

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

9478--A

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. BROOK-KRASNY -- read once and referred to the Committee on Cities -- 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 parkland of parcels of real property in the borough of Brooklyn in exchange for the dedication of certain other lands in the borough of Brooklyn for park purposes in furtherance of a comprehensive development plan for Coney Island

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, the city of New York
2 is hereby authorized to discontinue the use as parkland the land
3 described in section three of this act and to transfer such land and any
4 improvements thereon to the New York city economic development corpo-
5 ration for sale or other disposition in furtherance of a comprehensive
6 development plan for Coney Island, Brooklyn. The transfer of discontin-
7 ued parkland pursuant to this section shall be subject to the require-
8 ment that the improvement on such discontinued parkland known as the
9 "Abe Stark Rink" shall not be demolished prior to the construction of a
10 replacement rink (unless such replacement rink is constructed on the
11 same site), with the goal of continuing normal ice skating activities
12 until the replacement rink is complete and that such replacement rink
13 shall be constructed within the Coney Island area, including but not
14 limited to on property under the jurisdiction of the department of parks
15 and recreation of such city designated as #B280 and located on the Shore
16 Parkway Service Road between 25th Avenue and Beach 41st Street.

17 S 2. a. The authorization provided in section one of this act shall be
18 effective only upon the condition that the city acquires and dedicates
19 as parkland the land described in section four of this act. In the event
20 that such land acquired and dedicated as parkland is not equal to or
21 greater than the fair market value of the parklands and any improvements
22 thereon to be discontinued, the city of New York shall dedicate the
23 difference between the fair market value of the discontinued parkland

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

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1 and the fair market value of the dedicated parkland for the acquisition
2 of additional parkland and/or for capital improvements to existing park
3 and recreational facilities within the borough of Brooklyn.

4 b. Subject to the provisions of this act, the department of parks and
5 recreation of the city of New York is authorized to lease to the New
6 York city economic development corporation the parkland described in
7 section five of this act for the operation of an amusement park and
8 related facilities. Pursuant to the "Agreement for Special Process For
9 New York City Council Review and Approval of Coney Island Amusement Park
10 Project Plan," Exhibit A of city council of the city of New York resol-
11 ution 2163, adopted August 20, 2009, for a period of twelve years
12 following the effective date of this act, the lease of parkland to the
13 New York city economic development corporation pursuant to this subdivi-
14 sion shall not be subject to review and approval pursuant to sections
15 197-c and 197-d of the New York city charter; provided that such lease
16 or any amendment thereof, sublease or assignment of rights thereunder
17 shall be consistent in all material respects with the "Coney Island
18 Amusement Park Project Plan" approved by the city council of the city of
19 New York as set forth in subdivision e of this section. The lease
20 authorization provided in this subdivision shall be effective only on
21 the condition that the city of New York dedicates an amount equal to or
22 greater than the fair market value of the lease of the parkland to the
23 acquisition of additional parkland and/or for capital improvements to
24 existing park and recreational facilities within the borough of Brook-
25 lyn.

26 c. The parkland described in section five of this act may be acquired
27 by the city of New York and leased by the department of parks and recre-
28 ation of such city to the New York city economic development corporation
29 subject to any existing lease, use or occupancy of such land that is
30 consistent with and in furtherance of the operation of an amusement park
31 and related facilities.

32 d. The department of parks and recreation of the city of New York may
33 grant the easements described in the city map amendment approved pursu-
34 ant to sections 197-c and 197-d of the New York city charter by resol-
35 ution of the city council of such city at a meeting held on July 29,
36 2009 for pedestrians and vehicles to travel through the parcels of park-
37 land described in section six of this act as necessary for purposes of
38 the operation of a designated landmark known as the "Wonder Wheel", and
39 may grant an easement in a volume of air space over a parcel of parkland
40 described in section seven of this act to accommodate the Wonder Wheel
41 to the extent it extends over such parkland. The easement authorizations
42 provided in this subdivision shall be effective only on the condition
43 that the city of New York dedicates an amount equal to the fair market
44 value of the easements to the acquisition of new parkland and/or for
45 capital improvements to existing parkland within the borough of Brook-
46 lyn.

