

5706

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

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 understand-
ing; and to amend chapter 345 of the laws of 1968, relating to estab-
lishing a United Nations development district, in relation to an addi-
tional reuse project and a consolidation project for the United
Nations; and providing for the repeal of such provisions upon expira-
tion thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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).
17 S 2. The authorization contained in section one of this act shall take
18 effect only (a) upon the condition that a memorandum of understanding is
19 completed and signed by the mayor of the city of New York, the temporary

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

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

45 S 3. Notwithstanding anything to the contrary contained in any gener-
46 al, special or local law, including the New York city charter and admin-
47 istrative code of the city of New York, and provided that the memorandum
48 of understanding is completed and signed as provided in section two of
49 this act, and provided further that the city of New York has satisfied
50 the obligations as described in such memorandum of understanding as
51 being required to be satisfied prior to the provisions of this section
52 three being effective, the city of New York, acting by its mayor alone,
53 or his or her designee, is hereby authorized and empowered to take such
54 administrative and other actions as are necessary or desirable, all of
55 which shall be deemed ministerial, to demap, discontinue and close as
56 part of public streets of the city of New York, located in the borough

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

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

22 10-A. "FURTHER DEVELOPMENT PLAN AT 42ND STREET." A DEVELOPMENT PLAN
23 FOR THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA, INCLUDING
24 IMPROVEMENTS WITHIN SAID AREA AND ANY IMPROVEMENTS INCIDENTAL THERETO
25 OUTSIDE SAID AREA.

26 13. "REUSE PROJECT." THE INITIAL REUSE PROJECT AND THE ADDITIONAL
27 REUSE PROJECT DESCRIBED IN SUBDIVISIONS THIRTEEN-A AND THIRTEEN-B,
28 RESPECTIVELY, OF SECTION ONE OF THIS CHAPTER.

29 13-B. "ADDITIONAL REUSE PROJECT." THE ACQUISITION OF LAND, EASEMENT
30 AND OTHER RIGHTS WITHIN OR APPURTENANT TO THE AREA IN THE BOROUGH OF
31 MANHATTAN, CITY OF NEW YORK, DESCRIBED IN THIS SUBDIVISION, AND THE
32 MAINTENANCE, REPAIR, OPERATION, ALTERATION AND RENOVATION, FROM TIME TO
33 TIME, OF IMPROVEMENTS LOCATED ON SUCH LAND, EXCLUSIVELY FOR USE BY THE
34 UNITED NATIONS, INCLUDING ITS ORGANS, SUBSIDIARY BODIES AND SPECIALIZED
35 AND OTHER AGENCIES AND MEMBERS OF THE PUBLIC VISITING UNITED NATIONS
36 HEADQUARTERS IN THE CITY OF NEW YORK. THE AREA REFERRED TO ABOVE IS
37 BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF
38 FORTY-FIFTH STREET AND UNITED NATIONS PLAZA (FIRST AVENUE), RUNNING
39 THENCE WESTERLY ALONG FORTY-FIFTH STREET A DISTANCE OF ONE HUNDRED FEET,
40 RUNNING THENCE NORTHERLY, PARALLEL TO UNITED NATIONS PLAZA (FIRST
41 AVENUE), A DISTANCE OF EIGHTY FEET FIVE INCHES, RUNNING THENCE EASTERLY,
42 PARALLEL TO FORTY-FIFTH STREET, A DISTANCE OF TWENTY FEET, RUNNING
43 THENCE SOUTHERLY, PARALLEL TO UNITED NATIONS PLAZA (FIRST AVENUE), A
44 DISTANCE OF FORTY FEET, RUNNING THENCE EASTERLY, PARALLEL TO FORTY-FIFTH
45 STREET, A DISTANCE OF EIGHTY FEET, AND RUNNING THENCE SOUTHERLY ALONG
46 UNITED NATIONS PLAZA (FIRST AVENUE) A DISTANCE OF FORTY FEET FIVE INCHES
47 TO THE PLACE OR POINT OF BEGINNING. PROVIDED THAT THE MEMORANDUM OF
48 UNDERSTANDING IS COMPLETED AND SIGNED AS PROVIDED IN SECTION TWO OF THE
49 CHAPTER OF THE LAWS OF 2011 THAT ADDED THIS SUBDIVISION AND PROVIDED
50 FURTHER THAT THE CITY OF NEW YORK SHALL HAVE SATISFIED THE OBLIGATIONS
51 AS DESCRIBED IN SUCH MEMORANDUM OF UNDERSTANDING AS BEING REQUIRED TO BE
52 SATISFIED PRIOR TO THE CORPORATION UNDERTAKING THE ADDITIONAL REUSE
53 PROJECT, THE ADDITIONAL REUSE PROJECT AND THE SITE THEREOF SHALL FOR ALL
54 PURPOSES BE DEEMED TO BE LOCATED WITHIN THE DISTRICT AND BE DEEMED ALSO
55 TO BE A PROJECT AS DEFINED IN THIS CHAPTER AND SHALL, EXCEPT FOR ANY NEW
56 CONSTRUCTION OR ANY INCREASE IN THE HEIGHT OR FLOOR AREA OF ANY PREVI-

