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

6538

2011-2012 Regular Sessions

I N A S S E M B L Y

March 21, 2011

Introduced by M. of A. BROOK-KRASNY -- Multi-Sponsored by -- M. of A. BRENNAN -- read once and referred to the Committee on Cities

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:

Section 1. Subject to the provisions of this act, and notwithstanding any provision of any general, special or local law, the city of New York is hereby authorized to discontinue the use as parklands of the parcels of land described in section three of this act and to transfer such land and any improvements thereon to the New York city economic development corporation for sale or other disposition in furtherance of a comprehensive development plan for Coney Island, Brooklyn. The transfer of discontinued parkland pursuant to this section shall be subject to the requirement that the improvement on such discontinued parkland known as the "Abe Stark Rink" shall not be demolished prior to the construction of a replacement rink (unless such replacement rink is constructed on the same site), with the goal of continuing normal ice skating activities until the replacement rink is complete and that such replacement rink shall be constructed within the Coney Island area, including but not limited to on property under the jurisdiction of the department of parks and recreation of such city designated as #B280 and located on the Shore Parkway Service Road between 25th Avenue and Beach 41st Street.

S 2. a. The authorization provided in section one of this act shall be effective only upon the condition that the city acquires and dedicates as parkland no less than 9.63 acres of the land described in section four of this act. In the event that such land dedicated as parkland is not equal to or greater than the fair market value of the parklands to

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

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be discontinued, the city of New York shall dedicate the difference between the fair market value of the discontinued parkland and the fair market value of the dedicated parkland for the acquisition of additional parkland and/or for capital improvements to existing park and recreational facilities.

b. Subject to the provisions of this act, and notwithstanding any other provision of any general, special or local law, the department of parks and recreation of such city is authorized to use and/or to enter into an agreement with the New York city economic development corporation to lease such dedicated parkland, as described in section four of this act, for the operation of an amusement park, including without limitation amusement park features such as indoor and outdoor rides, arcades, attractions and ancillary uses, including small-scale retail use. For a period of twelve years following the effective date of this act, the review and approval pursuant to sections 197-c and 197-d of the New York city charter of the land use impacts and implications of proposed actions under land use applications to facilitate the "Comprehensive Plan for Coney Island" approved by resolutions of the city council of the city of New York at a meeting held on July 29, 2009, shall be deemed to encompass the review and approval of the land use impact and implications of the use or lease of parkland pursuant to this subdivision.

c. The land described in section four of this act to be dedicated as parkland may be acquired by the city of New York subject to any existing lease, use or occupancy of such land that is consistent with and in furtherance of the operation of an amusement park and subject to easements for pedestrians and vehicles to travel through such parkland as necessary for purposes of the operation of a designated landmark known as the "Wonder Wheel", as described in the city map amendment approved pursuant to sections 197-c and 197-d of the New York city charter by resolution of the city council of such city at a meeting held on July 29, 2009.

d. Notwithstanding any inconsistent provision of section 1411 of the not-for-profit corporation law or of any other general, special or local law relating to the lease of land to or by a local development corporation, for a period of twelve years following the effective date of this act, the lease of the parcels of land described in section four of this act, once acquired by the city of New York and dedicated as parkland, to or by the New York city economic development corporation pursuant to the authority conferred by subdivision b of this section shall be subject, in lieu of any approval of a lease to the New York city economic development corporation that may be required pursuant to any other law, exclusively to the requirement that such lease or any amendment thereof, sublease or assignment of rights thereunder, shall be consistent in all material respects with the "Coney Island Amusement Park Project Plan" prepared by the department of parks and recreation of such city and approved by the city council of such city in the manner set forth in the "Coney Island Amusement Park Special Process Agreement" as authorized by resolution of the city council of such city at a meeting held on August 20, 2009.

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

PARCEL A

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

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

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

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

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

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

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

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

Said parcel containing approximately 1.69 acre more or less.

PARCEL B

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

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

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

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

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

4) Running 52.20 feet in a northeasterly direction, said course forming a deflection angle to the right with the previous course of 76 degrees, 52 minutes and 38 seconds to the point or place of beginning.

Said parcel containing approximately 0.57 acre more or less.

PARCEL C

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

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

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

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

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

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

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

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

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

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

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

Said parcel containing approximately 7.04 acres more or less.

S 4. The land required to be dedicated as parkland are two parcels of land in the borough of Brooklyn and the city of New York as follows:

PARCEL A

A parcel of land between West 22nd Street and West 23rd Street, in accordance with Borough President Map No. X-2710, more particularly described as follows:

Starting at a point of beginning located on the easterly line of West 23rd Street at the intersection with the Public Beach, as those streets are laid out on the City Map, thence;

1) Running 243.56 feet in a northerly direction along the eastern line of West 23rd Street to a point, thence;

2) Running 110.00 feet in an easterly direction, said course forming a deflection angle to the right with the previous course of 90 degrees, 00 minutes and 00 seconds, thence;

3) Running 20.01 feet in northerly direction, said course forming a deflection angle to the left with the previous course of 90 degrees, 00 minutes and 00 seconds, thence;

4) Running 153.55 feet in easterly direction, said course forming a deflection angle to the right with the previous course of 90 degrees, 00 minutes and 21 seconds, thence;

5) Running 219.25 feet in southerly direction, said course forming a deflection angle to the right with the previous course of 90 degrees, 28 minutes and 52 seconds, thence;

6) Running 265.42 feet in westerly direction, said course forming a deflection angle to the right with the previous course of 79 degrees, 54 minutes and 12 seconds to the point or place of beginning.

