S T A T E O F N E W Y O R K

6138--B

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. BRENNAN, PHEFFER, SCARBOROUGH, AUBRY, MILLMAN, LANCMAN, ROSENTHAL, ESPAILLAT -- Multi-Sponsored by -- M. of A. NOLAN, ROBINSON -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to authorizing the city of New York to sell to abutting property owners real property owned by such city, consisting of tax lots that cannot be independently developed due to the size, shape, configuration and topography of such lots and the zoning regulations applicable thereto; 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:

Section 1. Subdivision b of section 384 of the New York city charter is amended by adding a new paragraph 4-a to read as follows:

4-A. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION, THE MAYOR MAY, WITHOUT PUBLIC AUCTION OR SEALED BIDS, AUTHORIZE THE SALE OF REAL PROPERTY OF THE CITY, EXCEPT INALIENABLE PROPERTY OR ANY INTEREST THEREIN, THAT CANNOT BE INDEPENDENTLY DEVELOPED, DIRECTLY TO PRIVATE OWNERS OF ABUTTING PROPERTY, AND/OR AN ENTITY OR ENTITIES COMPRISED THEREOF. THE CONSIDERATION FOR A SALE OF REAL PROPERTY PURSUANT TO THIS PARAGRAPH SHALL BE THE FAIR MARKET VALUE OF SUCH PARCEL AS DETERMINED BY APPRAISAL. FOR PURPOSES OF THIS PARAGRAPH, REAL PROPERTY THAT CANNOT BE INDEPENDENTLY DEVELOPED SHALL MEAN PROPERTY THAT CANNOT BE DEVELOPED DUE TO ITS SIZE, SHAPE, APPLICABLE ZONING, CONFIGURATION OR TOPOGRAPHY, WHICH FACTORS, SINGLY OR IN COMBINATION, RENDER THE DEVELOPMENT OF SUCH PROPERTY ECONOMICALLY IMPRACTICABLE OR INFEASIBLE. NO SUCH SALE DIRECTLY TO PRIVATE PROPERTY OWNERS SHALL TAKE PLACE WITHOUT A

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

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PUBLIC AUCTION OR SEALED BIDS (I) UNLESS A FINDING BY THE MAYOR, BASED ON A CERTIFICATION BY THE COMMISSIONER OF CITYWIDE ADMINISTRATIVE SERVICES THAT INDEPENDENT DEVELOPMENT IS ECONOMICALLY IMPRACTICABLE OR INFEASIBLE, HAS BEEN MADE THAT SUCH SALE IS IN THE BEST INTERESTS OF THE CITY, AND (II) UNTIL A PUBLIC HEARING HAS BEEN HELD WITH RESPECT TO SUCH SALE AFTER THE PUBLICATION OF NOTICE IN THE CITY RECORD AT LEAST THIRTY DAYS IN ADVANCE OF SUCH HEARING, AND (III) AT LEAST THIRTY DAYS IN ADVANCE OF SUCH HEARING, A COPY OF THE AFORESAID NOTICE IN THE CITY RECORD HAS BEEN MAILED TO EACH ABUTTING PROPERTY OWNER ACCOMPANIED BY A STATEMENT THAT THE REAL PROPERTY TO BE SOLD WITHOUT AUCTION ABUTS SUCH PROPERTY OWNER'S PROPERTY. ANY CONVEYANCE MAY PROVIDE FOR THE RESTRICTION OF THE USE OF SUCH REAL PROPERTY. NOTHING IN THIS PARAGRAPH EXEMPTS DISPOSITIONS OF REAL PROPERTY TO ABUTTING OWNERS (AND/OR AN ENTITY OR ENTITIES COMPRISED THEREOF) FROM ANY APPLICABLE REVIEW AND APPROVAL REQUIREMENTS SET FORTH IN SECTIONS ONE HUNDRED NINETY-SEVEN-C AND ONE HUNDRED NINETY-SEVEN-D OF THIS CHARTER.

S 2. This act shall take effect immediately and shall expire December 31, 2015, when upon such date the provisions of this act shall be deemed repealed.