



## Legislation Text

---

**File #:** Res 0415-2014, **Version:** \*

---

### Res. No. 415

Resolution concerning authorizing an increase in the amount to be expended annually in the Fordham Road Business Improvement District in the Borough of the Bronx, the extension of the Fordham Road Business Improvement District, and amendments to the District Plan of the Fordham Road Business Improvement District to change the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Fordham Road Business Improvement District.

By Council Member Ferreras and Torres

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 February 3, 2004, provided for the preparation of a district plan (“the Original Plan”) for the Fordham Road 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 relating to Business Improvement Districts; and

Whereas, Pursuant to authority granted by the Law, the District was established by Local Law No. 61 for the year 2004; and

Whereas, Pursuant to Section 25-410(b) of the Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based or an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such changes; and

Whereas, The District wishes to increase the amount to be expended annually in the District to \$670,000 beginning on July 1, 2014, to extend the District, and to amend the District Plan in order to

change the method of assessment upon which the district charge is based; and

Whereas, Pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services (“SBS”) submitted an amended District Plan (“the Amended Plan”) for the District to the City Planning Commission (“the CPC”) on April 22, 2014; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on April 23, 2014; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the proposed extended district is located on April 23, 2014; and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the community boards for the community districts in which the proposed extended district is located (Bronx Community Boards 5, 6, and 7, hereinafter “the Community Boards”) on April 23, 2014 (to Bronx Community Boards 5 and 6) and April 24, 2014 (to Bronx Community Board 7); and

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Bronx Borough President on April 23, 2014; and

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

Whereas, Pursuant to section 25-405(c) of the Law, Bronx Community Boards 5 and 7, not containing any portion of the proposed extension, elected not to hold a public meeting and in the alternative submitted letters in support of the proposed extension of the District; and

Whereas, Pursuant to section 25-405(c) of the Law, Bronx Community Board 6 (containing the proposed extension of the District) conducted a public hearing on May 14, 2014; and

Whereas, On May 14, 2014, Community Board 6 voted to approve the extension of the District; and

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

Whereas, Pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Bronx Borough President, to the City Council and to the Council Member representing the council district in which the proposed extended district is located; and

Whereas, Pursuant to section 25-405(c) of the Law, a copy of the CPC's report, the Original Plan, and the Amended Plan were transmitted for filing with the City Clerk on July 15, 2014; and

Whereas, Pursuant to section 25-406(a) of the Law, a copy of the Amended 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 Amended 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 proposed extended district, objecting to the Amended 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 extension, 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 extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; 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 October 7, 2014 is the date and 10:00 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 legislation that would authorize an increase in the amount to be expended annually in the District, extension of the District, and a change in the method of assessment upon which the district charge in the District is based; and be it further

Resolved, That the Fordham Road District Management Association 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 extended 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 extended district, and to the tenants of each building within the proposed extended district; and be it further

Resolved, 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 (10) nor more than thirty (30) days before the date of the Public Hearing; and be it further

Resolved, In the event that the Fordham Road District Management Association mails, or 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; and be it further

Resolved, On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the Fordham Road District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.