



Legislation Text

File #: Res 1225-2005, **Version:** *

Res. No. 1225

Resolution concerning the establishment of the Madison/23rd/Flatiron/Chelsea Business Improvement District in the Borough of Manhattan and setting the date, time and place for a further public hearing to hear all persons interested in the establishment of such district as revised to exclude certain properties

By Council Members Weprin, Quinn, Lopez, Barron, Gerson and The Public Advocate (Ms. Gotbaum) (by request of the Mayor)

WHEREAS, pursuant to the authority granted by Chapter 4 of Title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated October 31, 2003, provided for the preparation of a district plan (the "Plan") for the Madison/23rd/Flatiron/Chelsea Business Improvement District (the "District") in the Borough of Manhattan; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission (the "CPC") on December 1, 2003; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on December 1, 2003; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Members representing the council districts in which the proposed District is located on December 1, 2003; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community boards (Manhattan Community Boards Numbers 4, 5 and 6, hereinafter referred to as the "Community Boards") for the community districts in which the proposed District is located on December 1, 2003; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Boards notified the public of the Plan in accordance with the requirements established by the CPC; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Boards conducted public hearings on January 7, 2004 (Community Board No. 4), December 11, 2003 (Community Board No. 5) and December 10, 2003 (Community Board No. 6); and

WHEREAS, on January 7, 2004, Community Board No. 4 voted to approve the establishment of the District; on December 11, 2003, Community Board No. 5 voted to approve the establishment of the District; and on December 10, 2003, Community Board No. 6 voted to approve the establishment of the District; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the Plan; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the City Council and to the Council Members representing the council districts in which the proposed District is located; and

WHEREAS, pursuant to section 25-405 (c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on March 4, 2004; and

WHEREAS, pursuant to section 25-406 of the Law, the City Council held a public hearing on May 19, 2004 to hear all persons interested in the proposed establishment of the District; and

WHEREAS, pursuant to section 25-407 (b) (2) of the Law, the City Council finds that: the real property located between Park Avenue South and Broadway from the west side of 29th Street to the west side of 28th Street; the real property between Broadway and the Avenue of the Americas from the west side of 29th Street to the west side of 26th Street; and the real property directly facing on the east and west sides of the Avenue of the Americas from the north side of 29th Street to the south side of 24th Street located within the boundaries of the proposed District will not be benefited thereby and should be excluded from the proposed District; therefore the City Council calls for a further public hearing on the proposed establishment of the District; and

WHEREAS, pursuant to section 25-406 (a) of the Law, a copy of the Plan, as revised to exclude the aforementioned real property (the "Revised Plan"), and the CPC's report, are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406 (a) of the Law, the Revised Plan is on file for public inspection in the Office of the City Clerk, Municipal Building, Room 265, New York, New York; and

WHEREAS, pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the Revised Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Revised Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

- (i) November 16, 2005 is the date and 11:00 a.m. is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the "Public Hearing") to hear all persons interested in the establishment of the District;
- (ii) the Madison/23rd/Flatiron/Chelsea BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the

proposed District, and to the tenants of each building within the proposed District;

(iii) the Department of Small Business Services shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the Madison/23rd/Flatiron/Chelsea BID Steering Committee mails, or the Department of Small Business Services arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law.