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

7148--A

2015-2016 Regular Sessions

I N A S S E M B L Y

April 27, 2015

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to transfer ownership of certain parklands to Alexander's of Rego Park III, Inc.

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, the city of New York, acting by and through the commissioner of parks and recreation of such city, is authorized to transfer the light and air easement volume described in section four of this act above Lost Battalion Hall Park in the borough of Queens to Alexander's of Rego Park III, Inc. in exchange for a certain light and air easement volume, described in section five of this act, that is contiguous to such park. Such exchange shall be made upon such terms and conditions as shall be agreed upon between the parties.

S 2. The authorization contained in section one of this act shall only be effective on the condition that any residential or commercial development to be constructed adjacent to the Lost Battalion Hall Park contain adequate space for classrooms to be used to operate public full-day pre-kindergarten programs. Such programs shall offer, at a minimum, a total of thirty-six full day slots. Such classrooms shall serve no more than eighteen students per classroom, shall be located on the ground level of such development and shall comply with all applicable minimum square footage requirements, including those as may be required by the state education department or the department of education of the city of New York and shall comply with all applicable health, building and fire codes for pre-kindergarten programs operated within the city of New York School District, including but not limited to, applicable requirements of the Americans With Disabilities Act, New York State

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

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Uniform Fire Prevention and Building Code, as well as any applicable facilities requirements of a state or local licensing or registering agency. For purposes of this section, the term pre-kindergarten program shall include those programs authorized by the education law or administered by the state education department.

S 3. In the event that the fair market value of the easement volume acquired from Alexander's of Rego Park III, Inc. pursuant to section five of this act is not equal to or greater than the fair market value of the easement volume value transferred to Alexander's of Rego Park III, Inc. pursuant to section four of this act, the city of New York shall dedicate the difference between the fair market value of the easement volume transferred to Alexander's of Rego Park III, Inc., and the fair market value of the easement volume acquired from Alexander's of Rego Park III, Inc., for the acquisition of additional parkland and/or for capital improvements to existing park and recreational facilities within the borough of Queens.

S 4. The parkland light and air easement volume to be transferred to Alexander's of Rego Park III, Inc. is above the surface of a part of block 2076 lot 50, block 2077 lots 50, 98 and 8901 and bed of former 62nd Avenue in the borough of Queens, more particularly described as follows:

ALL that certain plot, piece or parcel of land situate, lying and being in the borough and county of Queens, city and state of New York, bounded and described as follows:

BEGINNING at a point located distant 65.52 feet northwesterly along the northeasterly street line of 93rd Street, from its intersection with the southerly street line of 62nd Avenue, as those streets were hereinbefore laid out on the borough president map;

RUNNING THENCE 16.27 feet northwesterly, along said northeasterly street line of 93rd Street to a point;

RUNNING THENCE 336.56 feet in an easterly direction, said course forming a deflection angle to the left with the previous course of 120 degrees 39 minutes 13 second;

RUNNING THENCE 14.00 feet in a southerly direction, said course forming a deflection angle to the left with the previous course of 90 degrees 00 minutes 00 seconds;

RUNNING THENCE 328.26 feet in a westerly direction, said course forming a deflection angle to the left with the previous course of 90 degrees 00 minutes 00 seconds to the point or place of BEGINNING.

Said parcel containing approximately 0.107 acre more or less.

Such easement volume shall consist of the above-surface volume above the easement area's maximum finished ground elevation to the sky, subject to the right of the city of New York, and its successors and assigns, to construct improvements up to a height of 30 feet above grade.

S 5. The light and air easement volume to be acquired by the city of New York from Alexander's of Rego Park III, Inc. for dedication as parkland is as follows:

Above the surface of part of block 2076 lot 50, block 2077 lot 50, 98 and 8901 and bed of former 62nd Avenue, more particularly described as follows:

ALL that certain plot, piece or parcel of land situate, lying and being in the borough and county of Queens, city and state of New York, bounded and described as follows:

BEGINNING at a point located distant 81.80 feet northwesterly along the northeasterly street line of 93rd Street, from its intersection with

the southerly street line of 62nd Avenue, as those streets were hereinbefore laid out on the borough president map;

RUNNING THENCE 11.62 feet northwesterly, along said northeasterly street line of 93rd Street to a point;

RUNNING THENCE 468.33 feet in an easterly direction, said course forming a deflection angle to the left with the previous course of 120 degrees 39 minutes 13 second;

RUNNING THENCE 10.00 feet in a southerly direction, said course forming a deflection angle to the left with the previous course of 90 degrees 00 minutes 00 seconds;

RUNNING THENCE 462.41 feet in a westerly direction, said course forming a deflection angle to the left with the previous course of 90 degrees 00 minutes 00 seconds to the point or place of BEGINNING.

Said parcel containing approximately 0.107 acre more or less.

Such easement volume shall consist of the above-surface volume above the easement area's maximum finished ground elevation to the sky, subject to the responsibility of Alexander's of Rego Park III, Inc., and its successors and assigns, to install non-permanent furniture, fixtures and plantings, such as moveable benches, chairs, tables, trash cans and planters, as well as fixed furniture, with such fixed furniture subject to prior approval by the city of New York.

S 6. If the parkland light and air easement volume that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the transfer authorized by the provisions of this act shall not occur until the city of New York has complied with the federal requirements pertaining to the conversion of parklands, including satisfying the secretary of the interior that the transfer will include all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being discontinued.

S 7. This act shall take effect immediately.