

STATE OF NEW YORK

6312--A

2019-2020 Regular Sessions

IN SENATE

June 4, 2019

Introduced by Sen. KAVANAGH -- (at request of the Metropolitan Transportation Authority) -- 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 the use as park land of a portion of real property in the county of New York and to grant easements

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

1 Section 1. Subject to the provisions of this act, but notwithstanding
2 any provision of law to the contrary, the city of New York is hereby
3 authorized to discontinue permanently the use as park land certain
4 subsurface portions of the lands described in section three of this act
5 and to discontinue temporarily the use as park land the lands described
6 in section four of this act and to grant easements to such lands to the
7 metropolitan transportation authority, upon such terms and conditions as
8 the city shall determine, to enable the New York city transit authority,
9 an affiliate of the metropolitan transportation authority, to use such
10 lands for the construction of a new subsurface electrical substation
11 adjacent to the existing tunnel of the A, C, E subway lines to provide
12 power to enable additional subway trains to be operated.

13 § 2. The authorizations provided in section one of this act shall be
14 effective only upon the condition that the city of New York dedicates an
15 amount equal to or greater than the fair market value of the park lands
16 being discontinued towards the acquisition of new park lands and/or
17 capital improvements to existing park land and recreational facilities
18 within the borough of Manhattan.

19 § 3. The lands hereby authorized by section one of this act to be
20 discontinued as park land and granted as a subsurface easement to the
21 metropolitan transportation authority are located in the city, county

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

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1 and state of New York in a park known as the grand canal court and are
2 bounded and described as follows:

3 Permanent subsurface easement 1 on Tax Lot 33 in Block 227, Borough of
4 Manhattan:

5 Beginning at a point (N=202372.05, E=982851.41)(NAD83/NAVD88) at the
6 corner formed by the intersection of the northeasterly and northwesterly
7 sidelines of Thompson Street, a variable width right of way, running
8 thence,

9 1) Northwesternly along the said northeasterly sideline of Thompson
10 Street 24.57' to a point in the same northeasterly sideline of Thompson
11 Street, thence,

12 2) On a line having an interior angle of $41^{\circ} 13' 15.92''$ with the
13 previous course 28.15' to a point in the northwesterly sideline of
14 Thompson Street, thence,

15 3) Along the northwesterly sideline of Thompson Street in a general
16 southwesterly direction having an interior angle of $59^{\circ} 08' 44.08''$ with
17 the previous course 18.86' to the POINT and PLACE of the BEGINNING.

18 The easement described above has a height of 14.70'. The easement
19 begins at an elevation of 4.70' (the park floor elevation is $6.00\pm$ to
20 $8.00\pm$) and runs to an elevation of -10.00'.

21 Said parcel containing 228 square feet of land more or less.

22 Permanent subsurface easement 2 on Tax Lot 33 in Block 227, Borough of
23 Manhattan

24 Beginning at a point (N=202448.58, E=982829.32)(NAD83/NAVD88) in the
25 easterly sideline of Avenue of the Americas, which point is 45.14'
26 distant from the corner formed by the intersection of the northeasterly
27 sideline of Thompson Street (a variable width of right of way) and the
28 easterly sideline of the Avenue of the Americas, (100' wide), running
29 thence,

30 1) Along the same easterly sideline of Avenue of the Americas in a
31 general northerly direction 49.69' to a point, thence,

32 2) Southeasterly on a line having an interior angle of $74^{\circ} 17' 10.43''$
33 with the previous course 38.86' to a point, thence,

34 3) In a general southwesterly direction on a line having an interior
35 angle of $89^{\circ} 30' 55.67''$ with the previous course 47.67' to a point,
36 thence,

37 4) On a line having an interior angle of $91^{\circ} 00' 50.94''$ with the
38 previously mentioned course 25.00' to the POINT and PLACE of the BEGIN-
39 NING.

40 The easement described above has a height of 16.34'. The easement
41 begins at an elevation of 6.34' (the park floor elevation is $6.00\pm$ to
42 $8.00\pm$) and runs to an elevation of -10.00'.

43 Said parcel containing 1,524 square feet of land more or less.

44 Permanent subsurface easement 3 on Tax Lot 33 of Block 227, Borough of
45 Manhattan:

46 Beginning at a point (N=202372.05', E=982851.41)(NAD83/NAVD88) at the
47 corner formed by the intersection of the northeasterly and northwesterly
48 sidelines of Thompson Street, a variable width right of way, running
49 thence

50 1) Northwesternly along the said northeasterly sideline of Thompson
51 Street 16.26' to a point on the same northerly sideline of Thompson
52 Street, thence,

53 2) On a line in a general northerly direction having an interior angle
54 of $130^{\circ} 20' 24.62''$ with the previous course 66.50' to a point, thence,

55 3) On a line in a general easterly direction having right angles with
56 the previous course 4.00' to a point, thence,

1 4) On a line in a general northerly direction having right angles with
2 the previous course 19.80' to a point, thence,

3 5) On a line in a general westerly direction having right angles with
4 the previous course 4.00' to a point, thence,

5 6) On a line in a general northerly direction having right angles with
6 the previous course 25.87' to a point, thence,

7 7) On a line having an interior angle of $59^{\circ} 57' 16.81''$ with the
8 previous course 72.03' to a point on the northwesterly sideline of
9 Thompson Street, thence,

10 8) Along the said northwesterly sideline of Thompson Street on a line
11 having an interior angle of $90^{\circ} 04' 18.57''$ with the previous course
12 100.00' to the POINT and PLACE of the BEGINNING.