47 e. In lieu of the approval required pursuant to paragraph 4 of subdivi-
48 sion b of section 384 of the New York city charter and in accordance
49 with the terms of the "Agreement for Special Process for New York City
50 Council Review and Approval of Coney Island Amusement Park Project
51 Plan," as authorized by resolution of the city council of the city of
52 New York, adopted at a meeting held on August 20, 2009, for a period of
53 twelve years after the effective date of this act, the lease by the
54 department of parks and recreation of the city of New York of the
55 parcels of land described in section five of this act, once acquired by
56 the city and dedicated as parkland, to the New York city economic devel-

1 opment corporation pursuant to the authority conferred by subdivision b
2 of this section shall be subject exclusively to the requirement that
3 such lease or any amendment thereof, sublease or assignment of rights
4 thereunder shall be consistent in all material respects with the "Coney
5 Island Amusement Park Project Plan" prepared by the department of parks
6 and recreation of the city of New York and approved by the city council
7 of the city of New York in the manner set forth in the "Agreement for
8 Special Process for New York City Council Review and Approval of Coney
9 Island Amusement Park Project Plan" as authorized by resolution of the
10 city council of the city of New York at a meeting held on August 20,
11 2009.

12 S 3. The lands authorized by this act to be discontinued as parkland
13 are three parcels of parkland in the borough of Brooklyn and the city of
14 New York as follows:

15 PARCEL A

16 A parcel of parkland generally bounded by Surf Avenue, West 22nd
17 Street, West 21st Street and Ocean Way, in accordance with Borough Pres-
18 ident Map No. X-2716, more particularly described as follows:

19 Starting at a point of beginning located at the southwesterly corner
20 of Surf Avenue and West 21st Street, as those streets were heretofore
21 laid out in the City Map, thence;

22 1) Running 270.48 feet in a southerly direction along the westerly
23 line of West 21st Street to a point, thence;

24 2) Running 170.00 feet in a westerly direction, said course forming a
25 deflection angle to the right with the previous course of 90 degrees, 00
26 minutes and 00 seconds, thence;

27 3) Running 140.72 feet in southerly direction, said course forming a
28 deflection angle to the left with the previous course of 90 degrees, 00
29 minutes and 00 seconds, thence;

30 4) Running 86.03 feet in westerly direction, said course forming a
31 deflection angle to the right with the previous course of 90 degrees, 29
32 minutes and 13 seconds, thence;

33 5) Running 354.66 feet in northerly direction, said course forming a
34 deflection angle to the right with the previous course of 90 degrees, 00
35 minutes and 00 seconds, thence;

36 6) Running 259.10 feet in easterly direction, said course forming a
37 deflection angle to the right with the previous course of 77 degrees, 4
38 minutes and 17 seconds to the point or place of beginning.

39 Said parcel containing approximately 1.69 acre more or less.

40 PARCEL B

41 A parcel of parkland located in the street-bed of proposed West 20th
42 Street generally bounded by Surf Avenue and the public beach, in accord-
43 ance with Borough President Map No. X-2716, more particularly described
44 as follows:

45 Starting at a point of beginning located at the southeasterly corner
46 of Surf Avenue and the proposed West 20th Street, as those streets are
47 laid out in the City Map, thence;

48 1) Running 466.96 feet in a southerly direction along the easterly
49 line of the proposed West 20th Street to a point, thence;

50 2) Running 56.28 feet in a westerly direction, said course forming a
51 deflection angle to the right with the previous course of 90 degrees, 00
52 minutes and 28 seconds, thence;

53 3) Running 455.75 feet in a northerly direction, said course forming a
54 deflection angle to the right with the previous course of 90 degrees, 39
55 minutes and 59 seconds, thence;

1 4) Running 52.20 feet in a northeasterly direction, said course form-
2 ing a deflection angle to the right with the previous course of 76
3 degrees, 52 minutes and 38 seconds to the point or place of beginning.
4 Said parcel containing approximately 0.57 acre more or less.

