

5706--A

2011-2012 Regular Sessions

I N S E N A T E

June 10, 2011

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Notwithstanding any provision of law to the contrary, the
2 city of New York is hereby authorized to discontinue the use as parkland
3 of the land described as follows, and to use such land or sell, lease or
4 otherwise transfer such land and interests therein to the United Nations
5 development corporation for such purposes as are consistent with the
6 provisions of chapter 345 of the laws of 1968, as amended:
7 An area in the borough of Manhattan, city of New York, bounded on the
8 west by the east side of United Nations Plaza (First Avenue); on the
9 south by the north side of Forty-first Street; on the north by the south
10 side of Forty-second Street; and on the east by a line that begins on
11 the north side of Forty-first Street, is located one hundred forty-six
12 feet seven eighths inches east of and parallel to United Nations Plaza
13 (First Avenue) and runs north for a distance of one hundred ninety-seven
14 feet six inches, ending at the south side of Forty-second Street, such
15 area being sixty-six hundredths and twenty-three ten thousandths of an
16 acre (.6623 acres).

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

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1 S 2. The authorization contained in section one of this act shall take
2 effect only (a) upon the condition that a memorandum of understanding is
3 completed and signed by the mayor of the city of New York, the temporary
4 president of the senate, and the speaker of the assembly, after consul-
5 tation with the members of the senate, the assembly and the city council
6 of the city of New York representing the area in which the parkland
7 described in section one of this act is located, which memorandum of
8 understanding shall, among other matters: (i) identify the extent of,
9 the sources for and the procedures applicable to funding for parkland
10 and other recreational space in the borough of Manhattan to replace the
11 parkland described in section one of this act; (ii) provide for the city
12 of New York to designate and map parkland in the borough of Manhattan
13 that will, in conjunction with parkland that the city of New York so
14 designates and maps pursuant to section three of this act, have a fair
15 market value in the aggregate of no less than the fair market value of
16 the parkland described in section one of this act; (iii) provide for the
17 city of New York to take possession of the area within the borough of
18 Manhattan, city of New York, known as the ConEd Waterside Pier between
19 Thirty-eighth and Forty-first Streets, for the prior user of said area
20 to make a payment for the structural rehabilitation of said area and for
21 the city of New York to commence said rehabilitation after such payment
22 is made; and (iv) provide for a portion of amounts available to the city
23 of New York in the future in the event of an ownership transfer by sale
24 or otherwise or a refinancing involving the existing buildings at One
25 and Two United Nations Plaza (First Avenue) in the borough of Manhattan,
26 city of New York, to be dedicated toward the costs of a continuous walk-
27 way and bike path along the East River or the costs of other parkland in
28 the borough of Manhattan; and (b) upon the further condition that the
29 city of New York satisfies the obligations as described in such memoran-
30 dum of understanding as being required to be satisfied prior to the
31 alienation of the parkland described in section one of this act. The
32 authorization contained in section one of this act shall be negated if
33 the city of New York fails to satisfy such obligations described in such
34 memorandum of understanding as being required to be satisfied prior to
35 alienation of the parkland described in section one of this act. Any
36 obligations of the city of New York set forth in such memorandum of
37 understanding and not described therein as being required to be satis-
38 fied prior to the alienation of the parkland described in section one of
39 this act, shall, to the extent stated in such memorandum of understand-
40 ing, survive such alienation and be enforceable against the city of New
41 York with the same effect as if included in this act. Persons described
42 in such memorandum of understanding as having standing to pursue equita-
43 ble remedies against the city of New York to enforce any obligation that
44 the city of New York may be required to satisfy as described in such
45 memorandum of understanding shall have standing to pursue such equitable
46 remedies. The preceding two sentences shall not limit any other remedies
47 that may be available as provided in such memorandum of understanding.

48 S 3. Notwithstanding anything to the contrary contained in any gener-
49 al, special or local law, including the New York city charter and admin-
50 istrative code of the city of New York, and provided that the memorandum
51 of understanding is completed and signed as provided in section two of
52 this act, and provided further that the city of New York has satisfied
53 the obligations as described in such memorandum of understanding as
54 being required to be satisfied prior to the provisions of this section
55 three being effective, the city of New York, acting by its mayor alone,
56 or his or her designee, is hereby authorized and empowered to take such

1 administrative and other actions as are necessary or desirable, all of
2 which shall be deemed ministerial, to demap, discontinue and close as
3 part of public streets of the city of New York, located in the borough
4 of Manhattan, the following area of approximately sixty-two hundredths
5 and sixty-seven ten thousandths of an acre (.6267 acres), located in the
6 borough of Manhattan, city of New York, for purposes of designating and
7 mapping such area as parkland, such administrative and other actions
8 being also authorized for such designation and mapping as parkland:
9 Beginning at the northwest corner of the intersection of East Twenty-
10 third Street and Asser Levy Place, as those streets were heretofore laid
11 out on the map of the city of New York, thence running approximately
12 sixty feet in an easterly direction along the southerly line of Asser
13 Levy Place to a point, thence running approximately four hundred fifty-
14 five feet in a northerly direction, said course forming a deflection
15 angle to the left with the previous course of ninety degrees, no minutes
16 and no seconds, thence running approximately sixty feet in a westerly
17 direction, said course forming a deflection angle to the left with the
18 previous course of ninety degrees, no minutes and no seconds, thence
19 running approximately four hundred fifty-five feet in a southerly direc-
20 tion, said course forming a deflection angle to the left of ninety
21 degrees, no minutes and no seconds to the place or point of beginning.