13 The easement described above has a height of 55.00'. The easement
14 begins at an elevation of -10.00' and runs to an elevation of -65.00'.

15 Said parcel containing 4,218 square feet of land more or less.

16 § 4. The lands hereby authorized by section one of this act to be
17 discontinued temporarily as park land and granted as a temporary ease-
18 ment for no more than forty-five (45) months to metropolitan transporta-
19 tion authority for use by the New York city transit authority in
20 connection with the construction of the electrical substation are
21 located in the city, county and state in New York in a park known as the
22 grand canal court and are bounded and described as follows:

23 Temporary easement 1 on Tax Lot 33 in Block 227, Borough of Manhattan
24 Beginning at a point (N=202372.05, E=982851.41)(NAD83/NAVD88) at the
25 corner formed by the intersection of the northeasterly and northwesterly
26 sidelines of Thompson Street, a variable width right of way, running
27 thence,

28 1) Northwesterly along the said northeasterly sideline of Thompson
29 Street 24.57' to a point in the same northeasterly sideline of Thompson
30 Street, thence,

31 2) On a line having an interior angle of $41^{\circ} 13' 15.92''$ with the
32 previous course 28.15' to a point in the northwesterly sideline of
33 Thompson Street, thence,

34 3) Along the northwesterly sideline of Thompson Street in a general
35 southwesterly direction having an interior angle of $59^{\circ} 08' 44.08''$ with
36 the previous course 18.86' to the POINT and PLACE of the BEGINNING.

37 Said parcel containing 228 square feet of land more or less.

38 Temporary easement 2 on Tax Lot 33 in Block 227, Borough of Manhattan
39 Beginning at a point (N=202448.58, E=982829.32)(NAD83/NAVD88) in the
40 easterly sideline of Avenue of the Americas, which point is 45.14'
41 distant from the corner formed by the intersection of the northeasterly
42 sideline of Thompson Street (a variable width right of way) and easterly
43 sideline of Avenue of the Americas, (100' wide), running thence,

44 1) Along the same easterly sideline of Avenue of the Americas in a
45 general northerly direction 49.69' to a point, thence,

46 2) Southeasterly on a line having an interior angle of $74^{\circ} 17' 10.43''$
47 with the previous course 38.86' to a point, thence,

48 3) In a general southwesterly direction on a line having an interior
49 angle of $89^{\circ} 30' 55.67''$ with the previous course 47.67' to a point,
50 thence,

51 4) On a line having an interior angle of $91^{\circ} 00' 50.94''$ with the
52 previously mentioned course 25.00' to the POINT and PLACE of the BEGIN-
53 NING.

54 Said parcel containing 1,524 square feet of land more or less.

55 Temporary easement 3 on Tax Lot 33 in Block 227, Borough of Manhattan

1 Beginning at a point (N=202388.89', E=982833.52)(NAD83/NAVD88), which
2 is distant 24.57' northwesterly along the northeasterly sideline of
3 Thompson Street from the corner formed by the intersection of the
4 northeasterly and northwesterly sidelines of Thompson Street, a variable
5 width right of way, running thence,

6 1) Northwesterly along the said northeasterly sideline of Thompson
7 Street a distance of 24.19' to a point at the intersection of the
8 northeasterly sideline of Thompson Street with the easterly side of the
9 Avenue of the Americas, thence,

10 2) In a general northerly direction on a line forming an interior
11 angle of $116^{\circ} 00' 31''$ with the previous course 45.14' to a point,

12 3) In a general southeasterly direction on a line having an interior
13 angle of $74^{\circ} 48' 57.04''$ with the previous course 25.00' to a point,
14 thence,

15 4) In a general northeasterly direction on a line having an exterior
16 angle of $91^{\circ} 00' 50.94''$ with the previous course 47.67' to a point,
17 thence,

18 5) In a general southeasterly direction on a line having an interior
19 angle of $90^{\circ} 29' 04.33''$ with the previous course 34.67' to a point on
20 the northwesterly sideline of Thompson Street, thence,

21 6) Along the northwesterly sideline of Thompson Street in a general
22 southwesterly direction on a line having an interior angle of $90^{\circ} 04'$
23 $18.57''$ with the previous course 81.14' to a point on the same northwes-
24 terly sideline of Thompson Street, thence,

25 7) In a general westerly direction on a line having an interior angle
26 of $120^{\circ} 51' 15.92''$ with the previous course 28.15' to the POINT and
27 PLACE of BEGINNING.

28 Said parcel containing 4,002 square feet of land more or less.

29 § 5. In the event that the city of New York received any funding,
30 support or assistance from the federal government for the purchase,
31 maintenance or improvement of the park lands set forth in sections three
32 and four of this act, the discontinuance and alienation of such park
33 land authorized by the provisions of this act shall not occur until the
34 city of New York has complied with any federal requirements pertaining
35 to the alienation or conversion of such park lands, including satisfying
36 the secretary of the interior that the alienation or conversion complies
37 with all conditions which the secretary of the interior deems necessary
38 to assure the substitution of other lands shall be equivalent in fair
39 market value and usefulness to the lands being alienated or converted.

40 § 6. Upon the completion of construction, the metropolitan transporta-
41 tion authority shall, in agreement with the city of New York and in
42 consultation with the local community board, restore the surface of the
43 lands described in sections three and four of this act and the lands
44 shall continue to be used for park purposes.

45 § 7. This act shall take effect immediately.