OUSLY 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, 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.

1 13-a. [Reuse] "INITIAL REUSE project." The acquisition and alteration,
2 renovation or rebuilding, from time to time, without any increase in the
3 height of any previously constructed building and without any
4 construction on any vacant land, of real property consisting of any
5 previously constructed commercial building or buildings, or any portion
6 thereof, and the land and associated property interests related thereto,
7 primarily for use by the United Nations, including its organs, subsid-
8 iary bodies and specialized and other agencies, provided that: any such
9 acquisition shall occur before December 31, 1998; such building or
10 buildings shall be located at 633 Third Avenue, 685 Third Avenue or 845
11 United Nations Plaza in the borough of Manhattan, city of New York; not
12 more than eight hundred thousand square feet of floor area shall be
13 acquired if such floor area is located in more than one of such build-
14 ings; and the corporation shall not transfer any unused development
15 rights from any of such buildings or add to any of such buildings any
16 unused development rights from any other property. The reuse project
17 shall for all purposes be deemed to be located within the district and
18 be deemed also to be a project and to be part of and to conform to a
19 development plan for a portion of the district, which has been formu-
20 lated, reviewed and approved in accordance with section seven of this
21 chapter.

22 S 5. Chapter 345 of the laws of 1968, relating to establishing a
23 United Nations development district, is amended by adding a new section
24 3-a to read as follows:

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

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

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

52 (1) to undertake surveys of the present and anticipated need: for
53 [locations for missions,] office space, meeting facilities, [and] hous-
54 ing and recreational facilities [for] AND OTHER FACILITIES FOR THE
55 UNITED NATIONS, DELEGATIONS AND delegates TO THE UNITED NATIONS, person-
56 nel of delegations TO THE UNITED NATIONS, and members of the United