22 S 4. Section 1 of chapter 345 of the laws of 1968, relating to estab-
23 lishing a United Nations development district, is amended by adding five
24 new subdivisions 10-a, 13, 13-b, 14 and 15 to read as follows:

25 10-A. "FURTHER DEVELOPMENT PLAN AT 42ND STREET." A DEVELOPMENT PLAN
26 FOR THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA, INCLUDING
27 IMPROVEMENTS WITHIN SAID AREA AND ANY IMPROVEMENTS INCIDENTAL THERETO
28 OUTSIDE SAID AREA.

29 13. "REUSE PROJECT." THE INITIAL REUSE PROJECT AND THE ADDITIONAL
30 REUSE PROJECT DESCRIBED IN SUBDIVISIONS THIRTEEN-A AND THIRTEEN-B,
31 RESPECTIVELY, OF SECTION ONE OF THIS CHAPTER.

32 13-B. "ADDITIONAL REUSE PROJECT." THE ACQUISITION OF LAND, EASEMENT
33 AND OTHER RIGHTS WITHIN OR APPURTENANT TO THE AREA IN THE BOROUGH OF
34 MANHATTAN, CITY OF NEW YORK, DESCRIBED IN THIS SUBDIVISION, AND THE
35 MAINTENANCE, REPAIR, OPERATION, ALTERATION AND RENOVATION, FROM TIME TO
36 TIME, OF IMPROVEMENTS LOCATED ON SUCH LAND, EXCLUSIVELY FOR USE BY THE
37 UNITED NATIONS, INCLUDING ITS ORGANS, SUBSIDIARY BODIES AND SPECIALIZED
38 AND OTHER AGENCIES AND MEMBERS OF THE PUBLIC VISITING UNITED NATIONS
39 HEADQUARTERS IN THE CITY OF NEW YORK. THE AREA REFERRED TO ABOVE IS
40 BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF
41 FORTY-FIFTH STREET AND UNITED NATIONS PLAZA (FIRST AVENUE), RUNNING
42 THENCE WESTERLY ALONG FORTY-FIFTH STREET A DISTANCE OF ONE HUNDRED FEET,
43 RUNNING THENCE NORTHERLY, PARALLEL TO UNITED NATIONS PLAZA (FIRST
44 AVENUE), A DISTANCE OF EIGHTY FEET FIVE INCHES, RUNNING THENCE EASTERLY,
45 PARALLEL TO FORTY-FIFTH STREET, A DISTANCE OF TWENTY FEET, RUNNING
46 THENCE SOUTHERLY, PARALLEL TO UNITED NATIONS PLAZA (FIRST AVENUE), A
47 DISTANCE OF FORTY FEET, RUNNING THENCE EASTERLY, PARALLEL TO FORTY-FIFTH
48 STREET, A DISTANCE OF EIGHTY FEET, AND RUNNING THENCE SOUTHERLY ALONG
49 UNITED NATIONS PLAZA (FIRST AVENUE) A DISTANCE OF FORTY FEET FIVE INCHES
50 TO THE PLACE OR POINT OF BEGINNING. PROVIDED THAT THE MEMORANDUM OF
51 UNDERSTANDING IS COMPLETED AND SIGNED AS PROVIDED IN SECTION TWO OF THE
52 CHAPTER OF THE LAWS OF 2011 THAT ADDED THIS SUBDIVISION AND PROVIDED
53 FURTHER THAT THE CITY OF NEW YORK SHALL HAVE SATISFIED THE OBLIGATIONS
54 AS DESCRIBED IN SUCH MEMORANDUM OF UNDERSTANDING AS BEING REQUIRED TO BE
55 SATISFIED PRIOR TO THE CORPORATION UNDERTAKING THE ADDITIONAL REUSE
56 PROJECT, THE ADDITIONAL REUSE PROJECT AND THE SITE THEREOF SHALL FOR ALL

PURPOSES BE DEEMED TO BE LOCATED WITHIN THE DISTRICT AND BE DEEMED ALSO TO BE A PROJECT AS DEFINED IN THIS CHAPTER AND SHALL, EXCEPT FOR ANY NEW CONSTRUCTION OR ANY INCREASE IN THE HEIGHT OR FLOOR AREA OF ANY PREVIOUSLY CONSTRUCTED BUILDING, BE DEEMED FOR ALL PURPOSES TO BE PART OF AND TO CONFORM TO A DEVELOPMENT PLAN FOR A PORTION OF THE DISTRICT, WHICH HAS BEEN FORMULATED, REVIEWED AND APPROVED IN ACCORDANCE WITH SECTION SEVEN OF THIS CHAPTER.

