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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

November 16, 2012

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

IMMEDIATE CONSIDERATION REQUESTED

**Re: Downtown Pedestrian/Transit Mall Special District
Adoption of Mall District Service Charge Roll for 2013**

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum for immediate consideration and approval for the adoption of the Downtown Pedestrian Transit Mall Special District Service Charge Roll for 2013.

Should your honorable body require further information, I encourage you to contact Joseph L. Maciejewski, CCD from the Department of Real Property Tax Services. Thank you for your consideration on this matter.

Sincerely,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bb
Enclosure

cc: Joseph L. Maciejewski, CCD, Department of Real Property Tax Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Real Property Tax Services
Re: Downtown Pedestrian/Transit Mall Special District -
Adoption of Mall District Service Charge Roll for 2013
Date: November 16, 2012

SUMMARY

It is recommended that the Legislature approve the attached resolution providing for the adoption of the 2013 mall district service roll transmitted herewith as required by Erie County Local Law No. 8-1984.

FISCAL IMPLICATIONS

Mall district service charges for 2013 in the sum of \$1,286,122 as previously determined by the Legislature, plus payment in lieu of \$18,000, shall be assessed, due and be a lien upon properties within the mall district as of January 1, 2013. Service charges defray the cost of mall district services.

REASONS FOR RECOMMENDATION

Adoption of the 2013 mall district service charge roll established by the Director of Real Property Tax Services is necessary for purposes of assessing and levying 2013 service charges for the downtown pedestrian/transit mall special district.

BACKGROUND INFORMATION

The downtown pedestrian transit mall special district was established pursuant to special act of the State Legislature (L.1983, Ch. 673) and by Erie County Local Law No. 8-1984. The said laws authorize the annual assessment of service charges against properties located within the mall district. Following a public hearing held October 30, 2012 by Buffalo Place Inc. and on due notice to property owners within the district, the Legislature by adoption of Intro. 19-1 determined that the total amount to be raised by mall district service charges for 2013 would be the sum of \$1,286,122. Plus payment in lieu of \$18,000. The Director of Real Property Tax Services has now established a mall district service charge roll apportioning between benefited properties the total amount to be raised by mall district service charges for 2013. The mall district service charge roll must be adopted by the Legislature so that collections may take place during the ensuing fiscal year.

CONSEQUENCES OF NEGATIVE ACTION

The downtown pedestrian/transit mall special district would be without operating funds and would be unable to provide mall services during 2013.

STEPS FOLLOWING APPROVAL

Mall district service charge bills will be prepared and transmitted to property owners.

**A RESOLUTION SUBMITTED BY:
REAL PROPERTY TAX SERVICES**

**RE: Downtown Pedestrian/Transit
Mall Special District
Adoption of Mall District
Service Charge Roll for 2013**

WHEREAS, after a public hearing, held on October 30, 2012 by Buffalo Place Inc., and upon adoption of Intro 19-1, November 8, 2012, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2013 for the downtown pedestrian/transit mall special district shall be the sum of \$ 1,286,122, and

WHEREAS, the 2013 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2013 for the downtown pedestrian/transit mall special district shall be the sum of \$ 18,000.00, and

WHEREAS, the Director of Real Property Tax Services has established the 2013 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Real Property Tax Services for the purpose of assessing 2013 service charges for the downtown pedestrian/transit mall special district; and be it further

RESOLVED, that 2013 mall district service charges and payment in lieu in the amount of \$18,000 shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on and as of January 1, 2013 and shall be payable to the Director of Real Property Tax Services as provided in Erie County Local Law No. 8-1984; and be it further

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$10,000.00 shall be added to the Mall Budget for collection of these late fees; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish the 2013 Downtown Mall Budget in the amount \$1,314,122, which includes \$1,286,122 for service charges, \$18,000 for payment in lieu, and \$10,000 for interest earnings; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to make adjustments and modifications as he deems appropriate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Budget Director, County Comptroller, County Attorney, and Joseph L. Maciejewski, Director Real Property Tax Services.

