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:

Section 1. Subject to the provisions of this act, but notwithstanding any provision of state or local law to the contrary, the city of New York is hereby authorized to: (a) discontinue permanently the use as parklands the lands described in section three of this act, and transfer such lands to the metropolitan transportation authority, to enable the New York city transit authority to construct in such areas new permanent at-grade station improvements; (b) discontinue permanently the use as parklands the lands described in section four of this act, and transfer such lands to the metropolitan transportation authority to enable the New York city transit authority to improve such airspace above parklands with pedestrian bridges between and among the L, J, Z, A and C subway lines; (c) discontinue permanently the use as parklands certain portions of the areas described in section four of this act, and to grant property rights, including subsurface and above surface rights to the metropolitan transportation authority to the extent needed for structural supports for above grade transit station improvements; and (d) discontinue temporarily the use as parklands land described in sections three, four and five of this act and to grant a temporary easement to the metropolitan transportation authority; such discontinuance of the use as parklands shall be to enable the New York city transit authority to engage in construction of elevators, handicap accessible improvements and other upgrades to the Broadway Junction transit station and temporary construction ingress and egress. Such aforesaid conveyances shall be granted upon such terms and conditions as the city of New York and the metropolitan transportation authority shall determine, including

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

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terms and conditions for the metropolitan transportation authority to ensure that the city of New York can comply with section seven 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 the metropolitan transportation authority, as such fair market value is determined in 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 Brooklyn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Beginning at the Point of Commencement, (N=186378.8532, E=1009899.0749) (NAD83 / NAVD 88) at the corner formed by the intersection of the northerly sideline of Fulton Street, an eighty feet width right of way, and the easterly sideline of Eastern Parkway, a one-hundred- and ten-feet width right of way, running thence,

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

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

Along the southerly sideline of Truxton Street in a general easterly direction having an interior angle of 142°03'22" with the previous course 945.72' to the point to curvature along the same said southerly sideline of Truxton Street, thence,

Along the arc, having a curve to the right, a radius of 70 feet, delta of 36°53'27", and an arc distance of 45.07', also described as having an interior angle of 161°33'16" with the previous course 44.30' chord length to the Point of Beginning in the same southerly sideline of Truxton Street, thence,

1) On a line in a general southerly direction having an interior angle of 82°10'13" with the previous course 60.33' to a point, thence,

2) On a line in a general easterly direction having an interior angle of 90°05'13" with the previous course 13.21' to a point, thence,

3) On a line in a general northerly direction having an interior angle of 89°50'45" with the previous course 56.52 to a point along a curve, thence,

4) Along an arc on the southerly sideline of Truxton Street having a curve to the left, a radius of 70 feet, a delta angle of 11°22'02" and an arc distance of 13.71', also described as having an interior angle of 106°17'35" with the previous course 13.69' chord length to the Point of Beginning.

The property rights described above begin at an elevation (NAVD 88) of 121.5 ± feet with no upper limit. The park ground is at an elevation of 86.5± feet.

Said parcel containing 773 square feet more or less.

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

Beginning at the Point of Commencement, (N=186378.8532, E=1009899.0749) (NAD83 / NAVD 88) at the corner formed by the intersection of the northerly sideline of Fulton Street, an eighty feet width right of way, and the easterly sideline of Eastern Parkway, a one-hundred- and ten-feet width right of way, running thence,

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

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

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

1) On a line in a general westerly direction having an interior angle of 101°43'05" with the previous course 24.87' to a point, thence,

2) On a line in a general southerly direction having an interior angle of 78°06'04" with the previous course 10.46'to a point, thence,

3) On a line in a general southerly direction having an interior angle of 206°39'47" with the previous course 10.30'to a point, thence,

4) On a line in a general easterly direction having an interior angle of 74°45'47" with the previous course 29.48' to a point along the westerly sideline on Van Sinderen Avenue, a one-hundred feet width right of way, thence,

5) On a line in general northerly direction having an interior angle of 78°45'18" with the previous course 20.38' to the Point of Beginning.

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

Said parcel containing 522 square feet more or less.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Along the southerly line of Truxton Street in a general easterly direction having an interior angle of 142°03'22" with the previous course 932.30' along the same said southerly line of Truxton Street to the Point of Beginning, thence,

1) On a line in a general southerly direction having an interior angle of 63°43'34" with the previous course 101.74' to a point, thence,

2) On a line in a general easterly direction having an interior angle of 70°59'29" with the previous course 29.61' to a point, thence,

3) On a line in a general northerly direction having an interior angle of 109°00'31" with the previous course 53.82' to a point, thence,

4) On a line in a general easterly direction having an interior angle of 270°00'00" with the previous course 27.92' to a point, thence,

5) On a line in a general southerly direction having an interior angle of 270°00'00" with the previous course 10.07, to a point, thence,

6) On a line in a general easterly direction having an interior angle of 90°05'17" with the previous course 13.21' to a point, thence,

7) On a line in a general northerly direction having an interior angle of 89°50'45" with the previous course 1.50' to a point, thence,

8) On a line in a general easterly direction having an interior angle of 270°17'55" with the previous course 19.98' to a point, thence,

9) On a line in a general southerly direction having an interior angle of 243°05'37" with the previous course 9.83' to a point, thence,

10) On a line in a general southerly direction having an interior angle of 206°39'47" with the previous course 10.30' to a point, thence,

11) On a line in a general easterly direction having an interior angle of 74°49'13" with the previous course 1.53' to a point, thence,

12) On a line in a general southerly direction having an interior angle of 285°06'22" with the previous course 40.81' to a point, thence,

13) On a line in a general easterly direction having an interior angle of 70°44'54" with the previous course 45.92, to a point along the westerly sideline of Van Sinderen Avenue, a one-hundred feet width right of way, thence,

14) Along the westerly sideline of Van Sinderen Avenue in a general northerly direction having an interior angle of 82°50'36" with the previous course 73.34' to the point of curvature along the same westerly sideline of Van Sinderen, now opened at one-hundred feet wide, thence,

15) Along the arc, having a curve to the left, a radius of 70 feet, delta of 89°46'03", arc distance of 109.69' feet to the point of tangency along the southerly sideline of Truxton Street, a seventy feet width right of way, thence,

16) Along the southerly sideline of Truxton Street from the point of tangency in a general easterly direction 13.42' to the Point of Beginning.

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

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

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

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

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

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

1) Along the easterly sideline of Sackman Street in a general northerly direction having an interior angle of 74°27'51" with the previous course 124.23' to a point along the southerly sideline of Truxton Street a 70' width right of way, thence,

2) Along the southerly sideline of Truxton Street in a general westerly direction having an interior angle of 92°50'53" with the previous course 80.10' to a point on the same southerly sideline of Truxton Street and the westerly sideline of Sackman street, thence,

3) Along the westerly sideline of Sackman Street in a general southerly direction having an interior angle of 87°09'07" with the previous course 127.97' to a point along the westerly sideline of Sackman Street and the northerly sideline of Fulton Street, thence,

4) Along the northerly sideline of Fulton Street in a general easterly direction having an interior angle of 105°32'08" with the previous course 83.03' to the Point of Beginning.

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

§ 7. The discontinuance of parkland authorized by this act shall not occur until the city of New York has complied with any applicable federal requirements pertaining to the alienation or conversion of the parklands, including satisfying the secretary of the interior that the conversion complies with all conditions which the secretary of the interior deems necessary to ensure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

§ 8. 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 four and five of this act, other than those areas described in section four of this act on which structural supports are located to support the aerial improvements to be constructed, and the lands shall otherwise continue to be used for park purposes.

§ 9. This act shall take effect immediately.