STATE OF NEW YORK

9068

IN SENATE

May 6, 2022

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT authorizing the city of New York to discontinue the use as parkland of a portion of real property in the county of New York and to grant certain rights to the metropolitan transportation authority so that it may make handicapped accessible improvements and upgrades to the New York city transit authority 168 Street transit station

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 permanently the use as parkland certain subsurface portions of the lands described in section three of this act and to discontinue temporarily the use as parkland the lands described in section four of this act and to grant easements to the metropolitan transportation authority, to enable the New York city transit authority, an affiliate of the metropolitan transportation authority, to use such lands for the construction of vertical and horizontal circulation elements, including corridors, ramps, elevators, stairs, and supporting infrastructure adjacent to the existing 168 Street subway stations on the A, C, and 1 subway lines to provide handicap accessible improvements and other upgrades, including improved emergency egress capacity. Such easements shall be granted upon such terms and conditions as the city of New York and the metropolitan transportation authority shall determine, including terms and conditions for the metropolitan transportation authority to ensure that the city of New York can comply with section five of this act.

§ 2. The metropolitan transportation authority, as consideration for being granted easements described in this act, shall pay to the city of New York the fair market value of the parklands being discontinued. The authorization 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 payable by metropolitan transportation authority, as such fair market value is determined in

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

LBD15723-01-2

such easements, for the parklands being discontinued towards the acquisition of new parklands or capital improvements to existing parklands and recreational facilities within the borough of Manhattan.

§ 3. The lands hereby authorized by section one of this act to be discontinued as parkland and granted as subsurface rights to the metropolitan transportation authority are located in the city, county and state of New York in a park known as the Mitchel Square and Broadway Mall are bounded and described as follows:

Area 1: Acquisition of subsurface rights (Passageway) at Broadway Mall located at the center median of Broadway, Borough of Manhattan:

Beginning at a point (N=245589.52, E=1000840.51) (NAD83) at the westerly line of Broadway Mall being situate S.02°57'09"E., 120.86 feet from the intersection of the westerly street line of Broadway with the southerly street line of W. 168 Street, running thence,

1) S.60°58'46"E. a distance of 15.95 feet to the easterly line of Broadway Mall, thence,

2) S.29°01'14"W. along the easterly line of Broadway Mall a distance of 30.00 feet, thence,

3) N.60°58'46"W. a distance of 15.95 feet to the westerly line of Broadway Mall, thence

4) N.29°01'14"E. along the westerly line of Broadway Mall a distance of 30.00 feet to the Point of Beginning.

The subsurface rights begin at an elevation of 167.64 feet(NAVD 1988) and have no lower limit.

Said parcel containing 479 square feet of land more or less.

Area 2: Acquisition of subsurface rights at Mitchel Square (Egress Stairs) on Tax Lot 65 in Block 2124, Borough of Manhattan:

Beginning at a point (N=245537.62, E=1000877.44)(NAD83) at the easterly street line of Broadway being situate S.14°02'22"E., 177.92 feet from the intersection of the westerly street line of Broadway with the southerly street line of W. 168 Street, running thence,

1) S.61°17'06"E. a distance of 14.15 feet, thence,

2) S.28°42'54"W. a distance of 14.32 feet, thence,

3) S.61°17'06"E. a distance of 29.75 feet, thence,

4) N.28°42'54"E. a distance of 13.50 feet, thence,

5) S.61°17'06"E. a distance of 12.81 feet to the westerly Street Line of St. Nicholas Avenue, thence,

6) S.11°34'21"W. along the westerly street line of St. Nicholas Avenue a distance of 24.13 feet, thence,

7) S.28°42'54"W. a distance of 6.28 feet, thence,

8) N.61°17'06"W. a distance of 61.34 feet to the easterly street line of Broadway, thence,

9) N.24°00'59"E. along the easterly street line of Broadway a distance of 30.25 feet to the Point of Beginning.

The subsurface rights begin at an elevation of 167.64 feet(NAVD 1988) and have no lower limit.

Said parcel containing 1,362 square feet of land more or less.

