

6599

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 22, 2011

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Introduced by M. of A. BROOK-KRASNY -- Multi-Sponsored by -- M. of A. BRENNAN, P. RIVERA -- 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:

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

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

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1 thereon to be discontinued, the city of New York shall dedicate the  
2 difference between the fair market value of the discontinued parkland  
3 and the fair market value of the dedicated parkland for the acquisition  
4 of additional parkland and/or for capital improvements to existing park  
5 and recreational facilities within the borough of Brooklyn.

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

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

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

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

1 parcels of land described in section five of this act, once acquired by  
2 the city and dedicated as parkland, to the New York city economic devel-  
3 opment corporation pursuant to the authority conferred by subdivision b  
4 of this section shall be subject exclusively to the requirement that  
5 such lease or any amendment thereof, sublease or assignment of rights  
6 thereunder shall be consistent in all material respects with the "Coney  
7 Island Amusement Park Project Plan" prepared by the department of parks  
8 and recreation of the city of New York and approved by the city council  
9 of the city of New York in the manner set forth in the "Agreement for  
10 Special Process for New York City Council Review and Approval of Coney  
11 Island Amusement Park Project Plan" as authorized by resolution of the  
12 city council of the city of New York at a meeting held on August 20,  
13 2009.

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

17 PARCEL A

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

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

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

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

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

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

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

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

41 Said parcel containing approximately 1.69 acre more or less.

42 PARCEL B

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

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

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

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

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

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

7 Said parcel containing approximately 0.57 acre more or less.

8 PARCEL C

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

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

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

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

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

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

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

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

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

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

39 9) Running along a curve, to the right, with radius of 1940.00 feet, a  
40 central angle of 7 degrees, 18 minutes and 28 seconds, a distance of  
41 247.44 feet to the point or place of beginning.

42 Said parcel containing approximately 7.04 acres more or less.

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

47 Starting at a point of beginning located on the westerly line of West  
48 16th Street, said point lying 581.68 feet south of the southerly line of  
49 Surf Avenue, as those streets are laid out on the City Map, thence;

50 1) Running along a curve, to the left, with a radius of 45.00 feet, a  
51 central angle of 165 degrees, 3 minutes and 21 seconds, a distance of  
52 129.63 feet to a point of tangency, thence;

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

1 3) Running 26.42 feet in a southerly direction, said course forming a  
2 deflection angle to the right with the previous course of 100 degrees,  
3 13 minutes and 49 seconds, thence;  
4 4) Running 295.35 feet in an easterly direction, to a point of curva-  
5 ture, said course forming a deflection angle to the left with the previ-  
6 ous course of 100 degrees, 13 minutes and 49 seconds thence;  
7 5) Running along a curve, to the right, with radius of 300.00 feet, a  
8 central angle of 14 degrees, 15 minutes and 24 seconds, a distance of  
9 74.65 feet to a point of tangency, thence;  
10 6) Running 346.02 feet in an easterly direction, thence;  
11 7) Running 62.57 feet in a southerly direction, said course forming a  
12 deflection angle to the right with the previous course of 94 degrees, 37  
13 minutes and 34 seconds, thence;  
14 8) Running 185.04 feet in an easterly direction, said course forming a  
15 deflection angle to the left with the previous course of 89 degrees, 42  
16 minutes and 24 seconds, thence;  
17 9) Running 105.49 feet in a northerly direction, said course forming a  
18 deflection angle to the left with the previous course of 86 degrees, 2  
19 minutes and 45 seconds, thence;  
20 10) Running 140.09 feet in an easterly direction, said course forming  
21 a deflection angle to the right with the previous course of 81 degrees,  
22 7 minutes and 35 seconds, thence;  
23 11) Running along a curve, to the right, with a radius of 44.00 feet,  
24 a central angle of 179 degrees, 51 minutes and 15 seconds, a distance of  
25 138.12 feet, to a point of tangency, said course forming an angle of 8  
26 degrees, 44 minutes and 38 seconds between a radial line to the center  
27 and the previous course, thence;  
28 12) Running 391.69 feet in a northerly direction, to a point of curva-  
29 ture on the southerly line of Surf Avenue, thence;  
30 13) Running along the southerly line of Surf Avenue on a curve, to the  
31 right, with radius of 7940.00 feet, a central angle of 19 minutes and 3  
32 seconds, a distance of 44.01 feet, said course forming an angle of 0  
33 degrees, 46 minutes and 2 seconds between the radial line to the center  
34 and the previous course thence;  
35 14) Running 655.57 in a southerly direction, said course forming an  
36 angle of 1 degree 5 minutes and 5 seconds between the radial line to the  
37 curve center and the previous course, thence;  
38 15) Running 931.43 feet in a westerly direction, said course forming a  
39 deflection angle to the right with the previous course of 76 degrees, 37  
40 minutes and 12 seconds, thence;  
41 16) Running 435.77 feet in a westerly direction, said course forming a  
42 deflection angle to the left with the previous course of 50 minutes and  
43 36 seconds, thence;  
44 17) Running 278.88 feet in a northerly direction, said course forming  
45 a deflection angle to the right with the previous course of 91 degrees  
46 16 minutes and 10 seconds to the point or place of beginning.  
47 Said parcel containing approximately 9.24 acres more or less.  
48 S 5. The parkland authorized to be leased to the New York city econom-  
49 ic development corporation pursuant to subdivision b of section two of  
50 this act is a parcel of parkland in between Wonder Wheel Way and the  
51 public beach in the borough of Brooklyn and city of New York, in accord-  
52 ance with Borough President Map No. Y-2715 more particularly described  
53 as follows:  
54 Starting at a point of beginning located on the westerly line of West  
55 16th Street, said point lying 581.68 feet south of the southerly line of  
56 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, 49 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 an 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 6. The parkland through which easements may be granted pursuant to subdivision d of section two of this act is two parcels of parkland in the borough of Brooklyn and city of New York as follows:

