

STATE OF NEW YORK

9068--A

IN SENATE

May 6, 2022

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the city of New York to discontinue the use as parkland of a portion of real property in the county of New York and to grant certain rights to the metropolitan transportation authority so that it may make handicapped accessible improvements and upgrades to the New York city transit authority 168 Street transit station

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 parkland certain
4 subsurface portions of the lands described in section three of this act
5 and to discontinue temporarily the use as parkland the lands described
6 in section four of this act and to grant easements to the metropolitan
7 transportation authority, to enable the New York city transit authority,
8 an affiliate of the metropolitan transportation authority, to use such
9 lands for the construction of vertical and horizontal circulation
10 elements, including corridors, ramps, elevators, stairs, and supporting
11 infrastructure adjacent to the existing 168 Street subway stations on
12 the A, C, and 1 subway lines to provide handicap accessible improvements
13 and other upgrades, including improved emergency egress capacity. Such
14 easements shall be granted upon such terms and conditions as the city of
15 New York and the metropolitan transportation authority shall determine,
16 including terms and conditions for the metropolitan transportation
17 authority to ensure that the city of New York can comply with section
18 five of this act.

19 § 2. The metropolitan transportation authority, as consideration for
20 being granted easements described in this act, shall pay to the city of
21 New York the fair market value of the parklands being discontinued. The
22 authorization provided in section one of this act shall be effective
23 only upon the condition that the city of New York dedicates an amount

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

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1 equal to or greater than the fair market value payable by metropolitan
2 transportation authority, as such fair market value is determined in
3 such easements, for the parklands being discontinued towards the acqui-
4 sition of new parklands or capital improvements to existing parklands
5 and recreational facilities within the borough of Manhattan.

6 § 3. The lands hereby authorized by section one of this act to be
7 discontinued as parkland and granted as subsurface rights to the metro-
8 politan transportation authority are located in the city, county and
9 state of New York in a park known as the Mitchel Square and Broadway
10 Mall are bounded and described as follows:

11 Area 1: Acquisition of subsurface rights (Passageway) at Broadway Mall
12 located at the center median of Broadway, Borough of Manhattan:

13 Beginning at a point (N=245589.52, E=1000840.51) (NAD83) at the
14 westerly line of Broadway Mall being situate S.02°57'09"E., 120.86 feet
15 from the intersection of the westerly street line of Broadway with the
16 southerly street line of W. 168 Street, running thence,

17 1) S.60°58'46"E. a distance of 15.95 feet to the easterly line of
18 Broadway Mall, thence,

19 2) S.29°01'14"W. along the easterly line of Broadway Mall a distance
20 of 30.00 feet, thence,

21 3) N.60°58'46"W. a distance of 15.95 feet to the westerly line of
22 Broadway Mall, thence

23 4) N.29°01'14"E. along the westerly line of Broadway Mall a distance
24 of 30.00 feet to the Point of Beginning.

25 The subsurface rights begin at an elevation of 167.64 feet (NAVD 1988)
26 and have no lower limit.

27 Said parcel containing 479 square feet of land more or less.

28 Area 2: Acquisition of subsurface rights at Mitchel Square (Egress
29 Stairs) on Tax Lot 65 in Block 2124, Borough of Manhattan:

30 Beginning at a point (N=245537.62, E=1000877.44) (NAD83) at the easter-
31 ly street line of Broadway being situate S.14°02'22"E., 177.92 feet from
32 the intersection of the westerly street line of Broadway with the south-
33 erly street line of W. 168 Street, running thence,

34 1) S.61°17'06"E. a distance of 14.15 feet, thence,

35 2) S.28°42'54"W. a distance of 14.32 feet, thence,

36 3) S.61°17'06"E. a distance of 29.75 feet, thence,

37 4) N.28°42'54"E. a distance of 13.50 feet, thence,

38 5) S.61°17'06"E. a distance of 12.81 feet to the westerly Street Line
39 of St. Nicholas Avenue, thence,

40 6) S.11°34'21"W. along the westerly street line of St. Nicholas Avenue
41 a distance of 24.13 feet, thence,

42 7) S.28°42'54"W. a distance of 6.28 feet, thence,

43 8) N.61°17'06"W. a distance of 61.34 feet to the easterly street line
44 of Broadway, thence,

45 9) N.24°00'59"E. along the easterly street line of Broadway a distance
46 of 30.25 feet to the Point of Beginning.

