

STATE OF NEW YORK

9323

IN SENATE

May 16, 2022

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to authorize the city of New York to discontinue the use as parkland a portion of real property in the borough of Brooklyn and to use such property to construct elevators and handicapped accessible improvements and upgrades to the New York city transit authority Broadway Junction transit station

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 state or local law to the contrary, the city of New
3 York is hereby authorized to: (a) discontinue permanently the use as
4 parklands the lands described in section three of this act, and transfer
5 such lands to the metropolitan transportation authority, to enable the
6 New York city transit authority to construct in such areas new permanent
7 at-grade station improvements; (b) discontinue permanently the use as
8 parklands the lands described in section four of this act, and transfer
9 such lands to the metropolitan transportation authority to enable the
10 New York city transit authority to improve such airspace above parklands
11 with pedestrian bridges between and among the L, J, Z, A and C subway
12 lines; (c) discontinue permanently the use as parklands certain portions
13 of the areas described in section four of this act, and to grant proper-
14 ty rights, including subsurface and above surface rights to the metro-
15 politan transportation authority to the extent needed for structural
16 supports for above grade transit station improvements; and (d) discon-
17 tinue temporarily the use as parklands land described in sections three,
18 four and five of this act and to grant a temporary easement to the
19 metropolitan transportation authority; such discontinuance of the use as
20 parklands shall be to enable the New York city transit authority to
21 engage in construction of elevators, handicap accessible improvements
22 and other upgrades to the Broadway Junction transit station and tempo-
23 rary construction ingress and egress. Such aforesaid conveyances shall
24 be granted upon such terms and conditions as the city of New York and
25 the metropolitan transportation authority shall determine, including

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

LBD15828-01-2

1 terms and conditions for the metropolitan transportation authority to
2 ensure that the city of New York can comply with section seven of this
3 act.

4 § 2. The metropolitan transportation authority, as consideration for
5 being granted easements described in this act, shall pay to the city of
6 New York the fair market value of the parklands being discontinued. The
7 authorization provided in section one of this act shall be effective
8 only upon the condition that the city of New York dedicates an amount
9 equal to or greater than the fair market value payable by the metropol-
10 itan transportation authority, as such fair market value is determined
11 in such easements, for the parklands being discontinued towards the
12 acquisition of new parklands or capital improvements to existing park-
13 lands and recreational facilities within the borough of Brooklyn.

14 § 3. The lands hereby authorized by section one of this act to be
15 discontinued permanently as parkland and designated to be transferred to
16 the metropolitan transportation authority are located in the county of
17 Kings, city and state of New York in a park known as the Callahan-Kelly
18 Park, and are bounded and described as follows:

19 Area A: acquisition of property rights on Tax Lot 1 in Block 1546,
20 Borough of Brooklyn:

21 Beginning at the Point of Commencement, (N=186378.8532,
22 E=1009899.0749) (NAD83 / NAVD88) at the corner formed by the inter-
23 section of the northerly line of Fulton Street, an eighty feet width
24 right of way, and the easterly line of Eastern Parkway, a one-hundred-
25 and ten-feet width right of way, running thence,

26 Easterly along the said northerly sideline of Fulton Street 883.90',
27 along the same northerly sideline of Fulton Street to a point, thence,

28 On a line in a general northerly direction having an interior angle of
29 84°14'59" with the previous course 72.29' to a point known as the Point
30 of Beginning, thence,

31 1) On a line in a general westerly direction having an interior angle
32 of 89°57'01" with the previous course 55.94' to a point, thence,

33 2) On a line in a general Northerly direction having an interior angle
34 of 79°17'17" with the previous course 65.85' to a point, thence,

35 3) On a line in a general easterly direction having an interior angle
36 of 100°47'48" with the previous course 23.82' to a point, thence,

37 4) On a line in a general northerly direction having an interior angle
38 of 270°17'30" with the previous course 18.55' to a point, thence,

39 5) On a line in a general easterly direction having an interior angle
40 of 89°14'48" with the previous course 112.13' to a point, thence,

41 6) On a line in a general southerly direction having an interior angle
42 of 70°59'29" with the previous course 18.01' to a point, thence,

43 7) On a line in a general westerly direction having an interior angle
44 of 109°20'10" with the previous course 45.81' to a point, thence,

45 8) On a line in a general southerly direction having an interior angle
46 of 270°00'00" with the previous course 17.40' to a point, thence,

47 9) On a line in a general westerly direction having an interior angle
48 of 90°00'00" with the previous course 40.29' to a point, thence,

49 10) On a line in a general southerly direction having an interior
50 angle of 270°00'00" with the previous course 48.23' to the Point of
51 Beginning.

