STATE OF NEW YORK

7663

2023-2024 Regular Sessions

IN ASSEMBLY

May 31, 2023

Introduced by M. of A. RIVERA -- read once and referred to the Committee on Higher Education

AN ACT authorizing the state university of New York to lease a portion of the lands on the campus of SUNY Buffalo State University for the relocation and operation of the Leonardo da Vinci High School; and to amend the education law, in relation to the computation of building aid for the renovation and equipping of the Leonardo da Vinci high school

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature finds that the state university of New York at Buffalo State ("SUNY Buffalo State University") seeks to lease Buckham Hall building number 32 and surrounding land on the north and west sides on SUNY Buffalo State University's campus to the Buckham Development Corporation for the purpose of enabling the Buckham Development Corporation to lease such grounds and facility to the city school district of the city of Buffalo for the purpose of relocating such district's Leonardo da Vinci High School program.

The legislature further finds that such an arrangement will afford the city school district of the city of Buffalo the ability to renovate Buckham Hall for use by Leonardo da Vinci High School thereby providing approximately 400 grade 9-12 city school district pupils access to college level courses and a campus-based experience, and potentially increasing future SUNY Buffalo State University enrollment, while creating opportunities for partnership and enrichment between the city school district of the city of Buffalo and SUNY Buffalo State University.

Finally, the legislature finds that granting the trustees of the state university of New York the authority and power to lease and otherwise contract to make available the aforementioned grounds and facility on the campus of the SUNY Buffalo State University for these purposes will

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

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promote the provision of educational opportunities for the University and the surrounding community.

§ 2. Notwithstanding any other law to the contrary, the state university of New York trustees are authorized and empowered, without any public bidding, to lease and otherwise contract to make available to Buckham Development Corporation, a not-for-profit corporation (the "ground lessee"), a portion of the lands of the university generally described in section four of this act for the purpose of authorizing the city school district of the city of Buffalo to relocate and develop, construct, maintain and operate Leonardo da Vinci High School for the city school district's students. Such lease or contract between SUNY Buffalo State University and the Buckham Development Corporation shall be for a period not exceeding 37 years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. In the event that the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease. Such contract or lease shall be deemed to be a state contract for purposes of article 15-A of the executive law and shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless and defend the lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

§ 3. It is expressly found that the relocation to the SUNY Buffalo State University campus and operation of the Leonardo da Vinci High School may be authorized by the board of education of the city school district of the city of Buffalo pursuant to the laws, rules and regulations which are applicable to a public high school unless otherwise provided for in this act. The high school shall be subject to the oversight of the board of regents and the program shall be audited in a manner consistent with provisions of law and regulations that are applicable to other public schools. The board of education of the city school district of the city of Buffalo shall have the responsibility for the operation, supervision and maintenance of the high school and shall be responsible for the administration of the high school, including curriculum, grading, discipline and staffing.

§ 4. Notwithstanding any other provision of law to the contrary, the board of education of the city school district of the city of Buffalo shall develop a comprehensive plan outlining the project. Such plan shall include: an estimate of the total project cost, including estimates on the design, reconstruction and rehabilitation costs and any administrative costs for the project, attestation that the district has sufficient reserves to cover such costs and an outline of the time-frame expected for completion of the project.

§ 5. The city school district of the city of Buffalo shall submit estimated project costs for the renovation and equipping of the Leonardo

da Vinci High School after completion of schematic plans and specifications for review by the commissioner of education. If the total project costs associated with such project exceeds the approved cost allowance of such building project and the city school district has not otherwise demonstrated to the satisfaction of the New York state education department the availability of additional reserves for such excess costs, then the district shall not proceed with the preparation of final plans and specifications for such project until the project has been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

