



## Legislation Text

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**File #:** Res 0959-2011, **Version:** A

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Res. No. 959-A

Resolution concerning the establishment of the Westchester Square Business Improvement District in the Borough of the Bronx and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

By Council Members Recchia Jr., Vacca, James and Williams

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 March 7, 2011, provided for the preparation of a district plan (the "Plan") for the Westchester Square Business Improvement District (the "District") in the Borough of the Bronx; 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 March 21, 2011; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on March 24, 2011; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on March 24, 2011; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community boards (Bronx Community Board Numbers 10 and 11, hereinafter the "Community Boards") for the community districts in which the proposed District is located on March 24, 2011; and

WHEREAS, the Plan involves properties located in two community districts, the CPC submitted the Plan to the Bronx Borough Board on March 24, 2011 and to the Bronx Borough President on March 24, 2011, pursuant to section 25-405 (c) of the Law; 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, Community Boards 10 and 11 voted to approve the establishment of the District on April 14 and 28, 2011 respectively; 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 Member representing the council district 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 May 25, 2011; and

WHEREAS, pursuant to section 25-406 (a) of the Law, a copy of the 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 Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, 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 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 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) October 17, 2011, 2011 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 16th Floor, 250 Broadway is the place for a public hearing (the "Public Hearing") to hear all persons interested in the establishment of the District;

(ii) the Westchester Square 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 Westchester Square 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.