

## Legislation Details (With Text)

**File #:** 090128      **Version:** 1      **Name:**  
**Type:** Bill      **Status:** ENACTED  
**File created:** 2/26/2009      **In control:** Committee on Rules  
**On agenda:**      **Final action:** 9/17/2009

**Title:** Continuing the East Passyunk Avenue Business Improvement District ("District") beyond its termination date, in an area that generally includes both sides of East Passyunk Avenue from the south side of Federal Street to the east side of South Broad Street, certain blocks of streets that intersect that portion of East Passyunk Avenue, both sides of South Broad Street from the south side of McKean Street to the north side of Snyder Avenue, and the west side of South Broad Street from the south side of Mifflin Street to the north side of McKean Street, and for which East Passyunk Avenue Business Improvement District, Inc. a Pennsylvania nonprofit corporation, is the Neighborhood Improvement District Management Association; approving a final plan for and report concerning the District, including a list of proposed improvements and their estimated cost, and providing for assessment fees to be levied on property owners within the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with East Passyunk Avenue Business Improvement District, Inc., relating to the District; and authorizing East Passyunk Avenue Business Improvement District, Inc. to assess property owners within the District a special property assessment fee to be used in accordance with the approved final plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

**Sponsors:** Councilmember DiCicco

**Indexes:** EAST PASSYUNK AVENUE BUSINESS IMPROVEMENT DISTRICT

**Code sections:**

**Attachments:** 1. Exhibits A through A-4 As Amended in Committee (090128).pdf, 2. CertifiedCopy09012801.pdf

Date	Ver.	Action By	Action	Result	Tally
9/23/2009	1	MAYOR	SIGNED		
9/17/2009	1	CITY COUNCIL	READ		
9/17/2009	1	CITY COUNCIL	PASSED	Pass	17:0
6/4/2009	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
6/4/2009	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
6/4/2009	1	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
6/3/2009	1	Committee on Rules	HEARING NOTICES SENT		
6/3/2009	1	Committee on Rules	HEARING HELD		
6/3/2009	1	Committee on Rules	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
4/8/2009	0	Committee on Rules	HEARING NOTICES SENT		
4/8/2009	0	Committee on Rules	HEARING HELD		
4/8/2009	0	Committee on Rules	AMENDED		
4/8/2009	1	Committee on Rules	RECESSED		

2/26/2009	0	CITY COUNCIL	Referred	
2/26/2009	0	CITY COUNCIL	Introduced	Pass

Continuing the East Passyunk Avenue Business Improvement District (“District”) beyond its termination date, in an area that generally includes both sides of East Passyunk Avenue from the south side of Federal Street to the east side of South Broad Street, certain blocks of streets that intersect that portion of East Passyunk Avenue, both sides of South Broad Street from the south side of McKean Street to the north side of Snyder Avenue, and the west side of South Broad Street from the south side of Mifflin Street to the north side of McKean Street, and for which East Passyunk Avenue Business Improvement District, Inc. a Pennsylvania nonprofit corporation, is the Neighborhood Improvement District Management Association; approving a final plan for and report concerning the District, including a list of proposed improvements and their estimated cost, and providing for assessment fees to be levied on property owners within the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with East Passyunk Avenue Business Improvement District, Inc., relating to the District; and authorizing East Passyunk Avenue Business Improvement District, Inc. to assess property owners within the District a special property assessment fee to be used in accordance with the approved final plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

WHEREAS, Council is authorized by the Community and Economic Improvement Act ("Act") (53 P.S. §18101 *et. seq.*) to continue, by ordinance, neighborhood improvement districts beyond the date of termination by reenacting the municipal enabling ordinance creating the original neighborhood improvement district, following a review of the neighborhood improvement district and the neighborhood improvement district management association programs and services provided within the district; and

WHEREAS, The purpose of this ordinance is to continue the East Passyunk Avenue Business Improvement District (“District”) beyond its termination date; and

WHEREAS, All procedures required by the Act for continuing the District beyond its termination date have been followed; in particular, more than forty-five days have elapsed from the last public hearing required by the Act, and the Clerk of Council has not received objections filed by 51% or more of the affected property owners or property owners whose property valuation as assessed for taxable purposes amounts to 51% of the total property valuation within the proposed boundaries of the District; now, therefore,

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. In accordance with the provisions of the Community and Economic Improvement Act, the East Passyunk Avenue Business Improvement District (“District”), a neighborhood improvement district, is hereby continued beyond its termination date within the boundaries set forth in Exhibit “A” attached hereto.

SECTION 2. East Passyunk Avenue Business Improvement District, Inc., a Pennsylvania nonprofit corporation, is hereby continued as the Neighborhood Improvement District Management Association for the District.

SECTION 3. Council hereby approves as the final plan for the District the plan set forth in Exhibit “A” attached hereto. East Passyunk Avenue Business Improvement District, Inc. is hereby authorized to assess property owners within the District a special property assessment fee in accordance with the provisions of the final plan and the provisions of the Act.

SECTION 4. The Director of Commerce, on behalf of the City, is hereby authorized to enter into an agreement with East Passyunk Avenue Business Improvement District, Inc., in a form approved by the City

Solicitor, which agreement shall include the following provisions:

(a) A detailed description of the respective duties and responsibilities of the City and of East Passyunk Avenue Business Improvement District, Inc., with respect to the District as set forth in the final plan approved under Section 3;

(b) A requirement that the City will maintain within the District the same level of municipal programs and services that were provided within the District before its establishment;

(c) A “sunset provision” under which the agreement will terminate ten (10) years from the date this Ordinance becomes law and may not be renewed unless the District is continued beyond that date in accordance with the sunset provisions of Section 5 of this Ordinance; and

(d) East Passyunk Avenue Business Improvement District, Inc.’s agreement to be responsible for the collection of all property assessment fees levied within the District and the City's agreement to file any necessary liens for nonpayment of property assessment fees as set forth in the Act at 53 P.S. §18107(A)(10).

SECTION 5. The District shall terminate ten (10) years from the date this Ordinance becomes law in accordance with the provisions of the final plan approved under Section 3. The District may be continued beyond that date only if Council reenacts this Ordinance following a review of the District and the programs and services provided by East Passyunk Avenue Business Improvement District, Inc. within the District.