§ 6. The property authorized by this act to be leased to Buckham Development Corporation is generally described as Buckham Hall and is located on the Buffalo State University Campus, 1300 Elmwood Avenue, in Buffalo, New York. The building was built in 1966 and is situated on the west end of campus at the north-east corner of the intersection of Rees St. and Rockwell Rd. Buckham Hall is 203,437 gsf, constructed of steel skeleton and masonry walls, and originally designed as a K-8 public school. The building is comprised of five wings with breezeways separating four wings from the center wing: A-wing (center) 3 stories; B-wing, 2 stories; C-wing, 1 story; D-wing, 2 stories; and E-wing, 1 story. The main entrance is in the lobby between the A and E-wings facing Rees St. with a front lawn, concrete plaza entrance, and sidewalk along Rees St. The north side is lawn with sidewalks leading from building exits north to Bengal Walk, an east-west main pedestrian campus walkway. All that certain plot, piece or parcel of land, situate, lying and being more particularly bounded and described as follows:

BEGINNING at the southeasterly brick building corner of a building known as Buckham Hall Area "D";

THENCE north along the easterly brick face from the said southwesterly building corner, a distance of one hundred sixty-five and two-tenths feet, plus or minus (165.2) to a corner of said building;

THENCE continuing and intended to follow along the brick building face of said Buckham Hall the following fifty (50) directions and distances;

1. THENCE West, a distance of one hundred seven and no tenths feet, plus or minus (107.0) to a corner of said building;

2. South, a distance of one hundred twenty-five and two-tenths feet, plus or minus (125.2) to a corner of said building;

3. West thirty-eight and six-tenths feet, plus or minus (38.6) to a corner of said building face;

4. North, a distance of twenty-nine and seven-tenths feet, plus or minus (29.7) to a corner of said building;

5. West, a distance of thirty-five and six-tenths feet, plus or minus (35.6) to a corner of said building;

6. North, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;

7. West, a distance of sixteen and three-tenths feet, plus or minus (16.3) to a corner of said building;

8. South, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;

9. West, a distance of seventy and no tenths feet, plus or minus (70.0) to a corner of said building;

10. North, a distance of eighteen and five-tenths feet, plus or minus (18.5) to a corner of said building;

11. East, a distance of six and seven-tenths feet, plus or minus (6.7) to a corner of said building;

12. North, a distance of one hundred forty-four and one-tenth feet, plus or minus (144.1) to a corner of said building;
13. West, a distance of one hundred thirty-seven and three-tenths feet, plus or minus (137.3) to a corner of said building;
14. South, a distance of one hundred forty-four feet and no tenths feet, plus or minus (144.0) to a corner of said building;
15. East, a distance of sixty-five and nine-tenths feet, plus or minus (65.9) to a corner of said building;
16. South, a distance of eighteen and five-tenths feet, plus or minus (18.5) to a corner of said building;
17. West, a distance of six and no tenths feet, plus or minus (6.0) to a corner of said building;
18. South, a distance of thirty-five and six-tenths feet, plus or minus (35.6) to a corner of said building;
19. West, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;
20. South, a distance of sixteen and four-tenths feet, plus or minus (16.4) to a corner of said building;
21. East, a distance of eight and nine-tenths feet, plus or minus (8.9) to a corner of said building;
22. South, a distance of ninety-three and six-tenths feet, plus or minus (93.6) to a corner of said building;
23. West, a distance of eighteen and five-tenths feet, plus or minus (18.5) to a corner of said building;
24. North, a distance of nine and nine-tenths feet, plus or minus (9.9) to a corner of said building;
25. West, a distance of eighty-one and nine-tenths feet, plus or minus (81.9) to a corner of said building;
26. South, a distance of one hundred forty-one and seven-tenths feet, plus or minus (141.7) to a corner of said building;
27. East, a distance of eighty-two and no tenths feet, plus or minus (82.0) to a corner of said building;
28. North, a distance of eighty-eight and five-tenths feet, plus or minus (88.5) to a corner of said building;
29. East, a distance of eighteen and four-tenths feet, plus or minus (18.4) to a corner of said building;
30. South, a distance of four and no tenths feet, plus or minus (4.0) to a corner of said building;
31. East, a distance of thirty-five and eight-tenths feet, plus or minus (35.8) to a corner of said building;
32. South, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;
33. East, a distance of sixteen and three-tenths feet, plus or minus (16.3) to a corner of said building;
34. North, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;
35. East, a distance of ninety-nine and three-tenths feet, plus or minus (99.3) to a corner of said building;
36. South, a distance of eighteen and four-tenths feet, plus or minus (18.4) to a corner of said building;
37. West, a distance of seventeen and nine-tenths feet, plus or minus (17.9) to a corner of said building;
38. South, a distance of one hundred two and nine-tenths feet, plus or minus (102.9) to a corner of said building.
39. East, a distance of eighty-nine and six-tenths feet, plus or minus (89.6) to a corner of said building;

