

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~CITY~~

City of PLATTSBURGH

~~TOWN~~

~~VILLAGE~~

Local Law No. 9 of the year 2003

A local law ESTABLISHING THE US OVAL PARKING DISTRICT AND PROVIDING FOR A SPECIAL ASSESSMENT ON BENEFITED PROPERTIES.

Be it enacted by the COMMON COUNCIL of the

(Name of Legislative Body)

~~CITY~~

City of PLATTSBURGH

~~TOWN~~

~~VILLAGE~~

as follows:

1. Findings: The Common Council finds:
 - .1 The public parking areas within the US Oval Parking District provide a general public benefit to persons visiting nearby City offices, recreation facilities and bicycle and walking paths.
 - .2 The public parking areas are of special benefit to all lot owners within the US Oval Parking District in that such public parking areas meet the regular and occasional parking needs of lot owners and their tenants and guests.
 - .3 Lots without sufficient land to provide the on site parking required by the City Zoning Law benefit substantially more than lots that that meet such requirements.
2. Establishment of District. There is hereby established the US Oval Parking District. The following lots are deemed benefited by the public parking facilities provided by the City and such lots shall comprise the US Oval Parking District. The benefited lots are described as lots 4, 6, 7, 16, 17, 18, 19, 24 and 26 on a subdivision map entitled PARC Subdivision Phase II, City of Plattsburgh" dated November 8, 2001, prepared by AES Northeast, PLLC, Scott B. Allen, L.S., which plans are recorded in the Clinton County Clerk's Office as Maps PL-B-243 through PL-B-251.
3. Public Parking Facilities. The public parking facilities included within the US Oval Parking District are the paved parking areas owned by the City of Plattsburgh and lying within the lands bounded by US Oval East and US Oval West.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

4. Parking District Costs. The following costs are found necessary and incidental to the ownership and maintenance of the public parking facilities and shall be paid by levying a special assessment against lots within the US Oval Parking District: snow removal, cleaning, refuse removal, striping, signing, re-surfacing, installation of curbs, drainage, crosswalks, lighting, and other costs associated with the improvement and maintenance of the parking facilities. The Common Council may by resolution establish capital accounts and reserve accounts for capital improvements to the parking facilities and include in the parking district levy the cost of funding such reserve accounts and paying bonded indebtedness incurred for such capital improvements. All such costs are referred to herein as "District Costs". The City Engineer and Superintendent of Public Works shall prepare an estimate of the annual District Costs and submit such estimate to the Mayor on or before October 1 of each year.
5. Allocation of Public and Private Benefit: The public is deemed benefited to the extent of twenty five percent (25%) of the Districts Costs and such part of the District Costs shall be paid from City general revenues. The benefit to all land, structures, and parts of structures owned or leased by the City of Plattsburgh shall be deemed to be paid by the amount paid by the City from general revenues. That gross floor area in a structure leased by the City shall be deducted from the total gross floor area of the structure in determining the portion or amount of the special assessment payable on any lot not owned by the City. Seventy five percent (75%) of the District Costs shall be assessed and levied upon the all lots.
6. Determination of Lot Parking Deficiency.
 - .1 For each lot within the District, the Building Inspector shall determine the square foot floor area of each building or structure on the lot using exterior building dimensions.
 - .2 The Building Inspector shall calculate the number of on site parking spaces required under the City Zoning Law based upon the building's occupancy or, if the building is vacant or unoccupied, then upon the permitted use which has the greatest parking requirement. The Building Inspector shall calculate the parking requirement for the building or structure based on the actual or permitted use of the gross floor area and shall not be required to adjust the calculations to take into account storage areas, hallways, bathrooms or other such areas within the structure or building. The resulting calculation is referred to herein as the "Lot Parking Requirement".
 - .3 The Building Inspector shall calculate the number of parking spaces provided on each improved lot as shown on site plan approved by the City of Plattsburgh Planning Board. If a lot does not have an approved site plan, the Building Inspector shall estimate the number of on site parking spaces that could be provided if the lot was developed with the maximum permitted lot coverage. The resulting calculation is referred to herein as the as the "Lot Parking Provided". If the Building Inspector's determination of the Lot Parking Required is based upon an estimate, it shall be revised upon subsequent Planning Board approval of a site plan for the lot.
 - .4 The Lot Parking Provided shall be deducted from the Lot Parking Requirement to arrive at the "Lot Parking Deficiency" for each lot.

.5 Lots with a Lot Parking Deficiency are referred to herein as "Parking Deficient Lot(s)".

