

# STATE OF NEW YORK

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8305

2017-2018 Regular Sessions

## IN ASSEMBLY

June 6, 2017

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Introduced by M. of A. AUBRY -- read once and referred to the Committee on Cities

AN ACT authorizing the city of New York to discontinue the use of certain land as parkland and to transfer such land to the city of New York department of education for the purpose of building and maintaining a pre-kindergarten program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding the provisions of chapter 734 of the laws  
2 of 1963, including any amendments made thereto, and subject to the  
3 provisions of this act, the city of New York, acting by and through the  
4 commissioner of parks and recreation of such city, is authorized to  
5 discontinue the use as parkland and transfer such lands described in  
6 section three of this act to the New York city department of education  
7 for the purpose of building and maintaining a pre-kindergarten program  
8 and upon such terms and conditions as the parties shall agree.

9 § 2. The authorization provided in section one of this act shall be  
10 effective only upon the condition that the city of New York dedicates an  
11 amount equal to or greater than the fair market value of the parklands  
12 being discontinued towards the acquisition of new parklands and/or  
13 towards capital improvements to existing parkland and recreational  
14 facilities within the borough of Queens.

15 § 3. The lands authorized to be conveyed pursuant to section one of  
16 this act shall be described in a chapter of the laws of 2018 describing  
17 the metes and bounds of the parkland that is being discontinued for the  
18 purpose described in section one of this act.

19 § 4. If the land that is the subject of this act has received funding  
20 pursuant to the federal land and water conservation fund, the discontin-  
21 uance of parklands authorized by the provisions of this act shall not  
22 occur until the municipality has complied with the federal requirement  
23 pertaining to the conversion of parklands, including satisfying the

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

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1 secretary of the interior that the discontinuance will include all  
2 conditions which the secretary of the interior deems necessary to assure  
3 the substitution of other lands shall be equivalent in fair market value  
4 and recreational usefulness to the lands being discontinued.

5 § 5. If the property described in section three of this act, and  
6 transferred to the New York City department of education pursuant to the  
7 provisions of this act, shall ever be used for a purpose other than for  
8 the purpose described in section one of this act, such property shall  
9 revert back to the city of New York department of parks and recreation  
10 to be used for park and recreational purposes or for the purposes  
11 provided by chapter 734 of the laws of 1963, including any amendments  
12 made thereto.

13 § 6. Nothing in this act shall be construed to exempt any pre-kinder-  
14 garten program established on the lands described in section three of  
15 this act from being in compliance with all applicable standards relating  
16 to pre-kindergarten programs.

17 § 7. This act shall take effect on the same date and in the same  
18 manner as a chapter of the laws of 2018 describing the metes and bounds  
19 of the parkland that is being discontinued for the purpose described in  
20 section one of this act.