

Legislation Text

File #: 120301, **Version:** 1

Continuing the Mt. Airy Business Improvement District beyond its termination date, in an area that generally includes both sides of Germantown Avenue from 6300 to 7631 and certain blocks of streets that intersect that portion of Germantown Avenue and for which Mt. Airy Improvement District, Inc., a Pennsylvania nonprofit corporation, is the Neighborhood Improvement District Management Association for the District; approving a final plan and report for 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 Mt. Airy Improvement District, Inc. relating to the District; and authorizing Mt. Airy Improvement District, Inc. to assess certain 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, Bill No. 070005 (approved September 20, 2007) established a business improvement district in the Mt. Airy area, known as the Mt. Airy Business Improvement District ("District"); designated Mt. Airy Improvement District, Inc., a Pennsylvania nonprofit corporation, as the neighborhood improvement district management association for the District; and approved a final plan for improvements within the District; and

WHEREAS, On September 20, 2012, the term of the District will automatically terminate; and

WHEREAS, Council is authorized by the Community and Economic Improvement Act, act of December 21, 1998, P.L. 1307, No. 174 ("Act") (53 P.S. §18101 *et. seq.*) to continue, by ordinance, neighborhood improvement districts beyond the date of their 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 within the district; and

WHEREAS, The purpose of this ordinance is to continue the Mt. Airy 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 (45) days have elapsed from the last public hearing required by the Act, and the Clerk of Council has not received objections filed by fifty-one percent (51%) or more of the affected property owners or property owners whose property valuation as assessed for taxable purposes amounts to fifty-one percent (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, act of December 21, 1998, P.L. 1307, No. 174 ("Act") (53 P.S. §18101 *et. seq.*), the Mt. Airy Business Improvement District ("District") is hereby continued until December 31, 2017, within the boundaries set forth

as Exhibit "A-1" attached hereto.

SECTION 2. Mt. Airy Improvement District, Inc., a Pennsylvania nonprofit corporation, is hereby continued until December 31, 2017, 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. Mt. Airy 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. In the case of a delinquency in the payment of any installment of an assessment fee of 90 days or more after such installment has become due, the entire assessment fee, with accrued interest and penalties, shall become due and become a lien on the subject property from the date the installment was due, in accordance with 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 Mt. Airy 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 Mt. Airy 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 on December 31, 2017 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) Mt. Airy 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 December 31, 2017, 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 Mt. Airy Improvement District, Inc. within the District.

SECTION 6. The Chief Clerk shall keep on file the document referred to as Exhibit "A" in Section 3 of this Ordinance, and all accompanying documents referenced in Exhibit "A", and shall make them available for inspection by the public during regular office hours.