1 Nations staff; for office space, auditorium and meeting facilities for
2 related nongovernmental organizations; for hotel accommodations for
3 visiting heads of state and other dignitaries; for bus terminals, dining
4 facilities, and other facilities for visiting persons and groups[,]; for
5 parking[,]; and for housing, commercial, industrial and other facilities
6 necessary or appropriate to carry out the purposes of this chapter,
7 (2) subject to the approval of the [board of estimate and the] commis-
8 sion AND THE CITY COUNCIL as hereinafter provided, to formulate a devel-
9 opment plan or plans [including supplements, additions and amendments
10 thereto,] in accordance with the foregoing present and anticipated
11 needs, with provision for relocation of individuals and commercial
12 establishments outside or within the district,
13 (3) [to undertake or cause its subsidiary corporation or corporations]
14 to undertake, or otherwise to have undertaken on behalf of the corpo-
15 ration, the execution of a development plan or of a portion thereof, and
16 the financing, acquisition, construction, rehabilitation, improvement,
17 operation and management of any project or portion thereof, including
18 attendant relocation facilities, provided however, that all contracts
19 let by the corporation [or by a subsidiary (rather than a sponsor or a
20 person, firm or corporation acting as sponsor in lieu of the corporation
21 or its subsidiaries)] for the erection, construction, or alteration of
22 buildings shall be let in conformity with the provisions of section one
23 hundred thirty-five of the state finance law, EXCEPT THAT SUCH
24 PROVISIONS SHALL NOT BE APPLIED TO RESTRICT THE CORPORATION'S PRE-QUALI-
25 FICATION OF BIDDERS FOR PURPOSES OF THE UNITED NATIONS 42ND STREET
26 CONSOLIDATION PROJECT, AND PROVIDED FURTHER THAT EXECUTION OF A FURTHER
27 DEVELOPMENT PLAN AT 42ND STREET MAY NOT PROCEED UNLESS AND UNTIL THE
28 APPROVAL THEREOF BY THE COMMISSION AND THE CITY COUNCIL AS HEREINAFTER
29 PROVIDED AND UNLESS AND UNTIL THE MEMORANDUM OF UNDERSTANDING REFERRED
30 TO IN SECTION TWO OF THE CHAPTER OF THE LAWS OF 2011 AMENDING THIS
31 SECTION HAS BEEN COMPLETED AND SIGNED AS PROVIDED IN THAT SECTION.
32 [(4) when, in the opinion of the board of directors, it would be more
33 appropriate or convenient to have the execution of a particular develop-
34 ment plan or portion thereof undertaken by a sponsor rather than by the
35 corporation or one or more of its subsidiaries, to select a proposed
36 sponsor or sponsors financially responsible and otherwise qualified by
37 experience and training to undertake the execution of the development
38 plan and to relocate residents and businesses to be displaced thereby,
39 (5) to advise and generally supervise such sponsor or sponsors or
40 successors thereto in connection with such relocation and development,
41 (6) with the approval of the board of estimate, (a) to enter into
42 agreements with a qualified sponsor or sponsors for the implementation
43 and execution of all or a portion of a development plan, or, (b) where
44 such implementation and execution is to be undertaken by the corporation
45 or one or more of its subsidiaries, to enter into agreements for the
46 implementation and execution of such development plan or portion thereof
47 with persons, firms or corporations acting as sponsors in lieu of the
48 corporation or its subsidiaries, and (c) to enter into agreements amend-
49 ing, modifying or superseding such agreements, and
50 (7)] (4) to furnish advice, technical assistance and liaison with
51 federal, state and city authorities and with users and occupants of the
52 facilities to be created within the district with respect to educa-
53 tional, social and cultural activities within the district, and other-
54 wise to foster and encourage greater public knowledge of, and partic-
55 ipation in, the activities of the United Nations and affiliated
56 organizations, AND