40. North, a distance of one hundred two and nine-tenths feet, plus or minus (102.9) to a corner of said building;

41. West, a distance of thirty-seven and five-tenths feet, plus or minus (37.5) to a corner of said building;

42. North, a distance of eighteen and four-tenths feet, plus or minus (18.4) to a corner of said building;

43. East, a distance of seven and three-tenths feet, plus or minus (7.3) to a corner of said building;

44. North, a distance of thirty-five and six-tenths feet, plus or minus (35.6) to a corner of said building;

45. East, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;

46. North, a distance of sixteen and five-tenths feet, plus or minus (16.5) to a corner of said building;

47. West, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;

48. North, a distance of eighty and four-tenths feet, plus or minus (80.4) to a corner of said building;

49. East, a distance of thirty-eight and four-tenths feet, plus or minus (38.4) to a corner of said building;

50. South, a distance of nine and five-tenths feet, plus or minus (9.5) to a corner of said building;

THENCE continuing east along existing building face, a distance of one hundred seven and no tenths feet, plus or minus (107.0) to the POINT of BEGINNING.

Containing within said bounds 2.29 acres, more or less, and;

BEGINNING at the southwesterly brick building face corner of a building known as Buckham Hall Area "B";

THENCE south from the said southwesterly building corner, along a line drawn parallel to the westerly brick building face as extended in a southerly direction, a distance of seventy-five and three-tenths feet, plus or minus (75.3) to the existing curb line of the main parking lot used for Buckham Hall;

THENCE west along said parking lot curb line, a distance of one hundred five and five-tenths feet, plus or minus (105.5) to the existing curb-line on the easterly side of Rees Street;

THENCE north along said curb line of Rees Street five hundred twelve and seven-tenths feet, plus or minus (512.7);

THENCE east along a line drawn parallel with and ten feet (10.0) north of the existing brick building known as Buckham Hall Area "E", a distance of two hundred forty and nine-tenths feet, plus or minus (240.9) to a point five and no tenths feet, plus or minus (5.0) east of the easterly edge of an existing sidewalk;

THENCE south parallel with and five and no tenths, plus or minus (5.0) east of the easterly edge of said sidewalk, a distance of seventy-seven and four-tenths feet, plus or minus (77.4);

THENCE east at right angles, a distance of one hundred thirty-five and two-tenths feet (135.2) to the northwesterly brick building corner of Buckham Hall Area "D";

THENCE intended to follow along the brick building face of said Buckham Hall the following twenty-four (24) directions and distances;

1. South, a distance of one hundred twenty-five and two-tenths feet, plus or minus (125.2) to a corner of said building;

2. West thirty-eight and six-tenths feet, plus or minus (38.6) to a corner of said building face;

3. North, a distance of twenty-nine and seven-tenths feet, plus or minus (29.7) to a corner of said building;

4. West, a distance of thirty-five and six-tenths feet, plus or minus (35.6) to a corner of said building;

5. North, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;

6. West, a distance of sixteen and three-tenths feet, plus or minus (16.3) to a corner of said building;

7. South, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;

8. West, a distance of seventy and no tenths feet, plus or minus (70.0) to a corner of said building;

9. North, a distance of eighteen and five-tenths feet, plus or minus (18.5) to a corner of said building;

10. East, a distance of six and seven-tenths feet, plus or minus (6.7) to a corner of said building;

11. North, a distance of one hundred forty-four and one-tenth feet, plus or minus (144.1) to a corner of said building;

12. West, a distance of one hundred thirty-seven and three-tenths feet, plus or minus (137.3) to a corner of said building;