PROPERTY NAME	PROP	LOCATION	SPECIAL CHG
ST PAUL'S CATHEDRAL	12	CHURCH	\$0.00
VERIZON BUILDING	46	CHURCH	\$17,022.41
LIBRARY	92	CLINTON	\$0.00
17 COURT BUILDING	17	COURT	\$2,803.92
COURT STREET PARKING LOT	30	COURT	\$875.36
ADAM RAMP	67	EAGLE EAST	\$0.00
FLOWER TRIANGLE AT RATH BLDG	53	EAGLE WEST	\$0.00
MARINE DRIVE PARKING	90	ERIE	\$0.00
RATH BUILDING	95	FRANKLIN	\$0.00
CONVENTION CENTER	153	FRANKLIN	\$0.00
HYATT CONVENTION CENTER PARKING LOT	187	FRANKLIN	\$2,894.03
CYCLORAMA BUILDING	369	FRANKLIN	\$2,493.62
TEXAS RED HOTS	5	GENESEE	\$316.76
TEXAS RED HOTS	7	GENESEE	\$275.63
SPA LOFTS	9	GENESEE	\$420.03
BUFFALO URBAN LEAGUE	11	GENESEE	\$0.00
M & T CUSTOMER LOT	46	GENESEE	\$2,990.34
OLMPIC TOWERS	31	GENESEE WEST	\$8,613.57
FORMER HOWARD'S SHOES	5	HURON EAST	\$551.20
THE ELECTRIC TOWER	20	HURON EAST	\$10,403.41
RAND BLDG	14	LAFAYETTE SQ	\$23,496.96
DL & W TERMINAL	15	MAIN	\$0.00

WEBSTER BLOCK	75	MAIN	\$0.00
DONOVAN BLDG	125	MAIN	\$0.00
MEMORIAL AUDITORIUM	130	MAIN	\$0.00
MAIN/SENECA BLDG.	233	MAIN	\$21,878.01
MAIN SENECA PARKING LOT	234	MAIN	\$2,697.12
ROBLIN BUILDING	241	MAIN	\$8,269.03
MERCHANTS MUTUAL BLDG	246	MAIN	\$12,938.47
STANTON BUILDING	251	MAIN	\$3,445.43
268 OFFICE BUILDING	256	MAIN	\$9,332.33
CITIPARK PARKING LOT	259	MAIN	\$4,315.13
SWAN PARKING LOT	270	MAIN	\$2,235.93
BERNSTONES NEW TREND	273	MAIN	\$342.79
ELLCOTT SQUARE	283	MAIN	\$41,288.08
SWAN TOWER	284	MAIN	\$21,467.72
CATHEDRAL PLACE	298	MAIN	\$5,857.23
LAW OFFICES	300	MAIN	\$2,400.31
FORMER BANK	306	MAIN	\$0.00
ONE M & T PLAZA	345	MAIN	\$65,724.52
MAIN PLACE	350	MAIN	\$89,318.91
MALL PARKING	360	MAIN	\$0.00
FORMER TAYLOR'S DEPT STORE	377	MAIN	\$9,647.20
BRISBANE BUILDING	395	MAIN	\$27,011.78
410 MAIN ST LLC	410	MAIN	\$4,417.68
LAFAYETTE SQUARE	415	MAIN	\$0.00
LIBERTY BLDG	424	MAIN	\$34,177.98
MAIN COURT BUILDING	436	MAIN	\$20,218.87
10 S REALTY LLC	447	MAIN	\$12,403.54