Area 3: acquisition of subsurface rights at Mitchel Square (Elevator Shaft) on Tax Lot 65 in Block 2124, Borough of Manhattan:

Beginning at a point (N=245530.10, E=1000889.45) (NAD83) being situate S.17°01'48"E., 188.38 feet from the intersection of the westerly street line of Broadway with the southerly street line of W. 168 Street, running thence,

1) S.61°17'06"E. a distance of 29.75 feet, thence,

2) S.28°42'54"W. a distance of 13.50 feet, thence,

3) N.61°17'06"W. a distance of 29.75 feet, thence,

4) N.28°42'54"E. a distance of 13.50 feet to the Point of Beginning.

The subsurface rights begin at an elevation of 170.64 feet(NAVD 1988) and have no lower limit.

Said parcel containing 402 square feet of land more or less.

Area 4: acquisition of subsurface rights at Mitchel Square (Passageway) on Tax Lot 65 in Block 2124, Borough of Manhattan:

Beginning at a point (N=245536.75, E=1000908.37) (NAD83) being situate S.23°07'39"E., 188.64 feet from the intersection of the westerly street line of Broadway with the southerly street line of W. 168 Street, running thence,

1) S.61°17'06"E. a distance of 24.56 feet to the Westerly Street Line of St. Nicholas Avenue, thence,

2) S.11°34'21"W. along the westerly Street Line of St. Nicholas Avenue a distance of 15.61 feet, thence,

3) N.61°17'06"E. a distance of 29.16 feet, thence,

4) N.28°42'54"E. a distance of 14.92 feet to the Point of Beginning.

The subsurface rights begin at an elevation of 167.64 feet(NAVD 1988) and have no lower limit.

Said parcel containing 401 square feet of land more or less.

§ 4. The lands hereby authorized by section one of this act to be discontinued temporarily as parkland and granted as a temporary easement to metropolitan transportation authority for use by the New York city transit authority in connection with the construction of the improvements are located in the city, county and state in New York in parks known as Mitchel Square and Broadway Mall and are bounded and described as follows:

Area 5: temporary easement (Passageway) at Broadway Mall located at the center median of Broadway, Borough of Manhattan:

Beginning at a point (N=245589.52, E=1000840.51) (NAD83) at the westerly line of Broadway Mall being situate S.02°57'09"E., 120.86 feet from the intersection of the westerly street line of Broadway with the southerly street line of W. 168 Street, running thence,

1) S.60°58'46"E. a distance of 15.95 feet to the easterly line of Broadway Mall, thence,

2) S.29°01'14"W. along the easterly line of Broadway Mall a distance of 30.00 feet, thence,

3) N.60°58'46"W. a distance of 15.95 feet to the westerly line of Broadway Mall, thence,

4) N.29°01'14"E. along the westerly line of Broadway Mall a distance of 30.00 feet to the Point of Beginning.

Said parcel containing 479 square feet of land more or less.

Area 6: temporary easement on Tax Lot 65 in Block 2124, Mitchel Square, Borough of Manhattan:

Beginning at a point (N=245497.23, E=1000859.45) (NAD83/NAVD88) at the easterly street line of Broadway being situate S.06°44'20"E., 214.47 feet from the intersection of the westerly street line of Broadway with the southerly street line of W. 168 Street, running thence,

1) N.24°00'59"E. along the easterly street line of Broadway a distance of 61.69 feet, thence,

2) N.29°01'14"E. along the easterly street line of Broadway a distance of 63.00 feet, thence,

3) In a generally easterly direction along a tangent curve to the right having a delta angle of 90°, an arc length of 18.85 feet and a radius of 12.00 feet, thence,

4) S.60°58'46"E. a distance of 8.25 feet, thence,

5) In a generally southerly direction along a tangent curve to the right having a delta angle of 72°22'08", an arc length of 15.16 feet and a radius of 12.00 feet to the westerly street line of St. Nicholas Avenue, thence,

6) S.11°34'21"W. along the westerly street line of St. Nicholas Avenue a distance of 133.86 feet, thence,

7) N.61°17'06"W. through Mitchel Square a distance of 66.42 feet to the Point of Beginning.

Said parcel containing 6,664 square feet of land more or less.

§ 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 parklands set forth in sections three and four of this act, the discontinuance and alienation of such parkland 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 parklands, 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 provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

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

§ 7. This act shall take effect immediately.