

Legislation Text

File #: 190660, **Version:** 0

Establishing a neighborhood improvement district, to be known as the South Philly Market District ("District"), in an area that generally includes both sides of South 9th Street from the south side of Fitzwater Street to the north side of Federal Street, both sides of Christian Street from west side of South 7th Street to east side of South 10th Street, both sides of Montrose Street from South 8th Street to South 10th Street, both sides of Carpenter Street from South 8th Street to South 10th Street, both sides of Washington Avenue from west side of South 8th Street to east side of South 11th Street, both sides of Ellsworth Street from East Passyunk Avenue to South 10th Street, both sides of East Passyunk Avenue from south side of Washington Avenue to north side of Federal Street, both sides of South 10th Street from the south side of Christian Street to north side of Ellsworth Street, both sides of South 8th Street between the south side of Christian Street and the north side of Carpenter Street and between the south side of Washington Avenue and the north side of Ellsworth Street, the west side of South 8th Street between the south side of Carpenter Street and the north side of Washington Avenue, and certain blocks of streets that intersect portions of these streets; designating the South Philly Market District, Inc., which has organized itself as 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 the South Philly Market District, Inc., relating to the District; and authorizing the South Philly Market 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 of December 21, 1998, P.L. 1307, No. 174 *as amended* (53 P.S. §18101 et. seq.) ("Act") 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 South Philadelphia area, to be known as the South Philly Market District ("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 a 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 of December 21, 1998, P.L. 1307, No. 174 ("Act") (53 P.S. §18101 et. seq.) ("Act"), a neighborhood improvement district is hereby established in the South Philadelphia area, within the boundaries set forth in Exhibit "1-A" and Exhibit "1-B" attached hereto. The district shall be known as the South Philly Market District ("District").

SECTION 2. South Philly Market District, Inc. ("SPMD, Inc."), which is organized as a Pennsylvania nonprofit corporation, is hereby designated as the Neighborhood Improvement District Management Association for the District.

SECTION 3. Council hereby approves as the plan for the District the plan set forth in Exhibit "1" attached hereto. SPMD, 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, SPMD, 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 SPMD, 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 SPMD, 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, 2024, 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;

(d) SPMD, 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 on December 31, 2024, 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 SPMD, Inc. within the District.

SECTION 6. The Chief Clerk shall keep on file, the document referred to as Exhibit "1" in Section 3 of this Ordinance, and all accompanying documents referenced in Exhibit "1" and shall make them available for inspection by the public during regular office hours.