PARCEL C

6 A parcel of parkland generally bounded by Surf Avenue, West 20th
7 Street, the easterly line of Parachute Way and the public beach, in
8 accordance with Borough President Map No. X-2717, more particularly
9 described as follows:

10 Starting at a point of beginning located at the southeasterly corner
11 of Surf Avenue and Parachute Way, as those streets are laid out in the
12 City Map, thence;

13 1) Running 465.03 feet in a southeasterly direction along the easterly
14 line of Parachute Way to a point, thence;

15 2) Running 412.05 feet in a southwesterly direction, said course form-
16 ing a deflection angle to the right with the previous course of 76
17 degrees, 52 minutes and 38 seconds, thence;

18 3) Running 81.00 feet in westerly direction, said course forming a
19 deflection angle to the right with the previous course of 76 degrees, 12
20 minutes and 16 seconds, thence;

21 4) Running 291.49 feet in westerly direction, said course forming a
22 deflection angle to the right with the previous course of 7 degrees, 18
23 minutes and 38 seconds, thence;

24 5) Running 310.53 feet in northerly direction, said course forming a
25 deflection angle to the right with the previous course of 76 degrees, 59
26 minutes and 25 seconds, thence;

27 6) Running 56.28 feet in easterly direction, said course forming a
28 deflection angle to the right with the previous course of 89 degrees, 20
29 minutes and 01 seconds, thence;

30 7) Running 466.96 feet in northerly direction, said course forming a
31 deflection angle to the left with the previous course of 90 degrees, 00
32 minutes and 00 seconds, thence;

33 8) Running 50.47 feet in easterly direction, said course forming a
34 deflection angle to the right with the previous course of 77 degrees, 33
35 minutes and 30 seconds to a point of curvature, thence;

36 9) Running along a curve, to the right, with radius of 1940.00 feet, a
37 central angle of 7 degrees, 18 minutes and 28 seconds, a distance of
38 247.44 feet to the point or place of beginning.

39 Said parcel containing approximately 7.04 acres more or less.

40 S 4. The land required to be dedicated as parkland pursuant to subdi-
41 vision a of section two of this act is a parcel of land between Wonder
42 Wheel Way and the public beach in the borough of Brooklyn and city of
43 New York more particularly described as follows:

44 Starting at a point of beginning located on the westerly line of West
45 16th Street, said point lying 581.68 feet south of the southerly line of
46 Surf Avenue, as those streets are laid out on the City Map, thence;

47 1) Running along a curve, to the left, with a radius of 45.00 feet, a
48 central angle of 165 degrees, 3 minutes and 21 seconds, a distance of
49 129.63 feet to a point of tangency, thence;

50 2) Running 164.99 feet in an easterly direction, said course forming
51 an angle of 25 degrees, 8 minutes and 12 seconds between a radial line
52 to the center of the previous course, thence;

53 3) Running 26.42 feet in a southerly direction, said course forming a
54 deflection angle to the right with the previous course of 100 degrees,
55 13 minutes and 49 seconds, thence;

