

# STATE OF NEW YORK

6312

2019-2020 Regular Sessions

## IN SENATE

June 4, 2019

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 Rules

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 be  
14 effective only upon the condition that the city of New York dedicates an  
15 amount equal to or greater than the fair market value of the park lands  
16 being discontinued towards the acquisition of new park lands and/or  
17 capital improvements to existing park land and recreational facilities  
18 within the borough of Manhattan.

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

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

LBD09694-02-9

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  $6.00\pm$  to  
18  $8.00\pm$ ) and runs to an elevation of -10.00'.

19 Said parcel containing 228 square feet of land more or less.

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

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

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

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

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

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

38 The easement described above has a height of 16.34'. The easement  
39 begins at an elevation of 6.34' (the park floor elevation is  $6.00\pm$  to  
40  $8.00\pm$ ) and runs to an elevation of -10.00'.

41 Said parcel containing 1,524 square feet of land more or less.

42 Permanent subsurface easement 3 on Tax Lot 33 of Block 227, Borough of  
43 Manhattan:

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

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

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

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

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

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

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

5 7) On a line having an interior angle of  $59^{\circ} 57' 16.81''$  with the  
6 previous course 72.03' to a point on the northwesterly sideline of  
7 Thompson Street, thence,

8 8) Along the said northwesterly sideline of Thompson Street on a line  
9 having an interior angle of  $90^{\circ} 04' 18.57''$  with the previous course  
10 100.00' to the POINT and PLACE of the BEGINNING.

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

13 Said parcel containing 4,218 square feet of land more or less.

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

21 Temporary surface and subsurface easement 1 on Tax Lot 33 in Block  
22 227, Borough of Manhattan

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

27 1) Northwesterly along the said northeasterly sideline of Thompson  
28 Street 24.57' to a point in the same northeasterly sideline of Thompson  
29 Street, thence,

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

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

36 The easement described above has a height of minimum 1.50'. The ease-  
37 ment begins at park elevation (the park floor elevation is 6.00± to  
38 8.00±) and runs to an elevation of 4.70'.

39 Said parcel containing 228 square feet of land more or less.

40 Temporary surface and subsurface easement 2 on Tax Lot 33 in Block  
41 227, Borough of Manhattan

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

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

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

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

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

1 The easement described above has a height of minimum 1.50'. The ease-  
2 ment begins at park elevation (the park floor elevation is 6.00± to  
3 8.00±) and runs to an elevation of 6.34'.

4 Said parcel containing 1,524 square feet of land more or less.

5 Temporary surface and subsurface easement 3 on Tax Lot 33 in Block  
6 227, Borough of Manhattan

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

12 1) Northwesterly along the said northeasterly sideline of Thompson  
13 Street a distance of 24.19' to a point at the intersection of the  
14 northeasterly sideline of Thompson Street with the easterly side of the  
15 Avenue of the Americas, thence,

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

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

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

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

27 6) Along the northwesterly sideline of Thompson Street in a general  
28 southwesterly direction on a line having an interior angle of 90° 04'  
29 18.57" with the previous course 81.14' to a point on the same northwes-  
30 terly sideline of Thompson Street, thence,

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

34 The easement described above has a height of minimum 16.20'. The ease-  
35 ment begins at park elevation (the park floor elevation is 6.00± to  
36 8.00±) and runs to an elevation of -10.00'.

37 Said parcel containing 4,002 square feet of land more or less.

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

49 § 6. Upon the completion of construction, the metropolitan transporta-  
50 tion authority shall, in agreement with the city of New York and in  
51 consultation with the local community board, restore the surface of the  
52 lands described in sections three and four of this act and the lands  
53 shall continue to be used for park purposes.

54 § 7. This act shall take effect immediately.