PARCEL A

An east-west easement located to the south and east of the intersection West 12th Street and Wonder Wheel Way more particularly described as follows:

Starting at a point of beginning located on the former easterly line of West 12th Street, said point lying 265.11 feet south of the intersection of the southerly line of Bowery and West 12th Street, as those streets are laid out on the City Map, thence;

1) Running 61.97 feet in an easterly direction, thence;

2) Running 11.35 feet in a westerly direction, said course forming a deflection angle to the right with the previous course of 322 degrees, 36 minutes and 50 seconds, thence;

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

4 4) Running 10.78 feet in a westerly direction, said course forming a  
5 deflection angle to the right with the previous course of 13 degrees, 49  
6 minutes and 46 seconds, thence;

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

10 6) Running 24.52 feet in a westerly direction, said course forming a  
11 deflection angle to the right with the previous course of 25 degrees, 46  
12 minutes and 34 seconds to the point or place of beginning.  
13 Said parcel containing approximately 0.01 acre more or less.

14 PARCEL B

15 A north-south easement located in the street bed of a portion of the  
16 former West 12th Street near/at the intersection West 12th Street and  
17 Wonder Wheel Way more particularly described as follows:

18 Starting at a point of beginning located on the easterly line of West  
19 12th Street, said point lying 224.17 feet south of the intersection of  
20 the southerly line of Bowery and West 12th Street, as those streets are  
21 laid out on the City Map, thence;

22 1) Running 62.57 feet in a southerly direction, thence;

23 2) Running 60.00 feet in a westerly direction, said course forming a  
24 deflection angle to the right with the previous course of 90 degrees, 17  
25 minutes and 36 seconds, thence;

26 3) Running 57.41 feet in a northerly direction, said course forming a  
27 deflection angle to the right with the previous course of 89 degrees, 42  
28 minutes and 24 seconds, thence;

29 4) Running 60.20 feet in an easterly direction, said course forming a  
30 deflection angle to the right with the previous course of 85 degrees, 22  
31 minutes and 26 seconds to the point or place of beginning.  
32 Said parcel containing approximately 0.08 acre more or less.

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

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

41 1) Running 9.00 feet in a northeasterly direction, thence;

42 2) Running 23.67 feet in an easterly direction, said course forming a  
43 deflection angle to the right with the previous course of 89 degrees, 53  
44 minutes and 22 seconds, thence;

45 3) Running 7.72 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 66 degrees, 28 minutes and 11 seconds, thence;

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

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

55 S 8. If the parkland that is the subject of this act has received  
56 funding pursuant to the federal land and water conservation fund, the



1 discontinuance of parkland authorized by the provisions of this act  
2 shall not occur until the municipality has complied with the federal  
3 requirements pertaining to the conversion of parklands, including satis-  
4 fying the secretary of the interior that the discontinuance will include  
5 all conditions which the secretary of the interior deems necessary to  
6 assure the substitution of other lands shall be equivalent in fair  
7 market value and recreational usefulness to the lands being discontin-  
8 ued.

9 S 9. This act shall take effect immediately.