1 4) Running 295.35 feet in an easterly direction, to a point of curva-
2 ture, said course forming a deflection angle to the left with the previ-
3 ous course of 100 degrees, 13 minutes and 49 seconds thence;
4 5) Running along a curve, to the right, with radius of 300.00 feet, a
5 central angle of 14 degrees, 15 minutes and 24 seconds, a distance of
6 74.65 feet to a point of tangency, thence;
7 6) Running 346.02 feet in an easterly direction, thence;
8 7) Running 62.57 feet in a southerly direction, said course forming a
9 deflection angle to the right with the previous course of 94 degrees, 37
10 minutes and 34 seconds, thence;
11 8) Running 185.04 feet in an easterly direction, said course forming a
12 deflection angle to the left with the previous course of 89 degrees, 42
13 minutes and 24 seconds, thence;
14 9) Running 105.49 feet in a northerly direction, said course forming a
15 deflection angle to the left with the previous course of 86 degrees, 2
16 minutes and 45 seconds, thence;
17 10) Running 140.09 feet in an easterly direction, said course forming
18 a deflection angle to the right with the previous course of 81 degrees,
19 7 minutes and 35 seconds, thence;
20 11) Running along a curve, to the right, with a radius of 44.00 feet,
21 a central angle of 179 degrees, 51 minutes and 15 seconds, a distance of
22 138.12 feet, to a point of tangency, said course forming an angle of 8
23 degrees, 44 minutes and 38 seconds between a radial line to the center
24 and the previous course, thence;
25 12) Running 391.69 feet in a northerly direction, to a point of curva-
26 ture on the southerly line of Surf Avenue, thence;
27 13) Running along the southerly line of Surf Avenue on a curve, to the
28 right, with radius of 7940.00 feet, a central angle of 19 minutes and 3
29 seconds, a distance of 44.01 feet, said course forming an angle of 0
30 degrees, 46 minutes and 2 seconds between the radial line to the center
31 and the previous course thence;
32 14) Running 655.57 in a southerly direction, said course forming an
33 angle of 1 degree 5 minutes and 5 seconds between the radial line to the
34 curve center and the previous course, thence;
35 15) Running 931.43 feet in a westerly direction, said course forming a
36 deflection angle to the right with the previous course of 76 degrees, 37
37 minutes and 12 seconds, thence;
38 16) Running 435.77 feet in a westerly direction, said course forming a
39 deflection angle to the left with the previous course of 50 minutes and
40 36 seconds, thence;
41 17) Running 278.88 feet in a northerly direction, said course forming
42 a deflection angle to the right with the previous course of 91 degrees
43 16 minutes and 10 seconds to the point or place of beginning.
44 Said parcel containing approximately 9.24 acres more or less.
45 S 5. The parkland authorized to be leased to the New York city econom-
46 ic development corporation pursuant to subdivision b of section two of
47 this act is a parcel of parkland in between Wonder Wheel Way and the
48 public beach in the borough of Brooklyn and city of New York, in accord-
49 ance with Borough President Map No. Y-2715 more particularly described
50 as follows:
51 Starting at a point of beginning located on the westerly line of West
52 16th Street, said point lying 581.68 feet south of the southerly line of
53 Surf Avenue, as those streets are laid out on the City Map, thence;
54 1) Running along a curve, to the left, with a radius of 45.00 feet, a
55 central angle of 165 degrees, 3 minutes and 21 seconds, a distance of
56 129.63 feet to a point of tangency, thence;

1 2) Running 164.99 feet in an easterly direction, said course forming
2 an angle of 25 degrees, 8 minutes and 12 seconds between a radial line
3 to the center of the previous course thence;
4 3) Running 26.42 feet in a southerly direction, said course forming a
5 deflection angle to the right with the previous course of 100 degrees,
6 13 minutes and 49 seconds thence;
7 4) Running 295.35 feet in an easterly direction, to a point of curva-
8 ture, said course forming a deflection angle to the left with the previ-
9 ous course of 100 degrees, 13 minutes and 49 seconds thence;
10 5) Running along a curve, to the right, with radius of 300.00 feet, a
11 central angle of 14 degrees, 15 minutes and 24 seconds, a distance of
12 74.65 feet to a point of tangency thence;
13 6) Running 346.02 feet in an easterly direction, thence;
14 7) Running 26.09 feet in a northerly direction, said course forming a
15 deflection angle to the left with the previous course of 85 degrees, 22
16 minutes and 26 seconds, thence;
17 8) Running 100.23 feet in an easterly direction, said course forming a
18 deflection angle to the right with the previous course of 85 degrees, 22
19 minutes and 26 seconds, thence;
20 9) Running 15.57 feet in a southerly direction, said course forming a
21 deflection angle to the right with the previous course of 98 degrees, 3
22 minutes and 54 seconds, thence;
23 10) Running 25.30 feet in a westerly direction, said course forming a
24 deflection angle to the right with the previous course of 90 degrees, 11
25 minutes and 37 seconds, thence;
26 11) Running 0.68 feet in a southerly direction, said course forming a
27 deflection angle to the left with the previous course of 93 degrees, 37
28 minutes and 53 seconds, thence;
29 12) Running 13.83 feet in a westerly direction, said course forming a
30 deflection angle to the right with the previous course of 61 degrees, 23
31 minutes and 46 seconds, thence;
32 13) Running 30.84 feet in a southerly direction, said course forming a
33 deflection angle to the left with the previous course of 80 degrees, 44
34 minutes and 51 seconds, thence;
35 14) Running 27.85 feet in a southerly direction, said course forming a
36 deflection angle to the right with the previous course of 24 degrees, 59
37 minutes and 54 seconds, thence;
38 15) Running 7.15 feet in a westerly direction, said course forming a
39 deflection angle to the right with the previous course of 88 degrees, 41
40 minutes and 3 seconds, thence;
41 16) Running 11.35 feet in a westerly direction, said course forming a
42 deflection angle to the left with the previous course of 39 degrees, 30
43 minutes and 19 seconds, thence;
44 17) Running 10.83 feet in a westerly direction, said course forming a
45 deflection angle to the right with the previous course of 17 degrees, 59
46 minutes and 37 seconds, thence;
47 18) Running 10.78 feet in a westerly direction, said course forming a
48 deflection angle to the right with the previous course of 13 degrees, 49
49 minutes and 46 seconds, thence;
50 19) Running 10.23 feet in a westerly direction, said course forming a
51 deflection angle to the right with the previous course of 7 degrees, 6
52 minutes and 45 seconds, thence;
53 20) Running 24.52 feet in a westerly direction, said course forming a
54 deflection angle to the right with the previous course of 25 degrees, 46
55 minutes and 34 seconds, thence;