52 Said parcel described above contains 5,836 square feet more or less.

53 Area B: acquisition of property rights on Tax Lot 1 in Block 1546,
54 Borough of Brooklyn:

55 Beginning at the Point of Commencement, (N=186378.8532,
56 E=1009899.0749) (NAD83 / NAVD88) at the corner formed by the inter-

1 section of the northerly line of Fulton Street, an eighty feet width
2 right of way, and the north-easterly line of Eastern Parkway, a one-hun-
3 dred-and ten-feet width right of way, running thence,

4 Easterly along the said northerly line of Fulton Street 1011.31', to a
5 point of curvature on the same northerly sideline of Fulton Street,
6 thence,

7 Along the arc, having a curve to the left, a radius of 70 feet, delta
8 of 102°54'18", and an arc distance of 125.72 feet to the point of
9 tangency along the westerly line of Van Sinderen Avenue, a one-hundred
10 width right of way, thence,

11 Along the same westerly sideline of Van Sinderen Avenue in a general
12 northerly direction, from the point of tangency 53.99' along the same
13 westerly line of Van Sinderen Avenue, to a point, thence,

14 On a line in a general westerly direction having an interior angle of
15 97°09'24" with the previous course 45.92' to the Point of Beginning,
16 thence,

17 1) On a line in a general westerly direction having an interior angle
18 of 180°00'00" with the previous course 38.50' to a point, thence,

19 2) On a line in a general northerly direction having an interior angle
20 of 90°00'00" with the previous course 18.75' to a point, thence,

21 3) On a line in a general easterly direction having an interior angle
22 of 90°00'00" with the previous course 0.90' to a point, thence,

23 4) On a line in a general northerly direction having an interior angle
24 of 250°39'50" with the previous course 51.96' to a point, thence,

25 5) On a line in a general easterly direction having an interior angle
26 of 89°54'43" with the previous course 13.21' to a point, thence,

27 6) On a line in a general northerly direction having an interior angle
28 of 270°09'15" with the previous course 1.50' to a point, thence,

29 7) On a line in a general easterly direction having an interior angle
30 of 89°42'05" with the previous course 19.98' to a point, thence,

31 8) On a line in a general southerly direction having an interior angle
32 of 116°54'23" with the previous course 9.83' to a point, thence,

33 9) On a line in a general southerly direction having an interior angle
34 of 153°20'13" with the previous course 10.30' to a point, thence,

35 10) On a line in a general easterly direction having an interior angle
36 of 285°10'47" with the previous course 1.53' to a point, thence,

37 11) On a line in a general southerly direction having an interior
38 angle of 74°53'38" with the previous course 40.81' to the Point of
39 Beginning.

40 Said parcel described above contains 2,485 square feet more or less.

41 § 4. The area above certain limiting planes set forth below authorized
42 to be discontinued permanently as parkland by section one of this act,
43 along with permanent easements below such limiting planes for the struc-
44 tural supports required for the support of such above grade transit
45 improvements described in section one of this act are bounded and
46 described as follows:

47 Area C: Acquisition of air rights on Tax Lot 1 in Block 1546, Borough
48 of Brooklyn:

49 Beginning at the Point of Commencement, (N=186378.8532,
50 E=1009899.0749) (NAD83 / NAVD 88) at the corner formed by the inter-
51 section of the northerly sideline of Fulton Street, an eighty feet width
52 right of way, and the easterly sideline of Eastern Parkway, a one-hun-
53 dred- and ten-feet width right of way, running thence,

54 Along the easterly sideline of Eastern Parkway, a one-hundred- and
55 ten-feet width right of way, in a general northeasterly direction 70.74'
56 to a point in the same easterly sideline of Eastern Parkway and the

