



Legislation Text

File #: Res 1651-2013, **Version:** A

Res. No. 1651-A

Resolution concerning amendments to the District Plan of the Hub Third Avenue Business Improvement District that add services and modify existing services in the district, add a capital improvement program in 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 such changes as set forth in the amended District Plan of the Hub Third Avenue Business Improvement District.

By Council Members Recchia, Arroyo, Wills and Gennaro

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 or the predecessor of such Chapter (the “BID Law”), the Board of Estimate, by Resolution dated October 28, 1982 (Calendar No. 260), provided for the preparation of a district plan (the “District Plan”) for the Hub Third Avenue Business Improvement District (the “District”) in the City of New York; and

Whereas, The Board of Estimate, by Resolution dated January 14, 1988 (Calendar No. 279) authorized the establishment of the District in accordance with the District Plan; 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 Local Law No. 5 for the year 2011, the City Council authorized an amendment to the District Plan to increase the amount to be expended annually in the District; 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 Hub Third Avenue Business Improvement District wishes to amend the District Plan, in order to add services and modify existing services in the District, add new capital improvements within 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) March 13, 2013 is the date and the City Council Committee Room, 2nd floor, City Hall, 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 the modification of existing services in the District, the addition of a capital improvement program in the District, a change in the method of assessment upon which the district charge is based, and an increase in 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 Hub Third Avenue 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 Hub Third Avenue 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.