



Legislation Text

File #: Res 1175-2011, **Version:** *

Preconsidered Res. No. 1175

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., Comrie and Vacca

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 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 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 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; and

Whereas, Pursuant to Section 25-407 (a) of the Law, the Council is required to determine, among other things, whether all notices for all hearings required by law to be held were published and mailed; and

Whereas, Pursuant to Section 25-407(b) (2) of the Law, at the conclusion of the objection period, if the City Council finds that notice was incorrectly or insufficiently given, it shall call a further hearing at a definite place and time not less than ten nor more than thirty days after this determination; and

Whereas, Pursuant to Section 25-407 (b) (2), the further hearing shall be conducted in the same manner as the original hearing; and

Whereas, Pursuant to Section 25-406 of the Law, on October 5, 2011, the Council hereby directed, via Proposed Resolution No. 959-A, that:

(i) October 17, 2011, 2011 was the date and 10:00 a.m. was the time and the City Council Committee Meeting Room, 16th Floor, 250 Broadway was the place for a 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 such resolution or a summary thereof to each owner of real property within the 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 District, and to the tenants of each building within the District;

(iii) the SBS shall arrange for the publication of a copy of such 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 SBS arranges for the publication of, a summary of such Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

Whereas, Pursuant to Section 25-406 of the Law, on October 17, 2011, a public hearing was held; and

Whereas, The objection period for this District ended on November 15, 2011; and

Whereas, On November 29, 2011, the Finance Committee of the Council held a public hearing and learned that notice was hand delivered to tenants, rather than mailed as required by Proposed Res. No. 959-A, and therefore determined that notice was not properly given; 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 January 3, 2012 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 to hear all persons interested in the establishment of the District; and be it further

Resolved, 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 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 District, and to the tenants of each building within the District; and be it further

Resolved, The SBS 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 be it further

Resolved, In the event that the Westchester Square BID Steering Committee mails, or the SBS 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.