7. Adoption of US Oval Parking District Benefit Allocation Schedule. The annexed schedule entitled "US Oval Parking District Benefit Allocation Schedule 11/1/03" is hereby adopted. The percentage of District Costs payable by each lot as set forth in such schedule shall be used by the Assessor to determine the amount of the special assessment levy on each lot. The percentage of District Costs allocable to a lot may be amended by resolution of the Common Council only to reflect a change in a Lot Parking Deficiency, as determined by the Building Inspector in accordance with the provisions of paragraph 5.
8. Assessment of District Costs on Benefited Properties: The Seventy Five percent (75%) of the District Costs assessable to lots shall allocated and assessed among such lots as follows:
 - .1 Twenty Percent (20%) of the District Costs shall be assessed on all benefited lots based on the proportion that the gross square footage of structures on a particular lot bears to the gross square footage of all structures on benefited lots.
 - .2 Eighty Percent (80%) of the District Costs shall be assessed on Parking Deficient Lots proportionately by dividing a lot's On Site Parking Deficiency by the total On Site Parking Deficiency for all parking deficient Lots.
9. Levy of District Costs.
 - .1 The Common Council shall levy a special assessment tax on all benefited lots sufficient to pay that portion of the estimated District Costs payable by the benefited lots and shall appropriate from the general fund that portion of the estimated District Costs payable as a general city charge.
 - .2 A lot shall be not be exempt from the payment of such special assessment by virtue of any Payment In Lieu of Taxes Agreement between the County of Clinton Industrial Development Agency and the owner of the lot.
 - .3 The special assessment(s) authorized to be levied pursuant to this law shall be assessed and levied commencing with the 2004 City real property taxes.
10. Restrictions on Use of Public Parking Areas: The Public Parking Areas shall not be used for:
 - a. Overnight parking of boats, trailers, recreational vehicles, camper trailers and trucks with a gross weight of more than 10,000 lbs.
 - b. Parking of any unregistered or unlicensed motor vehicle.
 - c. Making vehicle repairs.

- d. Parking in areas which limit or prohibit parking pursuant to a duly posted sign.

11. Penalties for Public Parking Area Use Violations.

A violation of the preceding section shall be punishable by a fine of fifty (\$50.00) dollars.

12. Effective Date: This Local Law shall take effect upon approval by the Mayor and filing with the Secretary of State.

US Oval Parking District Benefit Allocation Schedule 11/1/03

USAF Bldg. #	Sub-div. Lot #	Lot area	Bldg. area	total bldg. sf.	% all bldg. sf.	Bldg. Use	Req. Parki	Provid Parki	lot parkg deficy	% demand on lot
Chapel	.450 24 acres	3760 sq.ft.	3,760	1%	Religious	19	0	19	2.62%	
406	5.699 4 acres	26,097 by 3.5	94,339	29%	Residntl	90	90	0	0.00%	
420	.675 6 acres	20,218 by 3	60,654	19%	Office	242	10	232	32.04%	
426	3.961 7 acres	26,712 by 2.5	56,988	18%	Office	228	33	195	26.93%	
100	3.039 16 acres	16,122 by 2	32,244	10%	Office	129	129	0	0.00%	
102	16 included	1090	1,090	0%	Office	4	4	0	0.00%	
104	1.069 17 acres	17,516 by 2.5	52,548	16%	Office	210	0	210	29.01%	
108	.347 18 acres	6228	6,228	2%	Office	25	0	25	3.45%	
112	Part of 19 PUD	7092	7,092	2%	Office	29	24	5	0.69%	
469	1.305 26 acres	4695 by 2	9,390	3%	Office	38	0	38	5.25%	
totals			324,333	100%		1014	290	724	100%	
					total demand	724				

bldg 426: 68,000 sf. -11,012 sf. Leased for City Court = 56,988 sf.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 9_____ of 20____ of the (County)(City)(Town)(Village) of _____ PLATTSBURGH _____ was duly passed by the COMMON COINCILL _____ on 25 NOV _____ 2003, and was (approved)(not approved)(repassed after ~~disapproval~~) by the _____ MAYOR _____ and was deemed duly adopted on 9 DEC _____ 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____²____, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body KEITH A. HERKALO

(Seal)

Date: 10 DEC 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CLINTON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature JOHN E. CLUTE

CORPORATION COUNSEL

Title

~~County~~
City of PLATTSBURGH
~~Town~~
~~Village~~

Date: 10 DEC 2003