

STATE OF NEW YORK

9323--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 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 and pedestrian bridges

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 law to the contrary, the city of New York is hereby
3 authorized, upon such terms and conditions the city shall determine, to:
4 (a) discontinue permanently the use as parklands the lands described in
5 section three of this act, and transfer such lands to the metropolitan
6 transportation authority, to enable the New York city transit authority
7 to construct in such areas new permanent at-grade station improvements;
8 (b) discontinue permanently the air rights over the parklands described
9 in section four of this act, and transfer such air rights to the metro-
10 politan transportation authority for pedestrian bridges between and
11 among the L, J, Z, A and C subway lines; and (c) discontinue temporarily
12 the use as parklands the areas described in section five of this act for
13 construction staging areas.

14 § 2. The authorization provided in section one of this act shall be
15 effective only upon the condition that at the time of the transfer of
16 the lands and air rights described in sections three and four of this
17 act, the city of New York dedicates as parkland the lands described in
18 section six of this act provided that the city of New York has never
19 used such lands for public open space or park purposes. In the event
20 that such land to be dedicated is not equal to or greater than the fair
21 market value of the park land to be discontinued, the city of New York
22 shall dedicate the difference between the fair market value of the park
23 land to be discontinued and the fair market value of the land to be

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

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dedicated 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 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 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 (0.13 acres) of land 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 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 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

1 tangency along the westerly line of Van Sinderen Avenue, a one-hundred
2 width right of way, thence,

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

6 On a line in a general westerly direction having an interior angle of
7 $97^{\circ}09'24''$ with the previous course 45.92' to the Point of Beginning,
8 thence,

9 1) On a line in a general westerly direction having an interior angle
10 of $180^{\circ}00'00''$ with the previous course 38.50' to a point, thence,

11 2) On a line in a general northerly direction having an interior angle
12 of $90^{\circ}00'00''$ with the previous course 18.75' to a point, thence,

13 3) On a line in a general easterly direction having an interior angle
14 of $90^{\circ}00'00''$ with the previous course 0.90' to a point, thence,

15 4) On a line in a general northerly direction having an interior angle
16 of $250^{\circ}39'50''$ with the previous course 51.96' to a point, thence,

17 5) On a line in a general easterly direction having an interior angle
18 of $89^{\circ}54'43''$ with the previous course 13.21' to a point, thence,

19 6) On a line in a general northerly direction having an interior angle
20 of $270^{\circ}09'15''$ with the previous course 1.50' to a point, thence,

21 7) On a line in a general easterly direction having an interior angle
22 of $89^{\circ}42'05''$ with the previous course 19.98' to a point, thence,

23 8) On a line in a general southerly direction having an interior angle
24 of $116^{\circ}54'23''$ with the previous course 9.83' to a point, thence,

25 9) On a line in a general southerly direction having an interior angle
26 of $153^{\circ}20'13''$ with the previous course 10.30' to a point, thence,

27 10) On a line in a general easterly direction having an interior angle
28 of $285^{\circ}10'47''$ with the previous course 1.53' to a point, thence,

29 11) On a line in a general southerly direction having an interior
30 angle of $74^{\circ}53'38''$ with the previous course 40.81' to the Point of
31 Beginning.

32 Said parcel described above contains 2,485 square feet (0.06 acres) of
33 land more or less.

34 § 4. The area above certain limiting planes set forth below authorized
35 to be discontinued permanently as parkland by section one of this act,
36 and granted as easements to the metropolitan transportation authority is
37 bounded and described as follows:

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

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

45 Along the easterly sideline of Eastern Parkway, a one-hundred- and
46 ten-feet width right of way, in a general northeasterly direction 70.74'
47 to a point in the same easterly sideline of Eastern Parkway and the
48 southerly sideline of Truxton Street, a 70 feet width right of way,
49 thence,

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

54 Along the arc, having a curve to the right, a radius of 70 feet, delta
55 of $36^{\circ}53'27''$, and an arc distance of 45.07', also described as having an
56 interior angle of $161^{\circ}33'16''$ 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 $82^{\circ}10'13''$ with the previous course 60.33' to a point, thence,

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

3) On a line in a general northerly direction having an interior angle of $89^{\circ}50'45''$ 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 $11^{\circ}22'02''$ and an arc distance of 13.71', also described as having an interior angle of $106^{\circ}17'35''$ 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 $102^{\circ}54'18''$, 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 $101^{\circ}43'05''$ with the previous course 24.87' to a point, thence,

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

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

4) On a line in a general easterly direction having an interior angle of $74^{\circ}45'47''$ 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 $78^{\circ}45'18''$ 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 granted as temporary easements to serve as construction staging areas for the duration of construction are bounded and described as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Said parcel containing 5,752 square feet (0.13 acres) of land more or
35 less.

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

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

43 North-easterly along the said easterly sideline of Eastern Parkway, a
44 one-hundred- and ten-feet width right of way, 70.74' to a point in the
45 same easterly sideline of Eastern Parkway and the Southerly sideline of
46 Truxton Street, a 70 feet width right of way, thence,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Said parcel containing 8,564 square feet (0.20 acres) of land more or
35 less.

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

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

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

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

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

54 2) Along the southerly sideline of Truxton Street in a general wester-
55 ly direction having an interior angle of 92°50'53" with the previous

1 course 80.10' to a point on the same southerly sideline of Truxton
2 Street and the westerly sideline of Sackman street, thence,

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

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

10 Said parcel containing 10,968 square feet (0.25 acres) of land more or
11 less.

12 § 7. In the event that the city of New York received any fund-
13 ing, support or assistance from the federal government for the
14 purchase, maintenance or improvement of the park lands set forth in
15 sections three, four and five of this act, the discontinuance and
16 alienation of such parkland authorized by the provisions of this act
17 shall not occur until the city of New York has complied with any federal
18 requirements pertaining to the alienation or conversion of such park
19 lands, including satisfying the secretary of the interior that the
20 alienation or conversion complies with all conditions which the secre-
21 tary of the interior deems necessary to assure the substitution of other
22 lands shall be equivalent in fair market value and usefulness to the
23 lands being alienated or converted.

24 § 8. Upon the completion of construction, the metropolitan transporta-
25 tion authority shall, in agreement with the city of New York and in
26 consultation with the local community board, restore the surface of the
27 lands described in section five of this act and the lands shall other-
28 wise continue to be used for park purposes.

29 § 9. This act shall take effect immediately.