47 The subsurface rights begin at an elevation of 167.64 feet (NAVD 1988)
48 and have no lower limit.

49 Said parcel containing 1,362 square feet of land more or less.

50 Area 3: acquisition of subsurface rights at Mitchel Square (Elevator
51 Shaft) on Tax Lot 65 in Block 2124, Borough of Manhattan:

52 Beginning at a point (N=245530.10, E=1000889.45) (NAD83) being situate
53 S.17°01'48"E., 188.38 feet from the intersection of the westerly street
54 line of Broadway with the southerly street line of W. 168 Street,
55 running thence,

56 1) S.61°17'06"E. a distance of 29.75 feet, thence,

1 2) S.28°42'54"W. a distance of 13.50 feet, thence,
2 3) N.61°17'06"W. a distance of 29.75 feet, thence,
3 4) N.28°42'54"E. a distance of 13.50 feet to the Point of
4 Beginning.
5 The subsurface rights begin at an elevation of 170.64 feet(NAVD 1988)
6 and have no lower limit.
7 Said parcel containing 402 square feet of land more or less.
8 Area 4: acquisition of subsurface rights at Mitchel Square (Passage-
9 way) on Tax Lot 65 in Block 2124, Borough of Manhattan:
10 Beginning at a point (N=245536.75, E=1000908.37) (NAD83) being situate
11 S.23°07'39"E., 188.64 feet from the intersection of the westerly street
12 line of Broadway with the southerly street line of W. 168 Street,
13 running thence,
14 1) S.61°17'06"E. a distance of 24.56 feet to the Westerly Street Line
15 of St. Nicholas Avenue, thence,
16 2) S.11°34'21"W. along the westerly Street Line of St. Nicholas Avenue
17 a distance of 15.61 feet, thence,
18 3) N.61°17'06"E. a distance of 29.16 feet, thence,
19 4) N.28°42'54"E. a distance of 14.92 feet to the Point of Beginning.
20 The subsurface rights begin at an elevation of 167.64 feet(NAVD 1988)
21 and have no lower limit.
22 Said parcel containing 401 square feet of land more or less.
23 § 4. The lands hereby authorized by section one of this act to be
24 discontinued temporarily as parkland and granted as a temporary easement
25 to metropolitan transportation authority for use by the New York city
26 transit authority in connection with the construction of the improve-
27 ments are located in the city, county and state in New York in parks
28 known as Mitchel Square and Broadway Mall and are bounded and described
29 as follows:
30 Area 5: temporary easement (Passageway) at Broadway Mall located at
31 the center median of Broadway, Borough of Manhattan:
32 Beginning at a point (N=245589.52, E=1000840.51) (NAD83) at the
33 westerly line of Broadway Mall being situate S.02°57'09"E., 120.86 feet
34 from the intersection of the westerly street line of Broadway with the
35 southerly street line of W. 168 Street, running thence,
36 1) S.60°58'46"E. a distance of 15.95 feet to the easterly line of
37 Broadway Mall, thence,
38 2) S.29°01'14"W. along the easterly line of Broadway Mall a distance
39 of 30.00 feet, thence,
40 3) N.60°58'46"W. a distance of 15.95 feet to the westerly line of
41 Broadway Mall, thence,
42 4) N.29°01'14"E. along the westerly line of Broadway Mall a distance
43 of 30.00 feet to the Point of Beginning.
44 Said parcel containing 479 square feet of land more or less.
45 Area 6: temporary easement on Tax Lot 65 in Block 2124, Mitchel
46 Square, Borough of Manhattan:
47 Beginning at a point (N=245497.23, E=1000859.45) (NAD83) at the east-
48 erly street line of Broadway being situate S.06°44'20"E., 214.47 feet
49 from the intersection of the westerly street line of Broadway with the
50 southerly street line of W. 168 Street, running thence,
51 1) N.24°00'59"E. along the easterly street line of Broadway a distance
52 of 61.69 feet, thence,
53 2) N.29°01'14"E. along the easterly street line of Broadway a distance
54 of 63.00 feet, thence,

1 3) In a generally easterly direction along a tangent curve to the
2 right having a delta angle of 90° , an arc length of 18.85 feet and a
3 radius of 12.00 feet, thence,

4 4) S. $60^\circ 58' 46''$ E. a distance of 8.25 feet, thence,

5 5) In a generally southerly direction along a tangent curve to the
6 right having a delta angle of $72^\circ 22' 08''$, an arc length of 15.16 feet and
7 a radius of 12.00 feet to the westerly street line of St. Nicholas
8 Avenue, thence,

9 6) S. $11^\circ 34' 21''$ W. along the westerly street line of St. Nicholas Avenue
10 a distance of 133.86 feet, thence,

11 7) N. $61^\circ 17' 06''$ W. through Mitchel Square a distance of 66.42 feet to
12 the Point of Beginning.

13 Said parcel containing 6,664 square feet of land more or less.

14 § 5. In the event that the city of New York received any funding,
15 support or assistance from the federal government for the purchase,
16 maintenance or improvement of the parklands set forth in sections three
17 and four of this act, the discontinuance and alienation of such parkland
18 authorized by the provisions of this act shall not occur until the city
19 of New York has complied with any federal requirements pertaining to the
20 alienation or conversion of such parklands, including satisfying the
21 secretary of the interior that the alienation or conversion complies
22 with all conditions which the secretary of the interior deems necessary
23 to assure the provision of adequate recreation properties and opportu-
24 nities of reasonably equivalent location and usefulness.

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

30 § 7. This act shall take effect immediately.