Legislation Details (With Text)

File #:	240612	**Version:** 0	**Name:**		
Type:	Bill		**Status:**	ENACTED	
File created:	6/13/2024		**In control:**	Committee on Rules	
On agenda:			**Final action:**	12/12/2024	

Title: Continuing the Fishtown Kensington Area Business Improvement District ("District"), in the area that generally includes both sides of Frankford Avenue from the west side of Delaware Avenue to the southwest side of Lehigh Avenue, both sides of North Front Street from the north side of Poplar Street to the south side of Diamond Street, both sides of East Girard Avenue from Frankford Avenue continuing to the west side of East Berks Street, the north side of West Girard Avenue from Frankford Avenue to North 2nd Street, and the south side of West Girard Avenue from Frankford Avenue to Howard Street, and certain blocks of streets that intersect portions of these streets; approving an extension of the boundaries of the District to include North Front Street from Montgomery Street to Diamond Street, East Girard Avenue from East Fletcher Street to East Berks Street, and the north side of West Girard Avenue from Front Street to North 2nd Street; continuing the Fishtown Kensington Area Business Improvement District, Inc., a Pennsylvania non-profit corporation, as the neighborhood improvement district management association for the District; approving a plan for and report concerning the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with the Fishtown Kensington Area Business Improvement District, Inc. relating to the District; and re-authorizing the Fishtown Kensington Area Business Improvement District, Inc. to assess property owners within the District a special property assessment fee to be used in accordance with the approved plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

Sponsors: Councilmember Squilla, Councilmember Lozada

Indexes: BUSINESS IMPROVEMENT DISTRICT

Code sections:

Attachments: 1. 240612 - Exhibit Set, As Introduced.pdf, 2. Bill No. 24061200, 3. CertifiedCopy24061200, 4. 240612 FKA BID Clerk's Office Memo, 5. 240612 FKA Objections w OPA data

Date	Ver.	Action By	Action	Result	Tally
1/15/2025	0	MAYOR	SIGNED		
12/12/2024	0	CITY COUNCIL	READ AND PASSED	Pass	16:0
10/24/2024	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
10/24/2024	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
10/24/2024	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/18/2024	0	Committee on Rules			
10/18/2024	0	Committee on Rules			
10/18/2024	0	Committee on Rules			
6/13/2024	0	CITY COUNCIL	Introduced and Referred		

Continuing the Fishtown Kensington Area Business Improvement District ("District"), in the area that generally includes both sides of Frankford Avenue from the west side of Delaware Avenue to the southwest side of

Lehigh Avenue, both sides of North Front Street from the north side of Poplar Street to the south side of Diamond Street, both sides of East Girard Avenue from Frankford Avenue continuing to the west side of East Berks Street, the north side of West Girard Avenue from Frankford Avenue to North 2nd Street, and the south side of West Girard Avenue from Frankford Avenue to Howard Street, and certain blocks of streets that intersect portions of these streets; approving an extension of the boundaries of the District to include North Front Street from Montgomery Street to Diamond Street, East Girard Avenue from East Fletcher Street to East Berks Street, and the north side of West Girard Avenue from Front Street to North 2nd Street; continuing the Fishtown Kensington Area Business Improvement District, Inc., a Pennsylvania non-profit corporation, as the neighborhood improvement district management association for the District; approving a plan for and report concerning the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with the Fishtown Kensington Area Business Improvement District, Inc. relating to the District; and re-authorizing the Fishtown Kensington Area Business Improvement District, Inc. to assess property owners within the District a special property assessment fee to be used in accordance with the approved plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

WHEREAS, Bill No. 190659 (approved December 30, 2019) established a neighborhood improvement district (for five years) in the Fishtown area, known as the Fishtown Kensington Area Business Improvement District ("District"); designated Fishtown Kensington Area Business 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 December 31, 2024, the District will automatically terminate unless it is continued by ordinance; and

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 within the District; and

WHEREAS, The purpose of this Ordinance is to continue and extend the boundaries of the neighborhood improvement district in the Fishtown and Kensington areas, known as the Fishtown Kensington Area Business Improvement District until December 31, 2029; 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 affected property owners representing the ownership of at least one-third (1/3) of the properties owned by affected property owners within the proposed District or from affected property owners, within the proposed District, the value of whose properties, as assessed for taxable purposes, amounts to at least one-third (1/3) of the total property valuation of property owned by affected property owners 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") (53 P.S. §18101 et. seq.) ("Act"), a neighborhood improvement district is hereby continued and the boundaries extended in the Fishtown and Kensington areas, within the boundaries set forth in Exhibit "A-1" and Exhibit "A-2" attached hereto. The district is known as the Fishtown Kensington Area Business Improvement District ("District").

SECTION 2. Fishtown Kensington Area Business Improvement District, Inc., organized as a Pennsylvania nonprofit corporation, is hereby continued as the Neighborhood Improvement District Management Association for the District.

SECTION 3. Council hereby approves as the plan for the District the final plan set forth in Exhibit "A" attached hereto. Fishtown Kensington Area 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. In addition, in the case of an unpaid assessment or portion of an assessment, the Fishtown Kensington Area Business Improvement District, Inc. is authorized to collect accrued interest and penalties on any unpaid assessment or portion thereof and to recover any costs incurred as a result of the filing of any lien, all in accordance with the final plan.

SECTION 4. The Director of Commerce, on behalf of the City, is hereby authorized to enter into an agreement with Fishtown Kensington Area 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 the Fishtown Kensington Area 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 on December 31, 2029, 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) Fishtown Kensington Area 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)(l0).

SECTION 5. The District shall terminate on December 31, 2029, 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 the Fishtown Kensington Area Business 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.