1 southerly sideline of Truxton Street, a 70 feet width right of way,
2 thence,

3 Along the southerly sideline of Truxton Street in a general easterly
4 direction having an interior angle of $142^{\circ}03'22''$ with the previous
5 course 945.72' to the point to curvature along the same said southerly
6 sideline of Truxton Street, thence,

7 Along the arc, having a curve to the right, a radius of 70 feet, delta
8 of $36^{\circ}53'27''$, and an arc distance of 45.07', also described as having an
9 interior angle of $161^{\circ}33'16''$ with the previous course 44.30' chord
10 length to the Point of Beginning in the same southerly sideline of Trux-
11 ton Street, thence,

12 1) On a line in a general southerly direction having an interior angle
13 of $82^{\circ}10'13''$ with the previous course 60.33' to a point, thence,

14 2) On a line in a general easterly direction having an interior angle
15 of $90^{\circ}05'13''$ with the previous course 13.21' to a point, thence,

16 3) On a line in a general northerly direction having an interior angle
17 of $89^{\circ}50'45''$ with the previous course 56.52 to a point along a curve,
18 thence,

19 4) Along an arc on the southerly sideline of Truxton Street having a
20 curve to the left, a radius of 70 feet, a delta angle of $11^{\circ}22'02''$ and
21 an arc distance of 13.71', also described as having an interior angle of
22 $106^{\circ}17'35''$ with the previous course 13.69' chord length to the Point of
23 Beginning.

24 The property rights described above begin at an elevation (NAVD 88) of
25 $121.5 \pm$ feet with no upper limit. The park ground is at an elevation of
26 $86.5 \pm$ feet.

27 Said parcel containing 773 square feet more or less.

28 Area D: acquisition of air rights on Tax Lot 1 in Block 1546, Borough
29 of Brooklyn:

30 Beginning at the Point of Commencement, (N=186378.8532,
31 E=1009899.0749) (NAD83 / NAVD 88) at the corner formed by the inter-
32 section of the northerly sideline of Fulton Street, an eighty feet width
33 right of way, and the easterly sideline of Eastern Parkway, a one-hun-
34 dred- and ten-feet width right of way, running thence,

35 Easterly along the said northerly line of Fulton Street 1011.31', to a
36 point of curvature on the same northerly sideline of Fulton Street,
37 thence,

38 Along the arc, having a curve to the left, a radius of 70 feet, delta
39 of $102^{\circ}54'18''$, and an arc distance of 125.72 feet to the point of
40 tangency along the westerly sideline of Van Sinderen, a one-hundred
41 width right of way, thence,

42 On a line in a general northerly direction, from the point of tangency
43 111.19' along the same westerly sideline of Van Sinderen, to the Point
44 of Beginning,

45 1) On a line in a general westerly direction having an interior angle
46 of $101^{\circ}43'05''$ with the previous course 24.87' to a point, thence,

47 2) On a line in a general southerly direction having an interior angle
48 of $78^{\circ}06'04''$ with the previous course 10.46' to a point, thence,

49 3) On a line in a general southerly direction having an interior angle
50 of $206^{\circ}39'47''$ with the previous course 10.30' to a point, thence,

51 4) On a line in a general easterly direction having an interior angle
52 of $74^{\circ}45'47''$ with the previous course 29.48' to a point along the
53 westerly sideline on Van Sinderen Avenue, a one-hundred feet width right
54 of way, thence,

55 5) On a line in general northerly direction having an interior angle
56 of $78^{\circ}45'18''$ with the previous course 20.38' to the Point of Beginning.

1 The property rights as described above begin at an elevation (NAVD 88)
2 of 96.5± feet with no upper limit. The park ground is at an elevation
3 of 86.5± feet.

