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

4650--A

2015-2016 Regular Sessions

I N S E N A T E

April 1, 2015

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Finance -- 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 in section three of this act to Alexander's of Rego Park III, Inc. in exchange for a certain surface easement, described in section four of this act, that is contiguous to Lost Battalion Hall Park in the borough of Queens. Such exchange shall be made upon such terms and conditions as shall be agreed upon between the parties.

S 2. In the event that the fair market value of the surface easement acquired from Alexander's of Rego Park III, Inc. is not equal to or greater than the fair market value of the light and air easement transferred to Alexander's of Rego Park III, Inc., the city of New York shall dedicate the difference between the fair market value of the light and air easement conveyed to Alexander's of Rego Park III, Inc., and the fair market value of the surface easement 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 3. The light and air easement to be conveyed to Alexander's of Rego Park III, Inc. is 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:

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

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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 shall consist of such lands and extend 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 4. The easement to be acquired by the city of New York from Alexander's of Rego Park III, Inc. is as follows:

A 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 surface easement shall consist of such lands subject to the right 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 commissioner of the department of parks and recreation of the city of New York.

S 5. If the parkland subject to the light and air easement 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 6. This act shall take effect immediately.