

STATE OF NEW YORK

7663--A

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

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:

1 Section 1. Legislative findings. The legislature finds that the state
2 university of New York at Buffalo State ("SUNY Buffalo State University")
3 seeks to lease Buckham Hall building number 32 and surrounding land
4 on the north and west sides on SUNY Buffalo State University's campus to
5 the Buckham Development Corporation for the purpose of enabling the
6 Buckham Development Corporation to lease such grounds and facility to
7 the city school district of the city of Buffalo for the purpose of relo-
8 cating such district's Leonardo da Vinci High School program.
9 The legislature further finds that such an arrangement will afford the
10 city school district of the city of Buffalo the ability to renovate
11 Buckham Hall for use by Leonardo da Vinci High School thereby providing
12 approximately 400 grade 9-12 city school district pupils access to
13 college level courses and a campus-based experience, and potentially
14 increasing future SUNY Buffalo State University enrollment, while creat-
15 ing opportunities for partnership and enrichment between the city school
16 district of the city of Buffalo and SUNY Buffalo State University.
17 Finally, the legislature finds that granting the trustees of the state
18 university of New York the authority and power to lease and otherwise
19 contract to make available the aforementioned grounds and facility on
20 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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1 promote the provision of educational opportunities for the University
2 and the surrounding community.

3 § 2. Notwithstanding any other law to the contrary, the state univer-
4 sity of New York trustees are authorized and empowered, without any
5 public bidding, to lease and otherwise contract to make available to
6 Buckham Development Corporation, a not-for-profit corporation (the
7 "ground lessee"), a portion of the lands of the university generally
8 described in section four of this act for the purpose of authorizing the
9 city school district of the city of Buffalo to relocate and develop,
10 construct, maintain and operate Leonardo da Vinci High School for the
11 city school district's students. Such lease or contract between SUNY
12 Buffalo State University and the Buckham Development Corporation shall
13 be for a period not exceeding 37 years without any fee simple conveyance
14 and otherwise upon terms and conditions determined by such trustees,
15 subject to the approval of the director of the division of the budget,
16 the attorney general and the state comptroller. In the event that the
17 real property that is the subject of such lease or contract shall cease
18 to be used for the purpose described in this act, such lease or contract
19 shall immediately terminate and the real property and any improvements
20 thereon shall revert to the state university of New York. Any lease or
21 contract entered into pursuant to this act shall provide that the real
22 property that is the subject of such lease or contract and any improve-
23 ments thereon shall revert to the state university of New York on the
24 expiration of such contract or lease. Such contract or lease shall be
25 deemed to be a state contract for purposes of article 15-A of the execu-
26 tive law and shall include an indemnity provision whereby the lessee or
27 sublessee promises to indemnify, hold harmless and defend the lessor
28 against all claims, suits, actions, and liability to all persons on the
29 leased premises, including tenant, tenant's agents, contractors, subcon-
30 tractors, employees, customers, guests, licensees, invitees and members
31 of the public, for damage to any such person's property, whether real or
32 personal, or for personal injuries arising out of tenant's use or occu-
33 pation of the demised premises.

34 § 3. It is expressly found that the relocation to the SUNY Buffalo
35 State University campus and operation of the Leonardo da Vinci High
36 School may be authorized by the board of education of the city school
37 district of the city of Buffalo pursuant to the laws, rules and regu-
38 lations which are applicable to a public high school unless otherwise
39 provided for in this act. The high school shall be subject to the over-
40 sight of the board of regents and the program shall be audited in a
41 manner consistent with provisions of law and regulations that are appli-
42 cable to other public schools. The board of education of the city school
43 district of the city of Buffalo shall have the responsibility for the
44 operation, supervision and maintenance of the high school and shall be
45 responsible for the administration of the high school, including curric-
46 ulum, grading, discipline and staffing.

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

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

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

11 § 6. The property authorized by this act to be leased to Buckham
12 Development Corporation is generally described as Buckham Hall and is
13 located on the Buffalo State University Campus, 1300 Elmwood Avenue, in
14 Buffalo, New York. The building was built in 1966 and is situated on the
15 west end of campus at the north-east corner of the intersection of Rees
16 St. and Rockwell Rd. Buckham Hall is 203,437 gsf, constructed of steel
17 skeleton and masonry walls, and originally designed as a K-8 public
18 school. The building is comprised of five wings with breezeways separat-
19 ing four wings from the center wing: A-wing (center) 3 stories; B-wing,
20 2 stories; C-wing, 1 story; D-wing, 2 stories; and E-wing, 1 story. The
21 main entrance is in the lobby between the A and E-wings facing Rees St.
22 with a front lawn, concrete plaza entrance, and sidewalk along Rees St.
23 The north side is lawn with sidewalks leading from building exits north
24 to Bengal Walk, an east-west main pedestrian campus walkway. All that
25 certain plot, piece or parcel of land, situate, lying and being more
26 particularly bounded and described as follows:

