

3992--A

Cal. No. 312

2011-2012 Regular Sessions

I N   S E N A T E

March 11, 2011

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to authorize the city of New York to lease certain parkland in the borough of the Bronx to the New York Botanical Garden for a term of 30 years

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The city of New York, acting by and through the commission-  
2     er of parks and recreation of such city, is hereby authorized to lease  
3     the parkland described in section four of this act to the New York  
4     Botanical Garden for a term of thirty years for such consideration and  
5     upon such other terms and conditions as may be agreed upon between the  
6     parties for the extension and development of the work and objects of the  
7     Botanical Garden including, but not limited to, the improvement of such  
8     parkland through upgraded landscaping and maintenance. Such authori-  
9     zation includes the right to lease any of the parkland described in  
10    section four of this act that may have been mapped for street purposes.  
11    Any agency of the city to which any of the land described in section  
12    four of this act has been assigned for street purposes is authorized to  
13    transfer such land to the department of parks and recreation of such  
14    city for use as parkland.

15    S 2. The lease of parkland to the New York Botanical Garden pursuant  
16    to section one of this act and any necessary change of the city map  
17    shall not be subject to review and approval pursuant to sections 197-c  
18    and 197-d of the New York city charter.

19    S 3. The parkland described in section four of this act on the effec-  
20    tive date of this act shall remain freely accessible to the general  
21    public without fee during the term of such lease.

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

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1 S 4. The parkland, inclusive of any rights-of-way, authorized to be  
2 leased to the New York Botanical Garden is described as follows:

3 ALL THAT CERTAIN TRACT, Parcel, or Piece of Land situate, lying and  
4 being in the Borough of Bronx, County of Bronx, City and State of New  
5 York and being more particularly described as follows:

6 BEGINNING at the corner formed by the intersection of the northerly  
7 side of Bedford Park Boulevard (irregular width) with the easterly side  
8 of Webster Avenue (100' wide); distant S31°50'15"E 261.32' to a point of  
9 curvature. Continuing along a curve to the left with a chord bearing of  
10 S35°46'22"E, a chord length of 18.47 feet, a radius of 98.00 feet, a  
11 distance of 18.50 feet to the point or place of beginning.

12 THENCE S54°25'04"W, a distance of 4.88 feet to a point, thence along a  
13 curve to the left with a chord bearing of S61°16'32"E, a chord length of  
14 96.61 feet, a radius of 84.96 feet, a distance of 102.76 feet to a  
15 point,

16 THENCE along a curve to the left with a chord bearing of N70°26'46"E,  
17 a chord length of 30.62 feet, a radius of 78.64 feet, a distance of  
18 30.81 feet to a point,

19 THENCE S55°57'26"E, a distance of 10.83 feet to a point,

20 THENCE S14°16'27"W, a distance of 6.00 feet to a point,

21 THENCE N88°47'07"E, a distance of 13.91 feet to a point,

22 THENCE along a curve to the left with a chord bearing of N84°09'09"E,  
23 a chord length of 23.52 feet, a radius of 93.94 feet, a distance of  
24 23.58 feet to a point,

25 THENCE N72°22'46"E, a distance of 41.11 feet to a point,

26 THENCE along a curve to the right with a chord bearing of N81°45'20"E,  
27 a chord length of 81.53 feet, a radius of 333.88 feet, a distance of  
28 81.73 feet to a point,

29 THENCE N89°03'09"E, a distance of 19.73 feet to a point,

30 THENCE N78°56'06"E, a distance of 13.85 feet to a point,

31 THENCE N75°30'35"E, a distance of 65.05 feet to a point,

32 THENCE N66°44'41"E, a distance of 8.58 feet to a point,

33 THENCE N60°51'40"E, a distance of 79.24 feet to a point,

34 THENCE N37°56'25"E, a distance of 4.42 feet to a point,

35 THENCE N25°05'46"E, a distance of 19.56 feet to a point,

36 THENCE N23°48'48"E, a distance of 34.49 feet to a point,

37 THENCE N51°32'33"E, a distance of 71.57 feet to a point,

38 THENCE N45°51'39"E, a distance of 23.99 feet to a point,

39 THENCE N00°04'41"W, a distance of 29.41 feet to a point,

40 THENCE along a curve to the left with a chord bearing of N70°39'33"E,  
41 a chord length of 21.73 feet, a radius of 50.25 feet, a distance of  
42 21.90 feet to a point,

43 THENCE N49°34'15"E, a distance of 46.20 feet to a point,

44 THENCE N45°33'29"E, a distance of 26.36 feet to a point,

45 THENCE along a curve to the right with a chord bearing of N49°42'07"E,  
46 a chord length of 100.38 feet, a radius of 1189.80 feet, a distance of  
47 100.41 feet to a point,

48 THENCE along a curve to the right with a chord bearing of N53°10'31"E,  
49 a chord length of 97.57 feet, a radius of 3993.59 feet, a distance of  
50 97.57 feet to a point,

51 THENCE N55°02'24"E, a distance of 46.14 feet to a point,

52 THENCE along a curve to the right with a chord bearing of N28°19'45"E,  
53 a chord length of 30.22 feet, a radius of 41.30 feet, a distance of  
54 30.94 feet to a point,

55 THENCE N09°40'43"E, a distance of 34.34 feet to a point,

56 THENCE N80°19'17"W, a distance of 6.45 feet to a point,

1       THENCE along a curve to the left with a chord bearing of N12°37'29"W,  
2 a chord length of 136.77 feet, a radius of 234.86 feet, a distance of  
3 138.78 feet to a point,  
4       THENCE S54°25'04"W, a distance of 432.47 feet to a point,  
5       THENCE S35°34'56"E, a distance of 10.88 feet to a point,  
6       THENCE S54°25'04"W, a distance of 108.41 feet to a point,  
7       THENCE along a curve to the right with a chord bearing of S12°34'03"W,  
8 a chord length 13.34 feet, a radius of 10.00 feet, a distance of 14.61  
9 feet to a point,  
10       THENCE S54°25'04"W, a distance of 72.54 feet to a point,  
11       THENCE along a curve to the right with a chord bearing of N88°41'20"W,  
12 a chord length of 12.01 feet, a radius of 10.00 feet, a distance of  
13 12.88 feet to a point,  
14       THENCE S54°25'04"W, a distance of 129.81 feet to a point,  
15       THENCE N35°34'56"W, a distance of 13.03 feet to a point,  
16       THENCE S54°25'04"W, a distance of 199.74 feet to a point,  
17       THENCE S35°34'56"E, a distance of 9.43 feet to a point,  
18       THENCE S54°25'04"W, a distance of 23.46 feet to the POINT OR PLACE OF  
19 BEGINNING.  
20       Said parcel containing 3.84 acres.  
21       S 5. Should such leased interests authorized pursuant to the  
22 provisions of this act ever cease to be used for the parkland purposes  
23 described in this act, then such lease shall terminate and those inter-  
24 ests and any improvements thereon shall revert to the city of New York  
25 for public park and recreational purposes.  
26       S 6. This act shall take effect immediately.