14. "UNITED NATIONS 42ND STREET CONSOLIDATION PROJECT." THE ACQUISITION BY LEASE OR OTHERWISE FROM THE CITY OF NEW YORK AND OTHER PARTIES, IF ANY, OF LAND, EASEMENT AND OTHER RIGHTS WITHIN THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA, AND ASSOCIATED PROPERTY INTERESTS RELATED THERETO, AND FROM TIME TO TIME THEREAFTER, THE CONSTRUCTION, ALTERATION, RENOVATION AND REBUILDING, AND THE OWNERSHIP OR OPERATION, INCLUDING REPAIR AND MAINTENANCE, OF OFFICE SPACE AND RELATED FACILITIES, A TUNNEL (TO PROVIDE SECURE PASSAGE FROM AND TO UNITED NATIONS PERMANENT HEADQUARTERS), AND SPACE AND FACILITIES RELATED TO THE FOREGOING, EXCLUSIVELY FOR USE BY THE UNITED NATIONS, INCLUDING ITS ORGANS, SUBSIDIARY BODIES AND SPECIALIZED AND OTHER AGENCIES; THE CONSTRUCTION WITHIN, AND IMPROVEMENT, ALTERATION, USE AND OPERATION OF, BELOW BUT NOT ABOVE-GRADE VOLUMES OF SPACE, AFTER THE SAME ARE DEMAPPED, DISCONTINUED AND CLOSED AS PART OF PUBLIC STREETS OF THE CITY OF NEW YORK, LOCATED IN THE BOROUGH OF MANHATTAN EAST OF UNITED NATIONS PLAZA (FIRST AVENUE) BELOW FORTY-SECOND STREET OR BELOW THE ROADWAY OF THE FRANKLIN D. ROOSEVELT (EAST RIVER) DRIVE, FOR PURPOSES OF SUCH TUNNEL; THE CREATION, IMPROVEMENT, ALTERATION AND RENOVATION OF SPACE, FACILITIES AND IMPROVEMENTS WITHIN OR OUTSIDE THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA TO THE EXTENT INCIDENTAL TO SUCH OFFICE SPACE AND TUNNEL; AND THE CORPORATION'S COOPERATION WITH AND ASSISTANCE TO THE CITY OF NEW YORK CONCERNING PLANNING FOR, AND THE CORPORATION'S PAYMENT OF COSTS OF, PARKLAND REPLACEMENT TO COMPENSATE FOR DISCONTINUING THE USE AS PARKLAND OF A PORTION OF ROBERT MOSES PLAYGROUND IN THE BOROUGH OF MANHATTAN FOR PURPOSES OF THE UNITED NATIONS 42ND STREET CONSOLIDATION PROJECT. PROVIDED THAT THE MEMORANDUM OF UNDERSTANDING IS COMPLETED AND SIGNED AS PROVIDED IN SECTION TWO OF THE CHAPTER OF THE LAWS OF 2011 THAT ADDED THIS SUBDIVISION, THE LAND, BUILDINGS AND OTHER IMPROVEMENTS INCLUDED IN OR OTHERWISE PART OF THE UNITED NATIONS 42ND STREET CONSOLIDATION PROJECT SHALL FOR ALL PURPOSES BE DEEMED TO BE LOCATED WITHIN THE DISTRICT AND BE DEEMED ALSO TO BE PART OF A PROJECT AS DEFINED IN THIS CHAPTER.

15. "CITY COUNCIL." THE CITY COUNCIL OF THE CITY OF NEW YORK.

S 4-a. Subdivisions 10 and 13-a of section 1 of chapter 345 of the laws of 1968, relating to establishing a United Nations development district, subdivision 13-a as added by chapter 34 of the laws of 1993, are amended to read as follows:

10. "Development plan." A plan or plans, INCLUDING A FURTHER DEVELOPMENT PLAN AT 42ND STREET, AND INCLUDING ANY SUPPLEMENTS, ADDITIONS OR AMENDMENTS TO SUCH PLAN OR PLANS, for the development of all or part of the district which shall include but shall not be limited to: A statement of proposed land uses; proposed land acquisition, demolition and removal of structures; proposed acquisition of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights; proposed public, semi-public, private or community facilities or utilities, WITH A SITE PLAN AND DRAWINGS THEREFOR; a statement as to the relationship between the development plan and a comprehensive plan for the development of the municipality as a whole; a statement as to proposed new codes and ordinances and amendments to

existing codes and ordinances as are required or necessary to effectuate the plan or plans; a proposed time schedule for the effectuation of such plan or plans, and such additional statements or documentation as the corporation may deem appropriate.

