



Legislation Text

File #: Res 0370-2010, **Version:** A

Res. No. 370-A

Resolution concerning amendments to the District Plan of the 34th Street Business Improvement District that authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district, and setting the date, time and place for the public hearing of the local law authorizing additional services and modifying existing services for the district, changing the method of assessment upon which the district charge is based and increasing the maximum total amount to be expended for improvements in the district.

By Council Members Recchia Jr., Foster and Cabrera

WHEREAS, pursuant to the authority formerly granted to the Board of Estimate by Chapter 4 of Title 25 of the Administrative Code of the City of New York (the "BID Law"), the Board of Estimate, by a resolution dated June 21, 1990 (Cal. No. 596) provided for the preparation of a district plan (the "District Plan") for the 34th Street Business Improvement District in the City of New York; 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 BID Law, the City Council, by Local Law No. 79 for the year 1991, authorized the establishment of the 34th Street Business Improvement District (the "District") in accordance with the District Plan; and

WHEREAS, pursuant to Local Law No. 9 for the year 1995, the City Council authorized an amendment to the District Plan to change the method of assessment upon which the district charge is based; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, 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 BID Law will not be exceeded by such changes; and

WHEREAS, pursuant to Section 25-410(c) of the BID Law, an amendment to the District Plan that provides for an increase in the maximum total amount to be expended for improvements in the District 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 increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such increase; and

WHEREAS, the 34th Street Business Improvement District wishes to amend the District Plan, as amended, in order to authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for

improvements in the district; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; and

WHEREAS, pursuant to Section 25-410(c) of the BID Law, the City Council is required to give notice of the hearing in the manner provided in Section 25-406 of the BID Law, which requires the City Council to: cause a copy of the relevant resolution or a summary thereof to be published 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 set for the hearing; not less than ten nor more than thirty days before the date set for the hearing, cause a copy of the resolution or a summary thereof to be mailed to each owner of real property within the district, 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; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) and Section 25-410 (c) of the BID Law, hereby directs that:

- (i) September 16, 2010 is the date and 16th Floor Hearing Room at 250 Broadway, New York, New York 10007 is the place and 10AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services and modify existing services for the district, change the method of assessment upon which the district charge is based and increase the maximum total amount to be expended for improvements in the district; and
- (ii) on behalf of the City Council and pursuant to Section 25-410(b) and Section 25-410 (c) of the BID Law, the District Management Association of the 34th Street Business Improvement District is hereby authorized to, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of the 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
- (iii) the Department of Small Business Services shall arrange for the publication of a copy of the resolution or a summary thereof and a notice of the public hearing at least once in the City Record or a newspaper in general circulation in the city and a newspaper in general circulation in the district, 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 District Management Association of the 34th Street Business Improvement District mails, or the Department of Small Business Services arranges for the publication of, a summary of the resolution, such summary shall include the information required by section 25-406(c) of the BID Law.