1 21) Running 21.62 feet in a southerly direction, said course forming a
2 deflection angle to the left with the previous course of 119 degrees, 32
3 minutes and 19 seconds, thence;
4 22) Running 185.04 feet in an easterly direction, said course forming
5 a deflection angle to the left with the previous course of 89 degrees,
6 42 minutes and 24 seconds, thence;
7 23) Running 105.49 feet in an northerly direction, said course forming
8 a deflection angle to the left with the previous course of 86 degrees, 2
9 minutes and 45 seconds, thence;
10 24) Running 140.09 feet in an easterly direction, to a point of curva-
11 ture, said course forming a deflection angle to the right with the
12 previous course of 81 degrees, 7 minutes and 35 seconds, thence;
13 25) Running along a curve, to the right, with a radius of 44.00 feet,
14 a central angle of 179 degrees, 51 minutes and 15 seconds, a distance of
15 138.12 feet, to a point of tangency, said course forming an angle of 8
16 degrees, 44 minutes and 38 seconds between a radial line to the center
17 and the previous course, thence;
18 26) Running 391.69 feet in a northerly direction, to a point of curva-
19 ture on the southerly line of Surf Avenue, thence;
20 27) Running along the southerly line of Surf Avenue on a curve, to the
21 right, with radius of 7940.00 feet, a central angle of 19 minutes and 3
22 seconds, a distance of 44.01 feet, said course forming an angle of 0
23 degrees, 46 minutes and 2 seconds between a radial line to the center
24 and the previous course thence;
25 28) Running 655.57 feet in a southerly direction, said course forming
26 an angle of 1 degree 5 minutes and 5 seconds between the radial line to
27 the curve center and the previous course, thence;
28 29) Running 931.43 feet in a westerly direction, said course forming a
29 deflection angle to the right with the previous course of 76 degrees, 37
30 minutes and 12 seconds, thence;
31 30) Running 435.77 feet in a westerly direction, said course forming a
32 deflection angle to the left with the previous course of 50 minutes and
33 36 seconds, thence;
34 31) Running 278.88 feet in a northerly direction, said course forming
35 a deflection angle to the right with the previous course of 91 degrees
36 16 minutes and 10 seconds to the point or place of beginning.
37 Said parcel containing approximately 9.37 acres more or less.
38 S 6. The parkland through which easements may be granted pursuant to
39 subdivision d of section two of this act is two parcels of parkland in
40 the borough of Brooklyn and city of New York as follows:
41 PARCEL A
42 An east-west easement located to the south and east of the intersection
43 West 12th Street and Wonder Wheel Way more particularly described as
44 follows:
45 Starting at a point of beginning located on the former easterly line of
46 West 12th Street, said point lying 265.11 feet south of the intersection
47 of the southerly line of Bowery and West 12th Street, as those streets
48 are laid out on the City Map, thence;
49 1) Running 61.97 feet in an easterly direction, thence;
50 2) Running 11.35 feet in a westerly direction, said course forming a
51 deflection angle to the right with the previous course of 322 degrees,
52 36 minutes and 50 seconds, thence;
53 3) Running 10.83 feet in a westerly direction, said course forming a
54 deflection angle to the right with the previous course of 17 degrees, 59
55 minutes and 37 seconds, thence;

