STATE OF NEW YORK

4427--A

2017-2018 Regular Sessions

IN SENATE

February 14, 2017

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of an archway and infrastructure improvements in the vicinity of the intersection of Michigan avenue and Broadway within said city and authorizing the expenditure of the proceeds from such bonds for such objects or purposes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative Findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 21, 2012 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued on April 17, 2012, bonds in the principal amount of $150,000 sold as part of general improvement serial bonds in the aggregate principal amount of $21,640,000 to finance the cost of infrastructure improvements to the archway at the intersection of Michigan avenue and Jefferson avenue within the city. The legislature further finds and determines that said resolution failed to include language regarding the construction of an archway and to identify the accurate intersection within the city in which such archway construction and such infrastructure improvements were intended to be made.

§ 2. Notwithstanding any other provision of law to the contrary, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of an archway to be located in the vicinity of the intersection of Michigan avenue and Broadway within the city in addition to infrastructure improvements at the intersection of Michigan avenue and Broadway consisting of a study, design, required sidewalk and

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD08912-03-7

curb replacement, landscaping, tree trimming, and other required right of way enhancements as mentioned in the aforesaid resolution and the expenditure of the $150,000 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

§ 5. This act shall take effect immediately.