guests. These funds will also qualify for a match from the Million Dollar Challenge funds from the South Dakota Tourism Office when used for marketing and promotion campaign for the City of Hot Springs.

Section 7. The businesses within the Business Improvement District #1 shall be subject to the occupation tax as established in SDCL 9-55-2 at the rate of \$2.00 per unit per night collected from transient guests.

Section 8. The penalty for failure to pay the business occupation tax when it is due is a Class 2 Misdemeanor.

Section 9. Should any section, clause or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.

Section 10. This Ordinance shall be effective upon passage and publication as provided by law.

[Ord. 1107, Eff. 7/13/11]