4 Said parcel containing 522 square feet more or less.

5 § 5. The lands hereby authorized to be discontinued temporarily as
6 parklands by section one of this act and which will serve as
7 construction staging areas for a period exceeding two years, include the
8 lands described in section four of this act that are located below the
9 limiting plane defining the air space above the parkland being perma-
10 nently discontinued to allow for above grade station improvements (and
11 which will not be occupied by permanent station supports), and addi-
12 tional lands that are bounded and described as follows:

13 Area E: Temporary Construction Easement on Tax Lot 1 in Block 1546,
14 Borough of Brooklyn:

15 Beginning at the Point of Commencement, (N=186378.8532,
16 E=1009899.0749) (NAD83) at the corner formed by the intersection of the
17 northerly sideline of Fulton Street, an eighty feet width right of way,
18 and the easterly sideline of Eastern Parkway, a one-hundred- and ten-
19 feet width right of way, running thence,

20 Easterly along the said northerly sideline of Fulton Street 883.90',
21 to the Point of Beginning along the same northerly sideline of Fulton
22 Street, thence,

23 1) On a line in a general northerly direction having an interior angle
24 of 84°15'59" with the previous course 72.29' to a point, thence,

25 2) On a line in a general westerly direction having an interior angle
26 of 89°57'02" with the previous course 55.94' to a point, thence,

27 3) On a line in a general northerly direction having an interior angle
28 of 280°42'43" with the previous course 65.85' to a point, thence,

29 4) On a line in a general easterly direction having an interior angle
30 of 259°12'12" with the previous course 23.82' to a point, thence,

31 5) On a line in a general northerly direction having an interior angle
32 of 89°42'30" with the previous course 18.55' to a point, thence,

33 6) On a line in a general westerly direction having an interior angle
34 of 90°45'12" with the previous course 42.04' to a point, thence,

35 7) On a line in a general southerly direction having an interior angle
36 of 89°48'43" with the previous course 97.30' to a point, thence,

37 8) On a line in a general easterly direction having an interior angle
38 of 90°00'11" with the previous course 7.38' to a point, thence,

39 9) On a line in a general southerly direction having an interior angle
40 of 280°27'29" with the previous course 39.17' to a point, thence,

41 10) On a line in a general southerly direction having an interior
42 angle of 169°22'25" with the previous course 13.72' to a point, thence,

43 11) On a line in a general easterly direction having an interior angle
44 of 95°46'34" with the previous course 62.48' along the northerly line of
45 Fulton Street to the Point of Beginning.

46 Said parcel containing 5,752 square feet more or less.

47 Area F: temporary construction easement on Tax Lot 1 in Block 1546,
48 Borough of Brooklyn:

49 Beginning at the Point of Commencement, (N=186378.8532,
50 E=1009899.0749) (NAD83) at the corner formed by the intersection of the
51 northerly sideline of Fulton Street, an eighty feet width right of way,
52 and the easterly sideline of Eastern Parkway, a one-hundred- and ten-
53 feet width right of way, running thence,

54 North-easterly along the said easterly sideline of Eastern Parkway, a
55 one-hundred- and ten-feet width right of way, 70.74' to a point in the

1 same easterly sideline of Eastern Parkway and the Southerly sideline of
2 Truxton Street, a 70 feet width right of way, thence,

3 Along the southerly line of Truxton Street in a general easterly
4 direction having an interior angle of $142^{\circ}03'22''$ with the previous
5 course 932.30' along the same said southerly line of Truxton Street to
6 the Point of Beginning, thence,

7 1) On a line in a general southerly direction having an interior angle
8 of $63^{\circ}43'34''$ with the previous course 101.74' to a point, thence,

9 2) On a line in a general easterly direction having an interior angle
10 of $70^{\circ}59'29''$ with the previous course 29.61' to a point, thence,

11 3) On a line in a general northerly direction having an interior angle
12 of $109^{\circ}00'31''$ with the previous course 53.82' to a point, thence,

13 4) On a line in a general easterly direction having an interior angle
14 of $270^{\circ}00'00''$ with the previous course 27.92' to a point, thence,

15 5) On a line in a general southerly direction having an interior angle
16 of $270^{\circ}00'00''$ with the previous course 10.07, to a point, thence,

17 6) On a line in a general easterly direction having an interior angle
18 of $90^{\circ}05'17''$ with the previous course 13.21' to a point, thence,

19 7) On a line in a general northerly direction having an interior angle
20 of $89^{\circ}50'45''$ with the previous course 1.50' to a point, thence,

21 8) On a line in a general easterly direction having an interior angle
22 of $270^{\circ}17'55''$ with the previous course 19.98' to a point, thence,

23 9) On a line in a general southerly direction having an interior angle
24 of $243^{\circ}05'37''$ with the previous course 9.83' to a point, thence,