13-a. [Reuse] "INITIAL REUSE project." The acquisition and alteration, renovation or rebuilding, from time to time, without any increase in the height of any previously constructed building and without any construction on any vacant land, of real property consisting of any previously constructed commercial building or buildings, or any portion thereof, and the land and associated property interests related thereto, primarily for use by the United Nations, including its organs, subsidiary bodies and specialized and other agencies, provided that: any such acquisition shall occur before December 31, 1998; such building or buildings shall be located at 633 Third Avenue, 685 Third Avenue or 845 United Nations Plaza in the borough of Manhattan, city of New York; not more than eight hundred thousand square feet of floor area shall be acquired if such floor area is located in more than one of such buildings; and the corporation shall not transfer any unused development rights from any of such buildings or add to any of such buildings any unused development rights from any other property. The reuse project shall for all purposes be deemed to be located within the district and be deemed also to be a project and to be part of and to conform to a development plan for a portion of the district, which has been formulated, reviewed and approved in accordance with section seven of this chapter.

S 5. Chapter 345 of the laws of 1968, relating to establishing a United Nations development district, is amended by adding a new section 3-a to read as follows:

S 3-A. ESTABLISHMENT OF UNITED NATIONS 42ND STREET CONSOLIDATION AREA. THE FOLLOWING AREA LYING SOUTH OF THE PERMANENT HEADQUARTERS OF THE UNITED NATIONS, IN THE BOROUGH OF MANHATTAN, CITY OF NEW YORK, AND BOUNDED AND DESCRIBED AS FOLLOWS, IS HEREBY DESIGNATED AS THE "UNITED NATIONS 42ND STREET CONSOLIDATION AREA": BEGINNING AT THE NORTHEAST CORNER OF UNITED NATIONS PLAZA (FIRST AVENUE) AND FORTY-FIRST STREET, RUNNING EASTERLY ALONG THE NORTHERLY SIDE OF FORTY-FIRST STREET A DISTANCE OF THREE HUNDRED FIVE FEET SEVEN EIGHTHS INCHES, RUNNING THENCE NORTHERLY, PARALLEL TO UNITED NATIONS PLAZA (FIRST AVENUE), A DISTANCE OF ONE HUNDRED SIXTY-EIGHT FEET, RUNNING THENCE WESTERLY, PARALLEL TO FORTY-FIRST STREET, A DISTANCE OF ONE HUNDRED FIFTY-NINE FEET, RUNNING THENCE NORTHERLY, PARALLEL TO UNITED NATIONS PLAZA (FIRST AVENUE), A DISTANCE OF TWENTY-NINE FEET SIX INCHES, RUNNING THENCE WESTERLY, ALONG THE SOUTHERLY SIDE OF FORTY-SECOND STREET, A DISTANCE OF ONE HUNDRED FORTY-SIX FEET SEVEN EIGHTHS INCHES, AND RUNNING THENCE SOUTHERLY, ALONG THE EASTERLY SIDE OF UNITED NATIONS PLAZA (FIRST AVENUE), A DISTANCE OF ONE HUNDRED NINETY-SEVEN FEET SIX INCHES, TO THE POINT OR PLACE OF BEGINNING. PROVIDED THAT THE MEMORANDUM OF UNDERSTANDING IS COMPLETED AND SIGNED AS PROVIDED IN SECTION TWO OF THE CHAPTER OF THE LAWS OF 2011 THAT ADDED THIS SECTION, THE LAND INCLUDED IN THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA SHALL FOR ALL PURPOSES BE DEEMED TO BE LOCATED WITHIN THE DISTRICT.

S 6. Section 6 of chapter 345 of the laws of 1968, relating to establishing a United Nations development district, subdivision 3 as amended by chapter 623 of the laws of 1971, is amended to read as follows:

S 6. Powers and duties of corporation. The powers and duties of the corporation shall be:

1 (1) to undertake surveys of the present and anticipated need: for
2 [locations for missions,] office space, meeting facilities, [and] hous-
3 ing and recreational facilities [for] AND OTHER FACILITIES FOR THE
4 UNITED NATIONS, DELEGATIONS AND delegates TO THE UNITED NATIONS, person-
5 nel of delegations TO THE UNITED NATIONS, and members of the United
6 Nations staff; for office space, auditorium and meeting facilities for
7 related nongovernmental organizations; for hotel accommodations for
8 visiting heads of state and other dignitaries; for bus terminals, dining
9 facilities, and other facilities for visiting persons and groups[,]; for
10 parking[,]; and for housing, commercial, industrial and other facilities
11 necessary or appropriate to carry out the purposes of this chapter,

12 (2) subject to the approval of the [board of estimate and the] commis-
13 sion AND THE CITY COUNCIL as hereinafter provided, to formulate a devel-
14 opment plan or plans [including supplements, additions and amendments
15 thereto,] in accordance with the foregoing present and anticipated
16 needs, with provision for relocation of individuals and commercial
17 establishments outside or within the district,