1 4) Running 10.78 feet in a westerly direction, said course forming a
2 deflection angle to the right with the previous course of 13 degrees, 49
3 minutes and 46 seconds, thence;
4 5) Running 10.23 feet in a westerly direction, said course forming a
5 deflection angle to the right with the previous course of 7 degrees, 6
6 minutes and 45 seconds, thence;
7 6) Running 24.52 feet in a westerly direction, said course forming a
8 deflection angle to the right with the previous course of 25 degrees, 46
9 minutes and 34 seconds to the point or place of beginning.
10 Said parcel containing approximately 0.01 acre more or less.

11 PARCEL B

12 A north-south easement located in the street bed of a portion of the
13 former West 12th Street near/at the intersection West 12th Street and
14 Wonder Wheel Way more particularly described as follows:
15 Starting at a point of beginning located on the easterly line of West
16 12th Street, said point lying 224.17 feet south of the intersection of
17 the southerly line of Bowery and West 12th Street, as those streets are
18 laid out on the City Map, thence;

19 1) Running 62.57 feet in a southerly direction, thence;
20 2) Running 60.00 feet in a westerly direction, said course forming a
21 deflection angle to the right with the previous course of 90 degrees, 17
22 minutes and 36 seconds, thence;
23 3) Running 57.41 feet in a northerly direction, said course forming a
24 deflection angle to the right with the previous course of 89 degrees, 42
25 minutes and 24 seconds, thence;
26 4) Running 60.20 feet in an easterly direction, said course forming a
27 deflection angle to the right with the previous course of 85 degrees, 22
28 minutes and 26 seconds to the point or place of beginning.
29 Said parcel containing approximately 0.08 acre more or less.

30 S 7. The parkland over which an air right easement may be granted
31 pursuant to subdivision d of section two of this act is a parcel of
32 parkland near the intersection of West 12th Street and Wonder Wheel Way,
33 more particularly described as follows:

34 Starting at a point of beginning, said point lying 237.00 feet south of
35 the intersection of the southerly line of Bowery and West 12th Street
36 and 71.80 feet to the east of the previously said point, as those
37 streets are laid out on the City Map, thence;

38 1) Running 9.00 feet in a northeasterly direction, thence;
39 2) Running 23.67 feet in an easterly direction, said course forming a
40 deflection angle to the right with the previous course of 89 degrees, 53
41 minutes and 22 seconds, thence;

42 3) Running 7.72 feet in a southerly direction along a park line, said
43 course forming a deflection angle to the right with the previous course
44 of 66 degrees, 28 minutes and 11 seconds, thence;

45 4) Running 1.93 feet in a southerly direction along a park line, said
46 course forming a deflection angle to the right with the previous course
47 of 24 degrees, 59 minutes and 54 seconds, thence;

48 5) Running 26.72 feet in the westerly direction, said course forming a
49 deflection angle to the right with the previous course of 88 degrees, 32
50 minutes and 52 seconds to the point or place of beginning.
51 Said parcel containing approximately 0.005 acre more or less.

52 S 8. If the parkland that is the subject of this act has received
53 funding pursuant to the federal land and water conservation fund, the
54 discontinuance of parkland authorized by the provisions of this act
55 shall not occur until the municipality has complied with the federal
56 requirements pertaining to the conversion of parklands, including satis-

1 fying the secretary of the interior that the discontinuance will include
2 all conditions which the secretary of the interior deems necessary to
3 assure the substitution of other lands shall be equivalent in fair
4 market value and recreational usefulness to the lands being discontin-
5 ued.
6 S 9. This act shall take effect immediately.