

# STATE OF NEW YORK

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9323

## IN SENATE

May 16, 2022

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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.

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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.