

# STATE OF NEW YORK

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8925

## IN ASSEMBLY

January 8, 2018

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

AN ACT to amend chapter 402 of the laws of 2017 relating to authorizing  
discontinuance of the use as parkland of land in the city of New York  
commonly known as the Marx Brothers playground, in relation to requir-  
ing the commissioner of parks, recreation and historic preservation to  
certify the status and nature of such land before reclassifying the  
use of such land

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

1 Section 1. Chapter 402 of the laws of 2017, relating to authorizing  
2 discontinuance of the use as parkland of land in the city of New York  
3 commonly known as the Marx Brothers playground, is amended to read as  
4 follows:

5 Section 1. Subject to the provisions of this act, the city of New  
6 York, acting by and through the department of parks and recreation and  
7 the department of education of such city, is hereby authorized to  
8 discontinue the use as parkland of the land described in section three  
9 of this act, commonly known as the Marx Brothers playground, and to  
10 transfer such land to the New York city educational construction fund to  
11 permit the construction of a combined occupancy structure, as that term  
12 is defined in section 452 of the education law upon such terms and  
13 conditions as shall be agreed upon between the parties.

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

20 § 3. The lands authorized by section one of this act to be discontin-  
21 ued as parkland are bounded and described as follows:

22 All that tract or parcel of land situate in the City of New York, County  
23 of New York, and State of New York, bounded and described as follows:

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

LBD13085-05-7

1 Beginning at a point formed by the intersection of the easterly line of  
2 Second Avenue (100' wide right of way), with the southerly line of East  
3 97th Street (66' wide right of way), and from said point of beginning  
4 running thence; 1. along the said southerly line of East 97th Street,  
5 south 61 degrees 00 minutes 41 seconds east, a distance of 319.00 feet  
6 to a point, thence; 2. through the lands of Lot 1, Block 1668, south 28  
7 degrees 59 minutes 19 seconds west, a distance of 201.83 feet to a point  
8 on the northerly line of East 96th Street (100' wide right of way),  
9 thence; 3. along the said northerly line, north 61 degrees 00 minutes 41  
10 seconds west, a distance of 319.00 feet to a point formed by the inter-  
11 section of said northerly line of East 96th Street with the said easterly  
12 ly line of Second Avenue, thence; 4. along the said easterly line of  
13 Second Avenue, north 28 degrees 59 minutes 19 seconds east, a distance  
14 of 201.83 feet to a point and place of beginning, containing 64,384  
15 square feet or 1.478 acres.

16 § 4. If the parkland that is described in section three of this act  
17 has received funding pursuant to the federal land and water conservation  
18 fund, the discontinuance of parkland authorized by section one of this  
19 act shall not occur until the city of New York has complied with the  
20 federal requirements pertaining to the conversion of parklands, includ-  
21 ing satisfying the secretary of the interior that the discontinuance  
22 with all conditions which the secretary of the interior deems necessary  
23 to assure the substitution of other lands shall be equivalent in fair  
24 market value and recreational usefulness to the lands being discontin-  
25 ued.

26 § 5. This act shall not take effect and no action shall be taken to  
27 reclassify the use of the land described in section three of this act  
28 until the commissioner of parks, recreation and historic preservation  
29 determines and certifies the status and nature of the parcel of land  
30 described in section three of this act based upon a review and study of  
31 the property records, history of use, and any other factor relevant to  
32 such a determination. Such commissioner shall further determine the  
33 manner in which to proceed based upon the aforementioned review and  
34 certification.

35 § 6. This act shall take effect immediately.

36 § 2. This act shall take effect immediately.