RITE AID #565	450	MAIN	\$2,270.29
BAKERS SHOES	456	MAIN	\$7,648.85
LAFAYETTE COURT	465	MAIN	\$30,673.98
FORMER SIZES UNLIMITED	472	MAIN	\$2,411.80
GOLDEN HIRE EQUITY LLC	477	MAIN	\$275.63
MOHAWK BLDG	478	MAIN	\$17,996.30
CHRISTIAN SCIENCE READING ROOM	483	MAIN	\$0.00
CARMINA, WOOD AND MORRIS	487	MAIN	\$2,276.73
BURGER KING RESTAURANT	495	MAIN	\$907.17
496 MAIN	496	MAIN	\$898.56
BELASARIO	500	MAIN	\$15,059.21
501 MAIN	501	MAIN	\$1,041.16
JP FASHIONS	505	MAIN	\$665.50
CENTURY LOT	513	MAIN	\$1,411.76
FASHION CORNER	515	MAIN	\$861.36
JERRY'S PHOTO LAB & STUDIO	521	MAIN	\$568.92
KANG DONG BUILDING	523	MAIN	\$772.65
CHINA EXPRESS	525	MAIN	\$604.32
FORMER RUBY'S FOOD FACTORY	529	MAIN	\$516.81
HYATT REGENCY BUFFALO	532	MAIN	\$81,993.54
ROSIE'S NAILS	535	MAIN	\$623.40
QUEEN CITY LOFTS	537	MAIN	\$785.81
BANK OF AMERICA BUILDING	560	MAIN	\$28,408.79
KEY CENTER SOUTH TOWER	562	MAIN	\$37,054.95
KEY CENTER NORTH TOWER	564	MAIN	\$73,563.50
M & T CENTER	575	MAIN	\$78,386.17

ROTARY ICE RINK	580	MAIN	\$0.00
598 MAIN BUILDING	598	MAIN	\$5,437.47
COMFORT SUITES	601	MAIN	\$24,265.60
UNIT # 1001	610	MAIN	\$355.27
UNIT # 1002	610	MAIN	\$359.32
UNIT # 1003	610	MAIN	\$362.71
UNIT # 1004	610	MAIN	\$339.73
UNIT # 0101	610	MAIN	\$555.18
UNIT # 1101	610	MAIN	\$404.46
UNIT # 1103	610	MAIN	\$673.06
UNIT # 1104	610	MAIN	\$339.73
UNIT # 1201	610	MAIN	\$355.27
UNIT # 1202	610	MAIN	\$359.32
UNIT # 1203	610	MAIN	\$362.71
UNIT # 1204	610	MAIN	\$339.73
UNIT # 1301	610	MAIN	\$600.44
UNIT # 1302	610	MAIN	\$548.31
UNIT # 1401	610	MAIN	\$684.71
UNIT # 1402	610	MAIN	\$953.56
UNIT # 0201	610	MAIN	\$744.05
UNIT # 0301	610	MAIN	\$744.05
UNIT # 0401	610	MAIN	\$744.05
UNIT # 0501	610	MAIN	\$243.54
UNIT # 0502	610	MAIN	\$315.95
UNIT # 0503	610	MAIN	\$347.03
UNIT # 0504	610	MAIN	\$261.72

UNIT # 0505	610	MAIN	\$222.82
UNIT # 0601	610	MAIN	\$185.27
UNIT # 0602	610	MAIN	\$315.95
UNIT # 0603	610	MAIN	\$347.03
UNIT # 0604	610	MAIN	\$261.72
UNIT # 0605	610	MAIN	\$281.10
UNIT # 0701	610	MAIN	\$243.54
UNIT # 0702	610	MAIN	\$315.95
UNIT # 0703	610	MAIN	\$347.03
UNIT # 0704	610	MAIN	\$261.72
UNIT # 0705	610	MAIN	\$222.82
UNIT # 0801	610	MAIN	\$243.54
UNIT # 0802	610	MAIN	\$289.38
UNIT # 0803	610	MAIN	\$347.03
UNIT # 0804	610	MAIN	\$261.72
UNIT # 0805	610	MAIN	\$239.50
UNIT # 0901	610	MAIN	\$185.27
UNIT # 0902	610	MAIN	\$315.95
UNIT # 0903	610	MAIN	\$347.03
UNIT # 0904	610	MAIN	\$263.13
UNIT # 0905	610	MAIN	\$281.10
MARKET ARCADE PROJECT	615	MAIN	\$0.00
620 MAIN ST	618	MAIN	\$3,400.47
THEATER PLACE	622	MAIN	\$7,000.91
ARCADE APARTMENTS	625	MAIN	\$1,506.26
IRISH CLASSICAL THEATER	625	MAIN	\$0.00

