

# STATE OF NEW YORK

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6724

2017-2018 Regular Sessions

## IN SENATE

June 14, 2017

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Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to authorize the city of New York to discontinue the use as parkland of a portion of Corporal Fischer Park in the borough of the Bronx and to sell and convey such land upon terms and conditions to facilitate the construction of affordable housing

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  
2 York, acting by and through the commissioner of parks and recreation of  
3 such city, is authorized to discontinue the use as parkland of the land  
4 described in section three of this act, a part of Corporal Fischer Park  
5 in the borough of the Bronx, which will no longer be developed for park  
6 purposes. The city of New York, acting by and through the department of  
7 housing preservation and development of such city, is authorized to sell  
8 and convey such discontinued parkland to facilitate the construction of  
9 a housing project in which one hundred percent of the dwelling units  
10 will be occupied by persons of low income as defined in section 2 of the  
11 private housing finance law and upon such other terms and conditions as  
12 determined by the department of housing preservation and development.  
13 § 2. The authorization provided in section one of this act shall be  
14 subject to the requirement that the city of New York shall dedicate the  
15 land described in section four of this act, known as Corporal Irwin  
16 Fischer place and which has never been used for park purposes, as park-  
17 land. Such dedicated lands shall be added to the part of Corporal Fisch-  
18 er park that is not being discontinued pursuant to this act to form a  
19 newly configured Corporal Fischer park. The authorization contained in  
20 section one of this act shall also be subject to the requirement that  
21 the city of New York perform capital improvements to the Corporal Fisch-  
22 er park that shall be newly configured pursuant to this act so that the  
23 value of such dedicated lands and capital improvements are equal to or

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

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greater than the fair market value of the lands being discontinued as parkland described in section three of this act.

§ 3. The land authorized to be discontinued as parkland and conveyed is bounded and described as follows:

ALL THOSE CERTAIN PLOTS, PIECES OR PARCELS OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE BOROUGH AND COUNTY OF BRONX, CITY AND STATE OF NEW YORK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF WEST 169TH STREET AS MEASURED EASTWARDLY A DISTANCE OF 92.31 FEET ALONG THE SAME FROM ITS INTERSECTION WITH THE EASTERLY LINE OF NELSON AVENUE AND FROM SAID POINT RUNS; THENCE

1) NORTHWESTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 32 AND LOT 1, BLOCK 2519 FORMING AN INTERIOR ANGLE OF 104 DEGREES 23 MINUTES 56 SECONDS, A DISTANCE OF 98.92 FEET TO A POINT, THENCE;

2) EASTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 32 AND LOT 1, BLOCK 2519 FORMING AN INTERIOR ANGLE OF 86 DEGREES 39 MINUTES 38 SECONDS, A DISTANCE OF 25.00 FEET TO A POINT CORNER TO LOT 27, THENCE;

3) EASTWARDLY ALONG THE DIVISION LINE BETWEEN LOT 27 AND LOT 1, BLOCK 2519 FORMING AN EXTERIOR ANGLE OF 179 DEGREES 11 MINUTES 37 SECONDS, A DISTANCE OF 99.17 FEET TO A POINT IN THE DIVISION LINE BETWEEN LOT 27 AND THE WESTERLY LINE OF LOTS 19 THROUGH 25, BLOCK 2519, THENCE;

4) SOUTHEASTWARDLY ALONG THE SAID DIVISION LINE BETWEEN LOT 27 AND LOTS 19 THROUGH 25, BLOCK 2519 FORMING AN INTERIOR ANGLE OF 101 DEGREES 48 MINUTES 09 SECONDS, A DISTANCE OF 132.11 FEET TO A POINT IN THE AFORESAID NORTHERLY LINE OF WEST 169TH STREET, THENCE;

5) WESTWARDLY ALONG THE SAME FORMING AN INTERIOR ANGLE OF 66 DEGREES 19 MINUTES 54 SECONDS, A DISTANCE OF 150.01 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 15,192 SQUARE FEET OR 0.3488 ACRES.

§ 4. The land to be dedicated as parkland is Corporal Irwin Fischer Place from Nelson Ave. to Shakespeare Ave., Borough and County of The Bronx, City and State of New York, more particularly described as follows:

Starting at a Point of Beginning located on the easterly street line of Nelson Avenue, said point being distant 96.897 feet southerly along said easterly street line of Nelson Ave. from its intersection with the southerly street line of West 170th Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence southerly, along the easterly street line of Nelson Ave., 55.610 feet to its intersection with former southerly street line of Corporal Irwin Fischer Place;

2) Running thence easterly, along the former southerly street line of Corporal Irwin Fischer Place, said course forming an interior angle with the last mentioned course of 64 degrees 02 minutes 40 seconds, 247.229 feet to the westerly street line of Shakespeare Ave.;

3) Running thence northerly, along the westerly street line of Shakespeare Ave., said course forming an interior angle with the last mentioned course of 91 degrees 43 minutes 50 seconds, 48.578 feet to the intersection with the newly established southerly street line of West 170th Street;

4) Running thence westerly, along said newly established southerly street line of West 170th Street, said course forming an interior angle with the last mentioned course of 114 degrees 13 minutes 30 seconds, 7.359 feet to the intersection with the former westerly street line of Corporal Irwin Fischer Place;

1 5) Running thence southerly, along the former westerly street line of  
2 Corporal Irwin Fischer Place, said course forming an interior angle with  
3 the last mentioned course of 90 degrees 00 minutes 00 seconds, 1.976  
4 feet to its intersection with the former northerly street line of Corpo-  
5 ral Irwin Fischer Place;

6 6) Running thence westerly, along said former northerly street line of  
7 Corporal Irwin Fischer Place, said course forming an interior angle with  
8 the last mentioned course of 244 degrees 02 minutes 40 seconds, 216.875  
9 feet to the Point or Place of Beginning.

10 The area described above consists of 11,793 square feet, more or less,  
11 located in the County of the Bronx.

12 § 5. If the city of New York department of housing preservation and  
13 development fails to convey the discontinued parkland to facilitate the  
14 construction of a housing project for occupancy by persons of low income  
15 as defined in section 2 of the private housing finance law, then such  
16 property shall revert back to the city of New York, department of parks  
17 and recreation to be used for park and recreational purposes.

18 § 6. If the parkland that is the subject of this act has received  
19 funding pursuant to the federal land and water conservation fund, the  
20 discontinuance of parkland authorized by the provisions of this act  
21 shall not occur until the city of New York has complied with the federal  
22 requirements pertaining to the conversion of parklands, including satis-  
23 fying the secretary of the interior that the discontinuance will include  
24 all conditions which the secretary of the interior deems necessary to  
25 assure the substitution of other lands shall be equivalent in fair  
26 market value and recreational usefulness to the lands being discontin-  
27 ued.

28 § 7. This act shall take effect immediately.