18 (3) [to undertake or cause its subsidiary corporation or corporations]
19 to undertake, or otherwise to have undertaken on behalf of the corpo-
20 ration, the execution of a development plan or of a portion thereof, and
21 the financing, acquisition, construction, rehabilitation, improvement,
22 operation and management of any project or portion thereof, including
23 attendant relocation facilities, provided however, that all contracts
24 let by the corporation [or by a subsidiary (rather than a sponsor or a
25 person, firm or corporation acting as sponsor in lieu of the corporation
26 or its subsidiaries)] for the erection, construction, or alteration of
27 buildings shall be let in conformity with the provisions of section one
28 hundred thirty-five of the state finance law, EXCEPT THAT SUCH
29 PROVISIONS SHALL NOT BE APPLIED TO RESTRICT THE CORPORATION'S PRE-QUALI-
30 FICATION OF BIDDERS FOR PURPOSES OF THE UNITED NATIONS 42ND STREET
31 CONSOLIDATION PROJECT, AND PROVIDED FURTHER THAT EXECUTION OF A FURTHER
32 DEVELOPMENT PLAN AT 42ND STREET MAY NOT PROCEED UNLESS AND UNTIL THE
33 APPROVAL THEREOF BY THE COMMISSION AND THE CITY COUNCIL AS HEREINAFTER
34 PROVIDED AND UNLESS AND UNTIL THE MEMORANDUM OF UNDERSTANDING REFERRED
35 TO IN SECTION TWO OF THE CHAPTER OF THE LAWS OF 2011 AMENDING THIS
36 SECTION HAS BEEN COMPLETED AND SIGNED AS PROVIDED IN THAT SECTION.

37 [(4) when, in the opinion of the board of directors, it would be more
38 appropriate or convenient to have the execution of a particular develop-
39 ment plan or portion thereof undertaken by a sponsor rather than by the
40 corporation or one or more of its subsidiaries, to select a proposed
41 sponsor or sponsors financially responsible and otherwise qualified by
42 experience and training to undertake the execution of the development
43 plan and to relocate residents and businesses to be displaced thereby,

44 (5) to advise and generally supervise such sponsor or sponsors or
45 successors thereto in connection with such relocation and development,

46 (6) with the approval of the board of estimate, (a) to enter into
47 agreements with a qualified sponsor or sponsors for the implementation
48 and execution of all or a portion of a development plan, or, (b) where
49 such implementation and execution is to be undertaken by the corporation
50 or one or more of its subsidiaries, to enter into agreements for the
51 implementation and execution of such development plan or portion thereof
52 with persons, firms or corporations acting as sponsors in lieu of the
53 corporation or its subsidiaries, and (c) to enter into agreements amend-
54 ing, modifying or superseding such agreements, and

55 (7)] (4) to furnish advice, technical assistance and liaison with
56 federal, state and city authorities and with users and occupants of the

1 facilities to be created within the district with respect to educa-
2 tional, social and cultural activities within the district, and other-
3 wise to foster and encourage greater public knowledge of, and partic-
4 ipation in, the activities of the United Nations and affiliated
5 organizations, AND

6 (5) TO PROVIDE ADVICE AND SERVICES WITH RESPECT TO REAL ESTATE NEEDS
7 AND DEVELOPMENT AS REQUESTED BY THE STATE OR CITY OF NEW YORK, THE
8 UNITED STATES OR THE UNITED NATIONS.

9 S 7. Subdivision a of section 7 of chapter 345 of the laws of 1968,
10 relating to establishing a United Nations development district, is
11 amended to read as follows:

12 a. The corporation shall prepare or cause to be prepared a development
13 plan for the district, or, if the corporation deems it necessary or
14 advisable that the development of the district OR A PORTION THEREOF be
15 carried out in stages, development plans for parts or portions of the
16 district. Any development plan shall include a requirement that relo-
17 cation benefits be provided to individuals and businesses to be
18 displaced in the course of redevelopment which are at least equal to
19 those for which such individuals and businesses would be eligible under
20 federal law at the time of their relocation if the development plan were
21 an urban renewal plan.

22 S 7-a. Section 7 of chapter 345 of the laws of 1968, relating to
23 establishing a United Nations development district, is amended by adding
24 two new subdivisions e and f to read as follows:

25 E. THE PROVISIONS OF SUBDIVISIONS B, C AND D OF THIS SECTION SHALL
26 NOT APPLY TO ANY FURTHER DEVELOPMENT PLAN AT 42ND STREET OR ANY DEVELOP-
27 MENT PLAN FOR ANY NEW CONSTRUCTION OR ANY INCREASE IN THE HEIGHT OR
28 FLOOR AREA OF THE PREVIOUSLY CONSTRUCTED BUILDING LOCATED ON LAND
29 ACQUIRED AS PART OF THE ADDITIONAL REUSE PROJECT OR ANY AMENDMENT OF ANY
30 SUCH DEVELOPMENT PLAN. ANY SUCH DEVELOPMENT PLAN OR AMENDMENT SHALL BE
31 SUBJECT TO REVIEW PURSUANT TO SECTION ONE HUNDRED NINETY-SEVEN-C AND
32 SECTION ONE HUNDRED NINETY-SEVEN-D OF THE CHARTER OF THE CITY OF NEW
33 YORK IN THE SAME MANNER AS IF SUCH DEVELOPMENT PLAN OR AMENDMENT WERE
34 DESCRIBED IN PARAGRAPH ONE OF SUBDIVISION B OF SECTION ONE HUNDRED NINE-
35 TY-SEVEN-D OF THE CHARTER OF THE CITY OF NEW YORK. APPROVAL OF ANY SUCH
36 DEVELOPMENT PLAN OR AMENDMENT SHALL INCLUDE, WITHOUT LIMITATION, LAND
37 USE REVIEW AUTHORIZATION FOR ANY DISPOSITION BY THE CITY OF NEW YORK OF
38 THE LAND DESCRIBED IN THE SECOND SENTENCE OF SUBDIVISION 1 OF SECTION
39 16-A OF THIS CHAPTER AND ANY AND ALL LAND OR OTHER RIGHTS, AND ANY
40 DEMAPPING, DISCONTINUING AND CLOSING BY THE CITY OF NEW YORK OF ANY AND
41 ALL VOLUMES OF SPACE UNDER ANY PUBLIC STREETS, FOR PURPOSES OF A FURTHER
42 DEVELOPMENT PLAN AT 42ND STREET.