FILM AND ART CENTER	639	MAIN	\$0.00
SHEA'S BUFFALO THEATER	642	MAIN	\$0.00
SMITH THEATER	650	MAIN	\$0.00
PIERCE BUILDING	653	MAIN	\$2,459.51
665 MAIN BUILDING	663	MAIN	\$15,247.50
ALLEYWAY THEATRE	664	MAIN	\$0.00
GLENNY CENTER HOSTEL	667	MAIN	\$0.00
BUFFALO PLACE INC	671	MAIN	\$1,011.58
TENT CITY	674	MAIN	\$1,502.21
OPIUM/GROOVE	678	MAIN	\$1,550.44
TOWN BALLROOM	681	MAIN	\$3,410.70
BIRZON BUILDING	686	MAIN	\$1,722.71
DIDONATO ASSOCIATES	689	MAIN	\$1,493.62
PARKING LOT - THEATER DISTRICT	690	MAIN	\$2,511.45
POLICE STATION MAIN/TUPPER	695	MAIN	\$0.00
EMI BLDG	698	MAIN	\$3,273.16
STUDIO ARENA THEATRE	710	MAIN	\$0.00
CITY WINE MERCHANT	715	MAIN	\$1,534.80
ANSONIA CENTRE	716	MAIN	\$11,507.73
FORMER AVALON	723	MAIN	\$1,275.47
THE SWAN BUILDING	731	MAIN	\$1,621.92
STOKES SEED COMPANY	733	MAIN	\$2,922.11
SCHMIDT'S AUTO SERVICE INC	736	MAIN	\$1,264.01
BROWNIE'S UNIFORMS	739	MAIN	\$1,341.02
NATHAN ASSOCIATES, LLC	743	MAIN	\$2,099.41
VERNOR/TECK LOT	752	MAIN	\$964.72

SIDWAY PARKING	753	MAIN	\$1,268.61
M.STEFFAN'S LEATHER CRF	761	MAIN	\$362.86
GELDER PROPERTIES LLC	763	MAIN	\$3,300.73
SIDWAY BUILDING	777	MAIN	\$16,760.60
NAVAL PARK	1	MARINE	\$0.00
PARKING LOT	5	MOHAWK EAST	\$68.91
OTB	11	MOHAWK EAST	\$1,455.18
RIGHT OF WAY/PARKING	70	PEARL ST	\$0.00
PEARL ST GRILL & BREWERY	72	PEARL ST	\$2,170.62
BRD CONSTRUCTION	82	PEARL ST	\$602.95
ST PAUL'S PARKING	86	PEARL ST	\$0.00
J. A. WEBB BUILDING	92	PEARL ST	\$5,390.93
DOWNTOWN GARAGE	93	PEARL ST	\$2,239.53
PARKING LOT NEAR SWAN	100	PEARL ST	\$880.85
DUN BUILDING	110	PEARL ST	\$2,613.68
ST PAUL'S PARISH HOUSE	128	PEARL ST	\$0.00
MONROE ABSTRACT & TITLE CORP	132	PEARL ST	\$1,119.41
GUARANTY BLDG	140	PEARL ST	\$17,345.77
FAMILY COURT BUILDING	194	PEARL ST	\$0.00
FERNBACH PARKING RAMP	212	PEARL ST	\$0.00
COURTYARD RESTAURANT	212	PEARL ST	\$244.52
REAR OF CHANDLER BLDG	283	PEARL ST	\$379.00
CENTURY GRILL	318	PEARL ST	\$661.05
OWEN AUGSPURGER RAMP	364	PEARL ST	\$0.00
LORY BUILDING	388	PEARL ST	\$1,718.46
PRIMA PIZZA	396	PEARL ST	\$405.63
PARKING LOT - CHIPPEWA ST	406	PEARL ST	\$550.69