Said parcel containing approximately 1.40 acre more or less.

PARCEL B

A parcel of land in between Wonder Wheel Way and the public beach, in accordance with Borough President Map No. Y-2715, more particularly described as follows:

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

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

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

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

4) Running 295.35 feet in an easterly direction, to a point of curvature, said course forming a deflection angle to the left with the previous course of 100 degrees, 13 minutes and 49 seconds thence;

5) Running along a curve, to the right, with radius of 300.00 feet, a central angle of 14 degrees, 15 minutes and 24 seconds, a distance of 74.65 feet to a point of tangency thence;

6) Running 346.02 feet in an easterly direction, thence;

7) Running 26.09 feet in a northerly direction, said course forming a deflection angle to the left with the previous course of 85 degrees, 22 minutes and 26 seconds, thence;

8) Running 100.23 feet in an easterly direction, said course forming a deflection angle to the right with the previous course of 85 degrees, 22 minutes and 26 seconds, thence;

9) Running 15.57 feet in a southerly direction, said course forming a deflection angle to the right with the previous course of 98 degrees, 3 minutes and 54 seconds, thence;

10) Running 25.30 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 90 degrees, 11 minutes and 37 seconds, thence;

11) Running 0.68 feet in a southerly direction, said course forming a deflection angle to the left with the previous course of 93 degrees, 37 minutes and 53 seconds, thence;

12) Running 13.83 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 61 degrees,23 minutes and 46 seconds, thence;

13) Running 30.84 feet in a southerly direction, said course forming a deflection angle to the left with the previous course of 80 degrees, 44 minutes and 51 seconds, thence;

14) Running 27.85 feet in a southerly direction, said course forming a deflection angle to the right with the previous course of 24 degrees, 59 minutes and 54 seconds, thence;

15) Running 7.15 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 88 degrees, 41 minutes and 3 seconds, thence;

16) Running 11.35 feet in a westerly direction, said course forming a deflection angle to the left with the previous course of 39 degrees, 30 minutes and 19 seconds, thence;

17) Running 10.83 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 17 degrees, 59 minutes and 37 seconds, thence;

18) Running 10.78 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 13 degrees, 47 minutes and 46 seconds, thence;

19) Running 10.23 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 7 degrees, 6 minutes and 45 seconds, thence;

20) Running 24.52 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 25 degrees, 46 minutes and 34 seconds, thence;

21) Running 21.62 feet in a southerly direction, said course forming a deflection angle to the left with the previous course of 119 degrees, 32 minutes and 19 seconds, thence;

22) Running 185.04 feet in an easterly direction, said course forming a deflection angle to the left with the previous course of 89 degrees, 42 minutes and 24 seconds, thence;

23) Running 105.49 feet in a northerly direction, said course forming a deflection angle to the left with the previous course of 86 degrees, 2 minutes and 45 seconds, thence;

24) Running 140.09 feet in an easterly direction, to a point of curvature, said course forming a deflection angle to the right with the previous course of 81 degrees, 7 minutes and 35 seconds, thence;

25) Running along a curve, to the right, with a radius of 44.00 feet, a central angle of 179 degrees, 51 minutes and 15 seconds, a distance of 138.12 feet, to a point of tangency, said course forming an angle of 8 degrees, 44 minutes and 38 seconds between a radial line to the center and the previous course, thence;

26) Running 391.69 feet in a northerly direction, to a point of curvature on the southerly line of Surf Avenue, thence;

27) Running along the southerly line of Surf Avenue on a curve, to the right, with radius of 7940.00 feet, a central angle of 19 minutes and 3 seconds, a distance of 44.01 feet, said course forming an angle of 0 degrees, 46 minutes and 2 seconds between a radial line to the center and the previous course, thence;

28) Running 655.57 feet in a southerly direction, said course forming an angle of 1 degree 5 minutes and 5 seconds between the radial line to the curve center and the previous course, thence;

29) Running 931.43 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 76 degrees, 37 minutes and 12 seconds, thence;

30) Running 435.77 feet in a westerly direction, said course forming a deflection angle to the left with the previous course of 50 minutes and 36 seconds, thence;

31) Running 278.88 feet in a northerly direction, said course forming a deflection angle to the right with the previous course of 91 degrees 16 minutes and 10 seconds to the point or place of beginning.

Said parcel containing approximately 9.37 acres more or less.

S 5. This act shall take effect immediately.