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

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

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

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

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

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

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

42 5. West, a distance of thirty-five and six-tenths feet, plus or minus
43 (35.6) to a corner of said building;

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

46 7. West, a distance of sixteen and three-tenths feet, plus or minus
47 (16.3) to a corner of said building;

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

50 9. West, a distance of seventy and no tenths feet, plus or minus
51 (70.0) to a corner of said building;

52 10. North, a distance of eighteen and five-tenths feet, plus or minus
53 (18.5) to a corner of said building;

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

- 1 12. North, a distance of one hundred forty-four and one-tenth feet,
2 plus or minus (144.1) to a corner of said building;
- 3 13. West, a distance of one hundred thirty-seven and three-tenths
4 feet, plus or minus (137.3) to a corner of said building;
- 5 14. South, a distance of one hundred forty-four feet and no tenths
6 feet, plus or minus (144.0) to a corner of said building;
- 7 15. East, a distance of sixty-five and nine-tenths feet, plus or minus
8 (65.9) to a corner of said building;
- 9 16. South, a distance of eighteen and five-tenths feet, plus or minus
10 (18.5) to a corner of said building;
- 11 17. West, a distance of six and no tenths feet, plus or minus (6.0) to
12 a corner of said building;
- 13 18. South, a distance of thirty-five and six-tenths feet, plus or
14 minus (35.6) to a corner of said building;
- 15 19. West, a distance of nine and no tenths feet, plus or minus (9.0)
16 to a corner of said building;
- 17 20. South, a distance of sixteen and four-tenths feet, plus or minus
18 (16.4) to a corner of said building;
- 19 21. East, a distance of eight and nine-tenths feet, plus or minus
20 (8.9) to a corner of said building;
- 21 22. South, a distance of ninety-three and six-tenths feet, plus or
22 minus (93.6) to a corner of said building;
- 23 23. West, a distance of eighteen and five-tenths feet, plus or minus
24 (18.5) to a corner of said building;
- 25 24. North, a distance of nine and nine-tenths feet, plus or minus
26 (9.9) to a corner of said building;
- 27 25. West, a distance of eighty-one and nine-tenths feet, plus or minus
28 (81.9) to a corner of said building;
- 29 26. South, a distance of one hundred forty-one and seven-tenths feet,
30 plus or minus (141.7) to a corner of said building;
- 31 27. East, a distance of eighty-two and no tenths feet, plus or minus
32 (82.0) to a corner of said building;
- 33 28. North, a distance of eighty-eight and five-tenths feet, plus or
34 minus (88.5) to a corner of said building;
- 35 29. East, a distance of eighteen and four-tenths feet, plus or minus
36 (18.4) to a corner of said building;
- 37 30. South, a distance of four and no tenths feet, plus or minus (4.0)
38 to a corner of said building;
- 39 31. East, a distance of thirty-five and eight-tenths feet, plus or
40 minus (35.8) to a corner of said building;
- 41 32. South, a distance of nine and no tenths feet, plus or minus (9.0)
42 to a corner of said building;
- 43 33. East, a distance of sixteen and three-tenths feet, plus or minus
44 (16.3) to a corner of said building;
- 45 34. North, a distance of nine and no tenths feet, plus or minus (9.0)
46 to a corner of said building;
- 47 35. East, a distance of ninety-nine and three-tenths feet, plus or
48 minus (99.3) to a corner of said building;
- 49 36. South, a distance of eighteen and four-tenths feet, plus or minus
50 (18.4) to a corner of said building;
- 51 37. West, a distance of seventeen and nine-tenths feet, plus or minus
52 (17.9) to a corner of said building;
- 53 38. South, a distance of one hundred two and nine-tenths feet, plus or
54 minus (102.9) to a corner of said building.
- 55 39. East, a distance of eighty-nine and six-tenths feet, plus or minus
56 (89.6) to a corner of said building;

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

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

5 42. North, a distance of eighteen and four-tenths feet, plus or minus
6 (18.4) to a corner of said building;

7 43. East, a distance of seven and three-tenths feet, plus or minus
8 (7.3) to a corner of said building;

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

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

13 46. North, a distance of sixteen and five-tenths feet, plus or minus
14 (16.5) to a corner of said building;

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

17 48. North, a distance of eighty and four-tenths feet, plus or minus
18 (80.4) to a corner of said building;