43 F. NO PORTION OF A FURTHER DEVELOPMENT PLAN AT 42ND STREET IS PERMIT-
44 TED TO BE EFFECTUATED IN ANY RESPECT, INCLUDING WITHOUT LIMITATION, ANY
45 ACQUISITION BY THE CORPORATION OF ANY INTEREST IN THE UNITED NATIONS
46 42ND STREET CONSOLIDATION AREA, ANY COMMENCEMENT OF CONSTRUCTION BY THE
47 CORPORATION WITHIN THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA AND
48 ANY OTHER PHYSICAL ACTIVITY BY THE CORPORATION ON, OR OTHER INTERFERENCE
49 BY THE CORPORATION WITH USE OF OR ACCESS TO, THE UNITED NATIONS 42ND
50 STREET CONSOLIDATION AREA, UNLESS AND UNTIL A FURTHER DEVELOPMENT PLAN
51 AT 42ND STREET HAS BEEN REVIEWED AS PROVIDED IN SUBDIVISION E OF THIS
52 SECTION AND A MEMORANDUM OF UNDERSTANDING IS COMPLETED AND SIGNED AS
53 PROVIDED FOR IN SECTION TWO OF THE CHAPTER OF THE LAWS OF 2011 THAT
54 ADDED THIS SUBDIVISION.

1 S 8. Section 9 of chapter 345 of the laws of 1968, relating to estab-
2 lishing a United Nations development district, is amended by adding a
3 new subdivision d to read as follows:

4 D. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN ANY GENERAL,
5 SPECIAL OR LOCAL LAW, INCLUDING THE CHARTER AND ADMINISTRATIVE CODE OF
6 THE CITY OF NEW YORK, THE CITY OF NEW YORK, ACTING BY ITS MAYOR ALONE,
7 OR HIS OR HER DESIGNEE, SHALL BE AUTHORIZED, FOR THE EFFECTUATION OF A
8 FURTHER DEVELOPMENT PLAN AT 42ND STREET WHEN APPROVED PURSUANT TO
9 SECTION ONE HUNDRED NINETY-SEVEN-C AND SECTION ONE HUNDRED NINETY-SEV-
10 EN-D OF THE CHARTER OF THE CITY OF NEW YORK IN THE SAME MANNER AS IF
11 SUCH DEVELOPMENT PLAN OR AMENDMENT WERE DESCRIBED IN PARAGRAPH ONE OF
12 SUBDIVISION B OF SECTION ONE HUNDRED NINETY-SEVEN-D OF THE CHARTER OF
13 THE CITY OF NEW YORK, AND WHEN OTHERWISE PERMITTED TO BE EXECUTED AS
14 PROVIDED IN THIS CHAPTER, TO TAKE SUCH ACTIONS AS ARE NECESSARY OR
15 DESIRABLE, TO DEMAP, DISCONTINUE AND CLOSE BELOW BUT NOT ABOVE-GRADE
16 VOLUMES OF SPACE PART OF THE PUBLIC STREETS OF THE CITY OF NEW YORK,
17 LOCATED IN THE BOROUGH OF MANHATTAN EAST OF UNITED NATIONS PLAZA (FIRST
18 AVENUE), BELOW FORTY-SECOND STREET, OR BELOW THE ROADWAY AT THE FRANKLIN
19 D. ROOSEVELT (EAST RIVER) DRIVE, FOR PURPOSES OF A TUNNEL AS PART OF THE
20 UNITED NATIONS 42ND STREET CONSOLIDATION PROJECT, AND TO SELL, LEASE FOR
21 A TERM NOT EXCEEDING NINETY-NINE YEARS, OR OTHERWISE DISPOSE OF TO THE
22 CORPORATION ANY LAND AND OTHER INTERESTS IN REAL PROPERTY OWNED BY THE
23 CITY OF NEW YORK, REGARDLESS OF HOW ACQUIRED, AND INCLUDED IN THE UNITED
24 NATIONS 42ND STREET CONSOLIDATION PROJECT, INCLUDING ANY DISCONTINUED,
25 DEMAPPED AND CLOSED PART OF THE PUBLIC STREETS OF THE CITY OF NEW YORK,
26 WITHOUT ANY PAYMENT OF MONEY THEREFOR AND WITHOUT FURTHER REVIEW OR
27 APPROVALS, OTHER THAN SAID APPROVAL OF THE FURTHER DEVELOPMENT PLAN AT
28 42ND STREET, AND THE COMPLETION AND SIGNATURE OF THE MEMORANDUM OF
29 UNDERSTANDING AS PROVIDED IN SECTION TWO OF THE CHAPTER OF THE LAWS OF
30 2011 THAT ADDED THIS SUBDIVISION, AND WITHOUT PUBLIC AUCTION OR SEALED
31 OR COMPETITIVE BIDS.