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

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

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

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

E. THE PROVISIONS OF SUBDIVISIONS B, C AND D OF THIS SECTION SHALL NOT APPLY TO ANY FURTHER DEVELOPMENT PLAN AT 42ND STREET OR ANY DEVELOPMENT PLAN FOR ANY NEW CONSTRUCTION OR ANY INCREASE IN THE HEIGHT OR FLOOR AREA OF THE PREVIOUSLY CONSTRUCTED BUILDING LOCATED ON LAND ACQUIRED AS PART OF THE ADDITIONAL REUSE PROJECT OR ANY AMENDMENT OF ANY SUCH DEVELOPMENT PLAN. ANY SUCH DEVELOPMENT PLAN OR AMENDMENT SHALL BE SUBJECT TO REVIEW PURSUANT TO SECTION ONE HUNDRED NINETY-SEVEN-C AND SECTION ONE HUNDRED NINETY-SEVEN-D OF THE CHARTER OF THE CITY OF NEW YORK IN THE SAME MANNER AS IF SUCH DEVELOPMENT PLAN OR AMENDMENT WERE DESCRIBED IN PARAGRAPH ONE OF SUBDIVISION B OF SECTION ONE HUNDRED NINETY-SEVEN-D OF THE CHARTER OF THE CITY OF NEW YORK. APPROVAL OF ANY SUCH DEVELOPMENT PLAN OR AMENDMENT SHALL INCLUDE, WITHOUT LIMITATION, LAND USE REVIEW AUTHORIZATION FOR ANY DISPOSITION BY THE CITY OF NEW YORK OF ANY AND ALL LAND OR OTHER RIGHTS, AND ANY DEMAPPING, DISCONTINUING AND CLOSING BY THE CITY OF NEW YORK OF ANY AND ALL VOLUMES OF SPACE AND ANY OTHER PORTION OF ANY PUBLIC STREETS, FOR PURPOSES OF A FURTHER DEVELOPMENT PLAN AT 42ND STREET.

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

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

D. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN ANY GENERAL, SPECIAL OR LOCAL LAW, INCLUDING THE CHARTER AND ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, THE CITY OF NEW YORK, ACTING BY ITS MAYOR ALONE, OR HIS OR HER DESIGNEE, SHALL BE AUTHORIZED, FOR THE EFFECTUATION OF A FURTHER DEVELOPMENT PLAN AT 42ND STREET WHEN APPROVED PURSUANT TO

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

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

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

1 facilities within the district owned by the corporation[, or by a
2 subsidiary or a sponsor,] which are found and determined by the [board
3 of estimate] CITY COUNCIL to be public facilities shall be exempt from
4 taxation or assessment by and from the payment of any fees to the city
5 of New York, and, if such finding and determination is approved by the
6 state tax commission, from taxation or assessment by and from the
7 payment of any fees to the state or any subdivision thereof or to any
8 officer or employee of the state or any subdivision thereof. The [board
9 of estimate] CITY COUNCIL, upon application by the corporation[, a
10 subsidiary, or a sponsor,] may find and determine that all or part of
11 the real property owned by the corporation[, the subsidiary, or the
12 sponsor] within the district is devoted exclusively to public facili-
13 ties. Such tax exemption shall continue so long as such facility is
14 devoted exclusively to public use. Except as hereinabove provided, and
15 except as may otherwise specifically be provided, nothing contained in
16 this chapter shall confer exemption from any tax, assessment or fee upon
17 any person, firm, corporation or other entity, or upon the obligations
18 of any of them.

19 S 10. Section 16-a of chapter 345 of the laws of 1968, relating to
20 establishing a United Nations development district, as added by chapter
21 623 of the laws of 1971, is amended to read as follows:

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

42 2. All properties in the district, lying easterly of a line parallel
43 to and three hundred twenty-five feet westerly from the westerly side of
44 United Nations Plaza, even though separated by a street, NOT INCLUDING
45 THE UNITED NATIONS 42ND STREET CONSOLIDATION AREA, AND NOT INCLUDING ANY
46 PROPERTY THAT IS PART OF ANY REUSE PROJECT, shall be deemed, notwith-
47 standing any other provision of law[,] to be one zoning lot for all
48 purposes, and the maximum floor area ratio of such properties, DEEMED TO
49 BE PART OF ONE ZONING LOT AND taken as a whole, AND OF ANY PROPERTY THAT
50 IS PART OF AN ADDITIONAL REUSE PROJECT, shall not exceed fifteen.

51 3. The corporation may undertake or cause to be undertaken the
52 execution of any portion of the development plan heretofore approved
53 under section seven of this chapter without requiring any amendment to
54 or modification of such development plan and without further approval
55 under section seven of this chapter.

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

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