

STATE OF NEW YORK

8784

IN SENATE

May 18, 2018

Introduced by Sen. KAVANAGH -- (at request of the Metropolitan Transportation Authority) -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to authorize the city of New York to discontinue the use as park land of a portion of real property in the county of New York and to grant easements

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, but notwithstanding
2 any provision of law to the contrary, the city of New York is hereby
3 authorized to discontinue permanently the use as park land certain
4 subsurface portions of the lands described in section three of this act
5 and to discontinue temporarily the use as park land the lands described
6 in section four of this act and to grant easements to such lands to the
7 metropolitan transportation authority, upon such terms and conditions as
8 the city shall determine, to enable the New York city transit authority,
9 an affiliate of the metropolitan transportation authority, to use such
10 lands for the construction of a new subsurface electrical substation
11 adjacent to the existing tunnel of the A, C, E subway lines to provide
12 power to enable additional subway trains to be operated.

13 § 2. The authorizations provided in section one of this act shall take
14 effect only upon the condition that at the time of the granting of the
15 easements interests in the park land and the discontinuance of the park
16 lands described in sections three and four of this act to the New York
17 city transit authority, the city shall acquire additional park lands of
18 equal or greater fair market value and/or perform capital improvements
19 to existing park and recreational facilities which are equal to or
20 greater than the fair market value of those park lands being discontin-
21 ued by this act.

22 § 3. The lands hereby authorized by section one of this act to be
23 discontinued as park land and granted as a subsurface easement to the
24 metropolitan transportation authority are located in the city, county
25 and state of New York in a park known as the grand canal court and are
26 bounded as described as

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

LBD14356-03-8

1 Permanent subsurface easement 1 on Tax Lot 33 in Block 227, Borough of
2 Manhattan:

3 Beginning at a point (N=202372.05, E=982851.41)(NAD83/NAVD88) at the
4 corner formed by the intersection of the northeasterly and northwesterly
5 sidelines of Thompson Street, a variable width right of way, running
6 thence,

7 1) Northwesterly along the said northeasterly sideline of Thompson
8 Street 24.57' to a point in the same northeasterly sideline of Thompson
9 Street, thence,

10 2) On a line having an interior angle of $41^{\circ} 13' 15.92''$ with the
11 previous course 28.15' to a point in the northwesterly sideline of
12 Thompson Street, thence,

13 3) Along the northwesterly sideline of Thompson Street in a general
14 southwesterly direction having an interior angle of $59^{\circ} 08' 44.08''$ with
15 the previous course 18.86' to the POINT and PLACE of the BEGINNING.

16 The easement described above has a height of 14.70'. The easement
17 begins at an elevation of 4.70' (the park floor elevation is 6.00± to
18 8.00±) and runs to an elevation of -10.00'.

19 Permanent subsurface easement 2 on Tax Lot 33 in Block 227, Borough of
20 Manhattan

21 Beginning at a point (N=202448.58, E=982829.32)(NAD83/NAVD88) in the
22 easterly sideline of Avenue of the Americas, which point is 45.14'
23 distant from the corner formed by the intersection of the northeasterly
24 sideline of Thompson Street (a variable width of right of way) and the
25 easterly sideline of the Avenue of the Americas, (100' wide), running
26 thence,

27 1) Along the same easterly sideline of Avenue of the Americas in a
28 general northerly direction 49.69' to a point, thence,

29 2) Southeasterly on a line having an interior angle of $74^{\circ} 17' 10.43''$
30 with the previous course 38.86' to a point, thence,

31 3) In a general southwesterly direction on a line having an interior
32 angle of $89^{\circ} 30' 55.67''$ with the previous course 47.67' to a point,
33 thence,

34 4) On a line having an interior angle of $91^{\circ} 00' 50.94''$ with the
35 previously mentioned course 25.00' to the POINT and PLACE of the BEGIN-
36 NING.

37 The easement described above has a height of 16.34'. The easement
38 begins at an elevation of 6.34' (the park floor elevation is 6.00± to
39 8.00±) and runs to an elevation of -10.00'.

40 Permanent subsurface easement 3 on Tax Lot 33 of Block 227, Borough of
41 Manhattan:

42 Beginning at a point (N=202372.05', E=982851.41)(NAD83/NAVD88) at the
43 corner formed by the intersection of the northeasterly and northwesterly
44 sidelines of Thompson Street, a variable width right of way, running
45 thence

46 1) Northwesterly along the said northeasterly sideline of Thompson
47 Street 16.26' to a point on the same northerly sideline of Thompson
48 Street, thence,

49 2) On a line in a general northerly direction having an interior angle
50 of $130^{\circ} 20' 24.62''$ with the previous course 66.50' to a point, thence,

51 3) On a line in a general easterly direction having right angles with
52 the previous course 4.00' to a point, thence,

53 4) On a line in a general northerly direction having right angles with
54 the previous course 19.80' to a point, thence,

55 5) On a line in a general westerly direction having right angles with
56 the previous course 4.00' to a point, thence,

1 6) On a line in a general northerly direction having right angles with
2 the previous course 25.87' to a point, thence,

3 7) On a line having an interior angle of 59° 57' 16.81" with the
4 previous course 72.03' to a point on the northwesterly sideline of
5 Thompson Street, thence,

6 8) Along the said northwesterly sideline of Thompson Street on a line
7 having an interior angle of 90° 04' 18.57" with the previous course
8 100.00' to the POINT and PLACE of the BEGINNING.

