STATE OF NEW YORK

306

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. BENJAMIN -- 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 certain park lands in the county of New York

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

Section 1. Subject to the provisions of this act, but notwithstanding any provision of law to the contrary, the city of New York is hereby authorized to discontinue the use as park land and transfer two parcels of land described in section three of this act upon such terms and conditions as the city shall determine, to the metropolitan transportation authority, for the construction of protective security fencing around the columns of the Harlem river lift bridge, operated by the Metro-North commuter railroad company, a subsidiary of the metropolitan transportation authority, that carries commuter trains across the Harlem river.

§ 2. The authorizations provided in section one of this act shall be effective only upon the condition that the city of New York dedicates an amount equal to or greater than the fair market value of the park lands being discontinued towards the acquisition of new park lands and/or capital improvements to existing park land and recreational facilities within the borough of Manhattan.

§ 3. The lands hereby authorized by section one of this act to be discontinued as park lands and transferred to the metropolitan transportation authority are located in the city, county and state of New York in park land on the east side right of way of Harlem river drive near 135th street and are bounded and described as follows:

Easterly Parcel

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

LBD02287-01-9

All that certain piece or parcel of land situated in the Borough of Manhattan, City of New York and State of New York being more particularly bounded and described as follows:

COMMENCING at the intersection of the southerly boundary of 135th Street with the westerly boundary of Park Avenue as shown on the current NYC Tax Maps.

THENCE, southeasterly, along the prolongation of said southerly boundary of 135th Street the following: S. 60°58'04" E. a distance of 258.50 feet to the U. S. Pier and Bulkhead Line, established by the U. S. War Department; thence along said Pier and Bulkhead Line S. 06°38'15" W. a distance of 51.00 feet to the POINT OR PLACE OF BEGINNING;

THENCE, southerly, continuing along the U. S. Pier and Bulkhead Line, S. 06°38'15" W. a distance of 17.48 feet;

THENCE, westerly, N. 82°19'41" W a distance of 44.02 feet;

THENCE, southerly, S.07°40'17" W a distance of 144.16 feet;

THENCE, easterly, N. 77°21'32" E a distance of 27.92 feet;

THENCE, northeasterly, N.58°30'34" E a distance of 34.36 feet to the aforementioned U. S. Pier and Bulkhead Line;

THENCE, southerly, along said Pier and Bulkhead Line S. 03°12'21" W. a distance of 45.86 feet to the southeasterly corner of the herein described parcel;

THENCE, westerly, N. 86°47'39" W a distance of 2.37 feet;

THENCE, westerly, N. 80°09'03" W a distance of 2.52 feet;

THENCE, westerly, N. 80°11'16" W a distance of 61.33 feet to the southwesterly corner of the herein described parcel;

THENCE, northerly, N. 07°36'00" E a distance of 156.00 feet to the northwesterly corner of the herein described parcel;

THENCE, easterly, N. 79°03'33" E. a distance of 46.33 feet;

THENCE, easterly, N. 79°11'05" E. a distance of 7.38 feet;

THENCE, easterly, N. 84°47'37" E. a distance of 2.84 feet to the POINT OR PLACE OF BEGINNING.

Said parcel containing 3,484 square feet of land more or less.

Westerly Parcel

All that certain piece or parcel of land situated in the Borough of Manhattan, City of New York and State of New York being more particularly bounded and described as follows:

COMMENCING at the intersection of the southerly boundary of 135th Street with the westerly boundary of Park Avenue as shown on the current NYC Tax Maps;

THENCE, southerly, along said westerly boundary of Park Avenue the following: S. 10°44'36" W. a distance of 233.29 feet; thence, over and across said Park Avenue S. 79°15'24" E. a distance of 167.64 feet to the northeasterly corner of an existing steel column supporting the overhead Metro North Railroad and also being the POINT OR PLACE OF BEGINNING;

THENCE, northerly, N. 14°56'05" W a distance of 5.04 feet;

THENCE, easterly, S. 81°36'25" E. a distance of 8.01 feet to the northeasterly corner of the herein described parcel;

THENCE, southerly, S. 08°27'30" W. a distance of 56.38 feet;

THENCE, southerly, S. 07°40'31" W. a distance of 59.64 feet to the southeasterly corner of the herein described parcel;

THENCE, westerly, N.84°22'37" W a distance of 8.00 feet the southwesterly corner of the herein described parcel;

THENCE, northeasterly, N. 34°55'25" E. a distance of 5.98 feet to the southeasterly corner of an existing steel column supporting the overhead Metro North Railroad;

THENCE, northerly, with the existing concrete support of the overhead Metro North Railroad to the POINT OR PLACE OF BEGINNING.

Said parcel containing 995 square feet of land more or less.

§ 4. Should the lands described in section three of this act cease to be used for the purposes described in section one of this act, those lands shall revert to the city of New York for park and recreational purposes. At the time of such reversion, the metropolitan transportation authority shall remove the fencing, and the property shall be returned to its previous state, consistent with park and recreational purposes.

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

§ 6. This act shall take effect immediately.