§ 21.09. Special provisions relating to the acquisition of real property. 1. Subject to subdivision two of this section, the trust may acquire real property by condemnation pursuant to the provisions of the eminent domain procedure law where not inconsistent with this article. Prior to the commencement of any condemnation proceedings pursuant to this section, the trust shall cause a survey and map of the property to be condemned to be made and filed in its office and to be annexed thereto a certificate, executed by such officer or employee as the trust may designate, stating that the acquisition of the property described in such survey and map has been determined by the unanimous vote of its board of trustees to be necessary for the fulfillment of its corporate purposes. All condemnation proceedings brought by the trust pursuant to this section shall be brought in supreme court, New York county, and the compensation to be paid shall be determined by the court without a jury and without the appointment of commissioners. The court shall decree that title to any real property subject to condemnation proceedings brought pursuant to this section shall vest in the trust upon the entry and filing of an order of immediate possession, granted pursuant to the provisions of the eminent domain procedure law and providing for the deposit required by such section; provided that the trust shall have first complied with chapter one thousand one hundred sixty-one of the laws of nineteen hundred seventy-one and the deposit or payment made thereunder shall be credited against the deposit required under eminent domain procedure law. No award of compensation shall be increased by reason of any increase in the value of real property caused by the actual or proposed acquisition, use, development or disposition by the trust of any other real property.

2. The trust shall have the power to acquire by condemnation only the real property described as follows:

Any real property situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of 53rd Street distant 306 feet 9 inches easterly from the corner formed by the intersection of the

northerly side of 53rd Street and the easterly side of Avenue of the Americas (formerly Sixth Avenue); running thence northerly, parallel with Avenue of the Americas, 100 feet 5 inches to the center line of the block between 53rd and 54th Streets;
thence easterly, along said center line of the block, 78 feet 3 inches;
thence southerly, again parallel with Avenue of the Americas, 100 feet 5 inches to the northerly side of 53rd Street; and
thence westerly along the northerly side of 53rd Street, 78 feet 3 inches to the point or place of Beginning.

3. All real property, other than the real property described in subdivision two of this section, in or on which all or any part of a combined-use facility is or is designed to be developed (i) shall have been owned in fee by a participating cultural institution for a period of at least five years prior to the date on which the trust first enters into an agreement for the development of such facility; or (ii) shall have been owned by the city prior to the date on which the trust or a participating cultural institution first enters into an agreement for the development of such facility; or (iii) the proposed use of such real property for all or any part of the combined use facility developed or designed to be developed on such real property shall have been approved by the mayor by written instrument delivered to the trust and the participating cultural institution; or (iv) with respect to a public television station with respect to which a trust entered an agreement prior to January first, nineteen hundred ninety such real property shall exceed one hundred thousand square feet in area, and shall have been owned or leased by such public television station for a period of at least five years prior to the date on which the trust first enters into an agreement for the development of a combined-use facility or such public television facility or makes a loan to such station.