9 The easement described above has a height of 55.00'. The easement
10 begins at an elevation of -10.00' and runs to an elevation of -65.00'.

11 § 4. The lands hereby authorized by section one of this act to be
12 discontinued temporarily as park land and granted as a temporary ease-
13 ment for no more than forty-five (45) months to metropolitan transporta-
14 tion authority for use by the New York city transit authority in
15 connection with the construction of the electrical substation are
16 located in the city, county and state in New York in a park known as the
17 grand canal court and are bounded and described as follows:

18 Temporary subsurface easement 1 on Tax Lot 33 in Block 227, Borough of
19 Manhattan

20 Beginning at a point (N=202372.05, E=982851.41)(NAD83/NAVD88) at the
21 corner formed by the intersection of the northeasterly and northwesterly
22 sidelines of Thompson Street, a variable width right of way, running
23 thence,

24 1) Northwesterly along the said northeasterly sideline of Thompson
25 Street 24.57' to a point in the same northeasterly sideline of Thompson
26 Street, thence,

27 2) On a line having an interior angle of 41° 13' 15.92" with the
28 previous course 28.15' to a point in the northwesterly sideline of
29 Thompson Street, thence,

30 3) Along the northwesterly sideline of Thompson Street in a general
31 southwesterly direction having an interior angle of 59° 08' 44.08" with
32 the previous course 18.86' to the POINT and PLACE of the BEGINNING.

33 The easement described above has a height of minimum 1.50'. The ease-
34 ment begins at park elevation (the park floor elevation is 6.00± to
35 8.00±) and runs to an elevation of 4.70'.

36 Temporary subsurface easement 2 on Tax Lot 33 in Block 227, Borough of
37 Manhattan

38 Beginning at a point (N=202448.58, E=982829.32)(NAD83/NAVD88) in the
39 easterly sideline of Avenue of the Americas, which point is 45.14'
40 distant from the corner formed by the intersection of the northeasterly
41 sideline of Thompson Street (a variable width right of way) and easterly
42 sideline of Avenue of the Americas, (100' wide), running thence,

43 1) Along the same easterly sideline of Avenue of the Americas in a
44 general northerly direction 49.69' to a point, thence,

45 2) Southeasterly on a line having an interior angle of 74° 17' 10.43"
46 with the previous course 38.86' to a point, thence,

47 3) In a general southwesterly direction on a line having an interior
48 angle of 89° 30' 55.67" with the previous course 47.67' to a point,
49 thence,

50 4) On a line having an interior angle of 91° 00' 50.94" with the
51 previously mentioned course 25.00' to the POINT and PLACE of the BEGIN-
52 NING.

53 The easement described above has a height of minimum 1.50'. The ease-
54 ment begins at park elevation (the park floor elevation is 6.00± to
55 8.00±) and runs to an elevation of 6.34'.

1 Temporary subsurface easement 3 on Tax Lot 33 in Block 227, Borough of
2 Manhattan

3 Beginning at a point (N=202388.89', E=982833.52)(NAD83/NAVD88), which
4 is distant 24.57' northwesterly along the northeasterly sideline of
5 Thompson Street from the corner formed by the intersection of the
6 northeasterly and northwesterly sidelines of Thompson Street, a variable
7 width right of way, running thence,

8 1) Northwesterly along the said northeasterly sideline of Thompson
9 Street a distance of 24.19' to a point at the intersection of the
10 northeasterly sideline of Thompson Street with the easterly side of the
11 Avenue of the Americas, thence,

12 2) In a general northerly direction on a line forming an interior
13 angle of 116° 00' 31" with the previous course 45.14' to a point,

14 3) In a general southeasterly direction on a line having an interior
15 angle of 74° 48' 57.04" with the previous course 25.00' to a point,
16 thence,

17 4) In a general northeasterly direction on a line having an exterior
18 angle of 91° 00' 50.94" with the previous course 47.67' to a point,
19 thence,

20 5) In a general southeasterly direction on a line having an interior
21 angle of 90° 29' 04.33" with the previous course 34.67' to a point on
22 the northwesterly sideline of Thompson Street, thence,

23 6) Along the northwesterly sideline of Thompson Street in a general
24 southwesterly direction on a line having an interior angle of 90° 04'
25 18.57" with the previous course 81.14' to a point on the same northwes-
26 terly sideline of Thompson Street, thence,

27 7) In a general westerly direction on a line having an interior angle
28 of 120° 51' 15.92" with the previous course 28.15' to the POINT and
29 PLACE of BEGINNING.

30 The easement described above has a height of minimum 16.20'. The ease-
31 ment begins at park elevation (the park floor elevation is 6.00± to
32 8.00±) and runs to an elevation of -10.00'.

33 § 5. In the event that the city of New York received any funding,
34 support or assistance from the federal government for the purchase,
35 maintenance or improvement of the parklands set forth in sections three
36 and four of this act, the discontinuance and alienation of such parkland
37 authorized by the provisions of sections three and four of this act
38 shall not occur until the city of New York has complied with any federal
39 requirements pertaining to the alienation or conversion of such park-
40 lands, including satisfying the secretary of the interior that the
41 alienation or conversion complies with all conditions which the secre-
42 tary of the interior deems necessary to assure the substitution of other
43 lands shall be equivalent in fair market value and usefulness to the
44 lands being alienated or converted.

45 § 6. Upon completion of the construction of the electrical substation,
46 the park will be restored for use as a park in agreement with the city
47 of New York.

48 § 7. This act shall take effect immediately.