

## Legislation Text

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**File #:** 090704, **Version:** 1

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Establishing a neighborhood improvement district in an area that generally includes Cheltenham Avenue with boundaries of Wadsworth Avenue on the west and Broad Street on the east, Ogontz Avenue with boundaries of Cheltenham Avenue on the north and 67th Avenue on the south and Wadsworth Avenue with boundaries of Cheltenham Avenue on the northeast and Michener Avenue on the southwest; to be known as The Greater Cheltenham Avenue Business Improvement District; designating Greater Cheltenham Avenue Business Improvement District Inc., a Pennsylvania nonprofit corporation, as the Neighborhood Improvement District Management Association for the District; approving a plan 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 Greater Cheltenham Avenue Business Improvement District Inc. relating to the District; and authorizing Greater Cheltenham 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 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 establish, by ordinance, neighborhood improvement districts and to designate certain entities to administer programs and services within such districts in order "to promote and enhance more attractive and safer commercial, industrial, residential and mixed-use neighborhoods; economic growth; increased employment opportunities; and improved commercial, industrial, business districts and business climates;" and

WHEREAS, The purpose of this Ordinance is to establish a neighborhood improvement district in the Cheltenham Avenue area, to be known as The Greater Cheltenham Avenue Business Improvement District ("District"); and

WHEREAS, The District shall operate under the Neighborhood Improvement District Management Association (NIDMA), known as Greater Cheltenham Avenue Business Improvement District Inc., a Pennsylvania nonprofit corporation. Greater Cheltenham Avenue Business Improvement District Inc. is also the NIDMA for an abutting neighborhood improvement district established in Cheltenham Township that will operate cooperatively with the District; and

WHEREAS, All procedures required by the Act for establishment of the District 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") (53 P.S. §18101 *et. seq.*), a neighborhood improvement district is hereby established in the Cheltenham Avenue area, within the boundaries set forth in Exhibit "A-1" attached hereto. The district shall be known as The Greater Cheltenham Avenue Business Improvement District ("District").

SECTION 2. Greater Cheltenham Avenue Business Improvement District Inc., a Pennsylvania nonprofit corporation, is hereby designated 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. Greater Cheltenham 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. In addition, in the case of default in the payment of any assessment fee for a period of 90 days or more after such fee becomes due, Greater Cheltenham Avenue Business Improvement District Inc. is hereby authorized to collect the entire assessment fee with accrued interest in accordance with the provisions of the final plan and the Act.

SECTION 4. The Director of Commerce, on behalf of the City, is hereby authorized to enter into an agreement with Greater Cheltenham 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 Greater Cheltenham 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 five 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 6 of this Ordinance;

(d) A requirement that Greater Cheltenham Avenue Business Improvement District Inc. will be responsible for the collection of all property assessment fees and any interest thereon 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); and

(e) A requirement that in the case of default in the payment of any assessment fee for a period of 90 days or more after such fee becomes due, the entire assessment fee with accrued interest, at a rate as set forth in the final plan, shall become due.

SECTION 5. The District shall terminate five 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 Greater Cheltenham Avenue 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.