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

21 50. South, a distance of nine and five-tenths feet, plus or minus
22 (9.5) to a corner of said building;

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

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

27 BEGINNING at the southwesterly brick building face corner of a build-
28 ing known as Buckham Hall Area "B";

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

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

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

39 THENCE east along a line drawn parallel with and ten feet (10.0) north
40 of the existing brick building known as Buckham Hall Area "E", a
41 distance of two hundred forty and nine-tenths feet, plus or minus
42 (240.9) to a point five and no tenths feet, plus or minus (5.0) east of
43 the easterly edge of an existing sidewalk;

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

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

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

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

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

1 3. North, a distance of twenty-nine and seven-tenths feet, plus or
2 minus (29.7) to a corner of said building;
3 4. West, a distance of thirty-five and six-tenths feet, plus or minus
4 (35.6) to a corner of said building;
5 5. North, a distance of nine and no tenths feet, plus or minus (9.0)
6 to a corner of said building;
7 6. West, a distance of sixteen and three-tenths feet, plus or minus
8 (16.3) to a corner of said building;
9 7. South, a distance of nine and no tenths feet, plus or minus (9.0)
10 to a corner of said building;
11 8. West, a distance of seventy and no tenths feet, plus or minus
12 (70.0) to a corner of said building;
13 9. North, a distance of eighteen and five-tenths feet, plus or minus
14 (18.5) to a corner of said building;
15 10. East, a distance of six and seven-tenths feet, plus or minus (6.7)
16 to a corner of said building;
17 11. North, a distance of one hundred forty-four and one-tenth feet,
18 plus or minus (144.1) to a corner of said building;
19 12. West, a distance of one hundred thirty-seven and three-tenths
20 feet, plus or minus (137.3) to a corner of said building;
21 13. South, a distance of one hundred forty-four and no tenths feet,
22 plus or minus (144.0) to a corner of said building;
23 14. East, a distance of sixty-five and nine-tenths feet, plus or minus
24 (65.9) to a corner of said building;
25 15. South, a distance of eighteen and five-tenths feet, plus or minus
26 (18.5) to a corner of said building;
27 16. West, a distance of six and no tenths feet, plus or minus (6.0) to
28 a corner of said building;
29 17. South, a distance of thirty-five and six-tenths feet, plus or
30 minus (35.6) to a corner of said building;
31 18. West, a distance of nine and no tenths feet, plus or minus (9.0)
32 to a corner of said building;
33 19. South, a distance of sixteen and four-tenths feet, plus or minus
34 (16.4) to a corner of said building;
35 20. East, a distance of eight and nine-tenths feet, plus or minus
36 (8.9) to a corner of said building;
37 21. South, a distance of ninety-three and six-tenths feet, plus or
38 minus (93.6) to a corner of said building;
39 22. West, a distance of eighteen and five-tenths feet, plus or minus
40 (18.5) to a corner of said building;
41 23. North, a distance of nine and nine-tenths feet, plus or minus
42 (9.9) to a corner of said building;
43 24. West, a distance of eighty-one and nine-tenths, plus or minus
44 (81.9) to a corner of said building;
45 THENCE South along the westerly wall of said Buckham Hall, Area "B", a
46 distance of one hundred forty-one and seven-tenths feet, plus or minus
47 (141.7) to the POINT of BEGINNING.
48 Containing within said bounds 1.78 acres, more or less, and;
49 BEGINNING at the southeasterly brick building corner of a building
50 known as Buckham Hall Area "D";
51 THENCE north along the easterly brick face from the said southwesterly
52 building corner, a distance of one hundred sixty-five and two-tenths
53 feet, plus or minus (165.2) to a corner of said building;
54 THENCE West, a distance of one hundred seven and no tenths feet, plus
55 or minus (107.0) to a corner of said building;

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

4 THENCE north at right angles parallel with and five feet (5.0) east of
5 said easterly line of an existing concrete sidewalk, a distance of
6 seventy-seven and four-tenths feet (77.4) to a point distant ten feet
7 (10.0) north of the northerly brick building face of Buckham Hall Area
8 "E";

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

13 THENCE southeast parallel with and five feet (5.0) southwest of said
14 edge walk, a distance of forty-two and six-tenths, plus or minus feet
15 (42.6) to the westerly edge of said existing concrete walk;

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

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

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

22 § 7. Nothing in this act shall result in the displacement of any
23 currently employed state worker or the loss of position (including
24 partial displacement such as reduction in the hours of non-over-
25 time, wages or employment benefits), or result in the impairment of
26 existing contracts for services or collective bargaining rights pursu-
27 ant to existing agreements.

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

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

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

39 § 10. This act shall take effect immediately.