25 10) On a line in a general southerly direction having an interior
26 angle of $206^{\circ}39'47''$ with the previous course 10.30' to a point, thence,

27 11) On a line in a general easterly direction having an interior angle
28 of $74^{\circ}49'13''$ with the previous course 1.53' to a point, thence,

29 12) On a line in a general southerly direction having an interior
30 angle of $285^{\circ}06'22''$ with the previous course 40.81' to a point, thence,

31 13) On a line in a general easterly direction having an interior angle
32 of $70^{\circ}44'54''$ with the previous course 45.92, to a point along the
33 westerly sideline of Van Sinderen Avenue, a one-hundred feet width right
34 of way, thence,

35 14) Along the westerly sideline of Van Sinderen Avenue in a general
36 northerly direction having an interior angle of $82^{\circ}50'36''$ with the
37 previous course 73.34' to the point of curvature along the same westerly
38 sideline of Van Sinderen, now opened at one-hundred feet wide, thence,

39 15) Along the arc, having a curve to the left, a radius of 70 feet,
40 delta of $89^{\circ}46'03''$, arc distance of 109.69' feet to the point of tangen-
41 cy along the southerly sideline of Truxton Street, a seventy feet width
42 right of way, thence,

43 16) Along the southerly sideline of Truxton Street from the point of
44 tangency in a general easterly direction 13.42' to the Point of Begin-
45 ning.

46 Said parcel containing 8,564 square feet more or less.

47 § 6. The lands hereby authorized to be dedicated as parklands by the
48 city of New York on the terms set forth in section two of this act are
49 located in the county of Kings, city and state of New York and bounded
50 and described as follows:

51 Portion of Sackman Street abutting Tax Lot 1 in Block 1546, Borough of
52 Brooklyn:

53 Beginning at the Point of Commencement, (N=186378.8532,
54 E=1009899.0749) (NAD83) at the corner formed by the intersection of the
55 northerly line of Fulton Street, an eighty feet width right of way, and

1 the north-easterly line of Eastern Parkway, a one-hundred- and ten-feet
2 width right of way, running thence,

3 Easterly along the said northerly sideline of Fulton Street 466.90' to
4 the Point of Beginning on the same northerly sideline of Fulton Street,
5 and the easterly sideline of Sackman Street, thence,

6 1) Along the easterly sideline of Sackman Street in a general norther-
7 ly direction having an interior angle of $74^{\circ}27'51''$ with the previous
8 course 124.23' to a point along the southerly sideline of Truxton Street
9 a 70' width right of way, thence,

10 2) Along the southerly sideline of Truxton Street in a general wester-
11 ly direction having an interior angle of $92^{\circ}50'53''$ with the previous
12 course 80.10' to a point on the same southerly sideline of Truxton
13 Street and the westerly sideline of Sackman street, thence,

14 3) Along the westerly sideline of Sackman Street in a general souther-
15 ly direction having an interior angle of $87^{\circ}09'07''$ with the previous
16 course 127.97' to a point along the westerly sideline of Sackman Street
17 and the northerly sideline of Fulton Street, thence,

18 4) Along the northerly sideline of Fulton Street in a general easterly
19 direction having an interior angle of $105^{\circ}32'08''$ with the previous
20 course 83.03' to the Point of Beginning.

21 Said parcel containing 10,968 square feet more or less.

22 § 7. The discontinuance of parkland authorized by this act shall not
23 occur until the city of New York has complied with any applicable feder-
24 al requirements pertaining to the alienation or conversion of the park-
25 lands, including satisfying the secretary of the interior that the
26 conversion complies with all conditions which the secretary of the inte-
27 rior deems necessary to ensure the provision of adequate recreation
28 properties and opportunities of reasonably equivalent location and
29 usefulness.

30 § 8. Upon the completion of construction, the metropolitan transporta-
31 tion authority shall, in agreement with the city of New York and in
32 consultation with the local community board, restore the surface of the
33 lands described in sections four and five of this act, other than those
34 areas described in section four of this act on which structural supports
35 are located to support the aerial improvements to be constructed, and
36 the lands shall otherwise continue to be used for park purposes.

37 § 9. This act shall take effect immediately.