32 S 9. Section 13 of chapter 345 of the laws of 1968, relating to estab-
33 lishing a United Nations development district, is amended to read as
34 follows:

35 S 13. Exemption from taxation. It is hereby found, determined and
36 declared that the creation of the corporation and the carrying out of
37 its purposes is in all respects for the benefit of the people of the
38 city and state of New York and is a public purpose, and that the corpo-
39 ration will be performing an essential governmental function in the
40 exercise of the powers conferred upon it by this chapter. The income and
41 operations of the corporation shall be exempt from taxation. Obligations
42 issued by the corporation or a subsidiary pursuant to this chapter,
43 together with income therefrom, shall be free from taxation, except for
44 transfer and estate taxes. [Any] THE LAND, BUILDINGS AND OTHER IMPROVE-
45 MENTS FROM TIME TO TIME INCLUDED AS PART OF THE UNITED NATIONS 42ND
46 STREET CONSOLIDATION PROJECT SHALL, UNLESS OWNED BY THE UNITED NATIONS,
47 BE SUBJECT TO REAL PROPERTY TAXATION IN THE SAME MANNER AND TO THE SAME
48 EXTENT AS REAL PROPERTY IN THE CITY OF NEW YORK USED FOR OFFICE PURPOSES
49 GENERALLY, EXCEPT THAT SUCH LAND, BUILDINGS AND OTHER IMPROVEMENTS SHALL
50 BE EXEMPT FROM SUCH TAXATION IF THE SAME ARE OWNED BY THE CITY OF NEW
51 YORK AND LEASED TO THE CORPORATION FOR NOT MORE THAN NINETY-NINE YEARS
52 AND OTHERWISE ON TERMS SATISFACTORY TO THE CITY OF NEW YORK, ACTING BY
53 ITS MAYOR ALONE, PROVIDED THAT THE CORPORATION ENTERS INTO AN AGREEMENT
54 REQUIRING THAT IT PAY TO THE CITY OF NEW YORK OR ITS DESIGNEE AMOUNTS
55 FROM TIME TO TIME IN LIEU OF SUCH REAL PROPERTY TAXATION, AND IN THE
56 CASE OF ANY SUCH AGREEMENT, THE CITY OF NEW YORK OR ITS DESIGNEE SHALL

1 BE AUTHORIZED, NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN ANY
2 GENERAL, SPECIAL OR LOCAL LAW, INCLUDING THE CHARTER AND ADMINISTRATIVE
3 CODE OF THE CITY OF NEW YORK, TO PLEDGE, ASSIGN OR OTHERWISE TRANSFER,
4 ON TERMS SATISFACTORY TO THE CITY OF NEW YORK, ACTING BY ITS MAYOR
5 ALONE, THE AMOUNTS PAYABLE UNDER SUCH AGREEMENT AND THE RIGHT TO RECEIVE
6 SUCH AMOUNTS, FOR THE PURPOSE OF PROVIDING A SOURCE OF PAYMENT OF, AND
7 AS SECURITY FOR, THE FINANCING OF THE UNITED NATIONS 42ND STREET CONSOL-
8 IDATION PROJECT. EXCEPT AS OTHERWISE PROVIDED ABOVE IN THIS SECTION, ANY
9 facilities within the district owned by the corporation[, or by a
10 subsidiary or a sponsor,] which are found and determined by the [board
11 of estimate] CITY COUNCIL to be public facilities shall be exempt from
12 taxation or assessment by and from the payment of any fees to the city
13 of New York, and, if such finding and determination is approved by the
14 state tax commission, from taxation or assessment by and from the
15 payment of any fees to the state or any subdivision thereof or to any
16 officer or employee of the state or any subdivision thereof. The [board
17 of estimate] CITY COUNCIL, upon application by the corporation[, a
18 subsidiary, or a sponsor,] may find and determine that all or part of
19 the real property owned by the corporation[, the subsidiary, or the
20 sponsor] within the district is devoted exclusively to public facili-
21 ties. Such tax exemption shall continue so long as such facility is
22 devoted exclusively to public use. Except as hereinabove provided, and
23 except as may otherwise specifically be provided, nothing contained in
24 this chapter shall confer exemption from any tax, assessment or fee upon
25 any person, firm, corporation or other entity, or upon the obligations
26 of any of them.

