



## Legislation Text

**File #:** Res 2174-2009, **Version:** \*

### Preconsidered Res. No. 2174

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

By Council Members Weprin and Comrie

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 Board of Estimate of the City of New York, by a resolution dated July 19, 1990 (Cal . No. 322), provided for the preparation of a district plan (the "Original Plan") for the Times Square 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 extending 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 an amended District Plan (the "Amended Plan") for the Times Square Business Improvement District to the City Planning Commission (the "CPC") on March 3, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the City Council on March 9, 2009; 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 March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the CPC submitted the Amended Plan to the community boards (Manhattan Community Board Number 4 and 5, hereinafter the "Community Boards") for the community districts in which the proposed extended district is located on March 9, 2009; and

WHEREAS, pursuant to section 25-405 (c) of the Law, the Community Board 4 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, Community Board 4 conducted a public hearing on April 1, 2009; and

WHEREAS, on April 1, 2009, the Community Board 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 affected 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, together with the Original and Amended Plans, was transmitted for filing with the City Clerk on May 20, 2009; 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, 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 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:

(i) September 30, 2009 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 extension of the District;

(ii) the Times Square 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;

(iii) 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

(iv) in the event that the Times Square District Management Association, Inc. 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.