GARVEY'S BUILDING	416	PEARL ST	\$647.92
DARCY MCGEE PARKING	420	PEARL ST	\$314.82
PEARL ST. PARKING	421	PEARL ST	\$2,516.47
HOLLY FARMS	424	PEARL ST	\$494.10
APPRAISAL.COM PARKING	425	PEARL ST	\$249.35
GENESEE PICTURE FRAME	426	PEARL ST	\$502.93
PARKING LOT - GENESEE PICTURE	430	PEARL ST	\$75.34
PARKING LOT	432	PEARL ST	\$1,321.59
THEATER PLACE PAVILLION	439	PEARL ST	\$830.61
RAM BUILDING	452	PEARL ST	\$428.61
SHEAS/M & T EMPLOYEE LOT	470	PEARL ST	\$2,912.29
SATURN BLDG PARKING	478	PEARL ST	\$425.54
CABARET	484	PEARL ST	\$602.95
ENCORE RESTAURANT	492	PEARL ST	\$544.09
ENCORE GAZEBO	494	PEARL ST	\$124.99
BODY BLOCKS	496	PEARL ST	\$397.03
BUFFALO CHRISTIAN CENTER LOT	500	PEARL ST	\$1,493.61
SATURN BLDG/RHINO ROOM	505	PEARL ST	\$516.81
BUFFALO CHRISTIAN CENTER	512	PEARL ST	\$0.00
UNITED IMPORT MOTORS INC	538	PEARL ST	\$344.54
PARKING LOT	554	PEARL ST	\$533.01
CYCLORAMA LOT	558	PEARL ST	\$192.94
CYCLORAMA PARKING	560	PEARL ST	\$120.59
HSBC CENTER	1	SENECA	\$187,104.39
HSBC RAMP	3	SENECA	\$0.00
HSBC ARENA	1	SEYMOUR H KNOX III	\$0.00

FRANKLIN PARKING LOT	61	TERRACE	\$0.00
PRINTING PREP	12	TUPPER EAST	\$619.67
SENECA ONE RAMP	177	WASHINGTON	\$14,920.79
COCO COLA PARK	263	WASHINGTON	\$0.00
ELLICOTT PARKING CO.	285	WASHINGTON	\$598.10
WASH. SQUARE RESTAURANT	295	WASHINGTON	\$278.71
SKYDECK 301 WASHINGTON LOT	297	WASHINGTON	\$461.73
PARKING LOT - ALLRIGHT	303	WASHINGTON	\$408.31
FIREMAN'S PARK	325	WASHINGTON	\$0.00
H@LOFTS	369	WASHINGTON	\$8,129.19
PKNG LOT	385	WASHINGTON	\$238.14
WAREHOUSE LOFTS PARKING	387	WASHINGTON	\$343.38
LAFAYETTE HOTEL UNIT 1	391	WASHINGTON	\$602.95
LAFAYETTE APARTS UNIT 2	391	WASHINGTON	\$1,035.35
LOT-PARKING	451	WASHINGTON	\$2,565.67
OTB PARKING	464	WASHINGTON	\$41.35
EDUCATIONAL OPP. CENTER	465	WASHINGTON	\$0.00
WNY BOOK ARTS CENTER	468	WASHINGTON	\$0.00
MOHAWK RAMP	477	WASHINGTON	\$0.00
VACANT RESTAURANT	500	WASHINGTON	\$184.01
HOLLING PLACE APARTMENTS	501	WASHINGTON	\$6,710.61
REAR OF RUBY'S	504	WASHINGTON	\$430.68
FORMER STORAGE/GARAGE	510	WASHINGTON	\$344.54
B.U.L. PARKING LOT	515	WASHINGTON	\$1,412.63
CLUB DIABLO	517	WASHINGTON	\$323.28
CATHOLIC CHARITIES	519	WASHINGTON	\$0.00

M & T EMPLOYEE LOT	571	WASHINGTON	\$5,196.83
ST.MICHAELS CHURCH	573	WASHINGTON	\$0.00
SPAULDING BUILDING PARKING	630	WASHINGTON	\$474.99
POST OFFICE BLDG	677	WASHINGTON	\$0.00
FREY THE WHEELMAN	693	WASHINGTON	\$343.69
P.C.I.PARKING	699	WASHINGTON	\$136.44
P.C.I.BUILDING	703	WASHINGTON	\$708.86
PRINTING PREP INC	710	WASHINGTON	\$57.88

Total **\$1,286,122.02**

Payment in lieu

FIRST NIAGARA CENTER	1	SEYMOUR KNOX PLAZA	\$ 18,000
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