27 S 10. Section 16-a of chapter 345 of the laws of 1968, relating to
28 establishing a United Nations development district, as added by chapter
29 623 of the laws of 1971, is amended to read as follows:

30 S 16-a. Development limitation. 1. The corporation, notwithstanding
31 any other provision of law and unless further authorized by act of the
32 legislature, shall not in the execution of the development plan hereto-
33 fore approved under section seven of this chapter undertake the
34 execution of any portion of such development plan on real property with-
35 in the district lying westerly of a line parallel to, and three hundred
36 twenty-five feet westerly from the westerly side of United Nations
37 Plaza. THE CORPORATION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND
38 UNLESS FURTHER AUTHORIZED BY ACT OF THE LEGISLATURE, SHALL NOT IN THE
39 EXECUTION OF A FURTHER DEVELOPMENT PLAN AT 42ND STREET DEVELOP OR
40 CONSTRUCT ANY BUILDING OR OTHER STRUCTURE ABOVE GRADE ON ANY PORTION OF
41 THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA OTHER THAN THE FOLLOW-
42 ING PORTION OF SUCH AREA: THE AREA BOUNDED ON THE WEST BY THE EAST SIDE
43 OF UNITED NATIONS PLAZA (FIRST AVENUE), ON THE SOUTH BY THE NORTH SIDE
44 OF FORTY-FIRST STREET; ON THE NORTH BY THE SOUTH SIDE OF FORTY-SECOND
45 STREET; AND ON THE EAST BY A LINE THAT BEGINS ON THE NORTH SIDE OF
46 FORTY-FIRST STREET, IS LOCATED ONE HUNDRED FORTY-SIX FEET SEVEN EIGHTHS
47 INCHES EAST OF AND PARALLEL TO UNITED NATIONS PLAZA (FIRST AVENUE) AND
48 RUNS NORTH FOR A DISTANCE OF ONE HUNDRED NINETY-SEVEN FEET SIX INCHES,
49 ENDING AT THE SOUTH SIDE OF FORTY-SECOND STREET.

50 2. All properties in the district, lying easterly of a line parallel
51 to and three hundred twenty-five feet westerly from the westerly side of
52 United Nations Plaza, even though separated by a street, NOT INCLUDING
53 THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA, AND NOT INCLUDING ANY
54 PROPERTY THAT IS PART OF ANY REUSE PROJECT, shall be deemed, notwith-
55 standing any other provision of law, to be one zoning lot for all
56 purposes, and the maximum floor area ratio of such properties, DEEMED TO

1 BE PART OF ONE ZONING LOT AND taken as a whole, shall not exceed
2 fifteen.

3 3. The corporation may undertake or cause to be undertaken the
4 execution of any portion of the development plan heretofore approved
5 under section seven of this chapter without requiring any amendment to
6 or modification of such development plan and without further approval
7 under section seven of this chapter.

8 4. NO PORTION OF ANY STRUCTURE PERMITTED TO BE DEVELOPED PURSUANT TO
9 A FURTHER DEVELOPMENT PLAN AT 42ND STREET, IF AND WHEN EFFECTUATION OF
10 SUCH FURTHER DEVELOPMENT PLAN AT 42ND STREET IS PERMITTED UNDER THIS
11 CHAPTER, MAY BE BUILT TO A HEIGHT GREATER THAN THE HEIGHT OF THE UNITED
12 NATIONS SECRETARIAT BUILDING. SUBJECT TO COMPLIANCE WITH THE FOREGOING
13 LIMITATION IN THIS SUBDIVISION, NINE HUNDRED THOUSAND SQUARE FEET OF
14 FLOOR AREA AS DEFINED IN ANY APPLICABLE ZONING RESOLUTION SHALL BE
15 DEEMED ATTRIBUTABLE UNDER SUCH ZONING RESOLUTION TO THE LAND THAT IS A
16 PORTION OF THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA AND IS
17 DESCRIBED IN THE SECOND SENTENCE OF SUBDIVISION ONE OF THIS SECTION, AND
18 A MAXIMUM OF NINE HUNDRED THOUSAND SQUARE FEET OF SUCH FLOOR AREA SHALL
19 BE PERMITTED TO BE INCORPORATED IN SUCH STRUCTURE AS PART OF A FURTHER
20 DEVELOPMENT PLAN AT 42ND STREET.

21 S 11. This act shall take effect immediately, and if and when the
22 memorandum of understanding is completed and signed as provided in
23 section two of this act, the provisions thereof shall, to the extent
24 stated therein, have the same effect as if they were included in this
25 act; provided, that the mayor of the city of New York shall notify the
26 legislative bill drafting commission upon the completion and signing of
27 the memorandum of understanding as provided in section two of this act
28 in order that the commission may maintain an accurate and timely effec-
29 tive data base of the official text of the laws of the state of New York
30 in furtherance of effectuating the provisions of section 44 of the
31 legislative law and section 70-b of the public officers law. Notwith-
32 standing the foregoing, the provisions of this act shall expire and be
33 deemed repealed if on or before October 10, 2011, the memorandum of
34 understanding has not been completed and signed as provided in section
35 two of this act.