13. South, a distance of one hundred forty-four and no tenths feet, plus or minus (144.0) to a corner of said building;

14. East, a distance of sixty-five and nine-tenths feet, plus or minus (65.9) to a corner of said building;

15. South, a distance of eighteen and five-tenths feet, plus or minus (18.5) to a corner of said building;

16. West, a distance of six and no tenths feet, plus or minus (6.0) to a corner of said building;

17. South, a distance of thirty-five and six-tenths feet, plus or minus (35.6) to a corner of said building;

18. West, a distance of nine and no tenths feet, plus or minus (9.0) to a corner of said building;

19. South, a distance of sixteen and four-tenths feet, plus or minus (16.4) to a corner of said building;

20. East, a distance of eight and nine-tenths feet, plus or minus (8.9) to a corner of said building;

21. South, a distance of ninety-three and six-tenths feet, plus or minus (93.6) to a corner of said building;

22. West, a distance of eighteen and five-tenths feet, plus or minus (18.5) to a corner of said building;

23. North, a distance of nine and nine-tenths feet, plus or minus (9.9) to a corner of said building;

24. West, a distance of eighty-one and nine-tenths, plus or minus (81.9) to a corner of said building;

THENCE South along the westerly wall of said Buckham Hall, Area "B", a distance of one hundred forty-one and seven-tenths feet, plus or minus (141.7) to the POINT of BEGINNING.

Containing within said bounds 1.78 acres, more or less, and;

BEGINNING at the southeasterly brick building corner of a building known as Buckham Hall Area "D";

THENCE north along the easterly brick face from the said southwesterly building corner, a distance of one hundred sixty-five and two-tenths feet, plus or minus (165.2) to a corner of said building;

THENCE West, a distance of one hundred seven and no tenths feet, plus or minus (107.0) to a corner of said building;

THENCE continuing west, a distance of one hundred thirty-five and two-tenths feet, more or less (135.2) to a point distant five and no tenths feet (5.0) east of the easterly edge of the existing sidewalk;

THENCE north at right angles parallel with and five feet (5.0) east of said easterly line of an existing concrete sidewalk, a distance of seventy-seven and four-tenths feet (77.4) to a point distant ten feet (10.0) north of the northerly brick building face of Buckham Hall Area "E";

THENCE east parallel with and ten feet (10.0) north of said northerly building face, a distance of two hundred fifty-six and eight-tenths feet, plus or minus (256.8) to a point distant five feet (5.0) southwest from the southwesterly edge of the existing concrete sidewalk;

THENCE southeast parallel with and five feet (5.0) southwest of said edge walk, a distance of forty-two and six-tenths, plus or minus feet (42.6) to the westerly edge of said existing concrete walk;

THENCE south parallel with and five feet (5.0) west of said westerly edge walk, a distance of two hundred thirteen and one-tenths feet, plus or minus (213.1);

THENCE West at right angles, a distance of forty-five and four-tenths feet, plus or minus (45.4) to the POINT of BEGINNING.

Containing within said bounds .67 acres, more or less.

§ 7. Paragraph a of subdivision 6 of section 3602 of the education law is amended by adding a new subparagraph 10 to read as follows:

(10) Notwithstanding any other provision of law to the contrary, for the purpose of computation of building aid for the renovation and equipping of the Leonardo da Vinci high school authorized for operation by the city school district of the city of Buffalo the building aid units assigned to this project shall reflect a building aid enrollment of four hundred twenty students.

§ 8. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 9. This act shall take effect immediately.