§ 72-j. Parking garages and parking spaces; public off-street loading facilities. 1. The governing board or other appropriate authority of a municipal corporation may acquire by purchase, gift, devise, lease, condemnation or otherwise, in accordance with the provisions of any appropriate general, special, or local law applicable to the acquisition of real property by a municipal corporation, real property or any interest therein necessary for or incidental to the construction or operation of parking garages or parking spaces or public off-street loading facilities for the relief of traffic congestion either as provided in subdivision two hereof or as provided in subdivision three hereof.

2. a. A municipal corporation or an urban renewal agency may construct and operate such garages or spaces or public off-street loading facilities including the use of such portion of the property for other commercial uses as may be necessary to provide revenue adequate to permit the operation of the principal portion of the property for such garages or spaces or public off-street loading facilities, may charge such rentals or fees for their use and make such other provisions for their operation and management as it may deem necessary, and may enter into contracts for their construction or operation subject to such conditions as it may impose for the service of the public and the protection of the public interest. When in furtherance of an urban renewal program such parking garage or spaces or public off-street loading facilities are constructed and operated pursuant to a duly approved urban renewal plan, the same or a portion thereof may be sold, leased for a term not exceeding ninety-nine years, or otherwise disposed of, to any person, firm or corporation, without public auction or sealed bids, subject to such conditions as it may impose for the service of the public and the protection of the public interest, provided such sale, lease or disposal is made in accordance with and pursuant to the provisions of section five hundred seven of this chapter.

b. In addition to such powers as may be granted by any other law or by any other subdivision of this section, a municipal corporation or an urban renewal agency may lease, for a term not exceeding ninety-nine years, such air rights over or the subsurface areas under any property

acquired or to be acquired for garages, spaces or public off-street loading facilities, together with easements or other rights of user necessary for the use and development of such air rights or subsurface areas, as are not needed for public purposes, to any person, firm or corporation for commercial or private use. Any such lease may contain provisions requiring the lessee to construct facilities adequate to support and maintain, without interference, the public parking or off-street loading facilities being conducted by the municipality or urban renewal agency and may also contain such other provisions, conditions and restrictions as the municipality or urban renewal agency may prescribe. Any buildings, structures, substructures or superstructures, the title to which remains in the lessee, shall be deemed to be real property for purposes of taxation as defined in subdivision twelve of section one hundred two of the real property tax law.

3. Any municipal corporation, acting through its board of estimate or other governing body, may, in addition to exercising the powers granted to it by subdivision two hereof, sell, lease for a term not exceeding ninety-nine years, or otherwise dispose of any real property or any interest therein owned by it or acquired by it pursuant to this section, to any person, firm, or corporation at the highest marketable price or rental at public auction or by sealed bids pursuant to the provisions of any general, special or local law applicable to the sale, lease, or disposition of real property by such municipal corporation, for the purpose of the construction or establishment on such real property of public parking garages or public parking spaces or public off-street loading facilities for the relief of traffic congestion and for the maintenance and operation thereof. Any deed, lease, or instrument by which real property or any interest therein is conveyed or disposed of shall contain provisions requiring the purchaser, grantee, or lessee to construct or establish on such real property one or more public parking garages or public parking spaces or public off-street loading facilities and to maintain and operate the same for such period as may be prescribed by the board of estimate or other governing body, provisions fixing or providing for the approval by the board of estimate or other analogous body of rates to be charged for the use of such facilities by

the operators thereof, and may also contain provisions authorizing the use of such portion of the property for other commercial purposes as may be necessary to provide revenue adequate to permit the operation of the principal portion of the property for public parking garages and public parking space or public off-street loading facilities. Such deed or instrument may contain such other provisions, conditions and restrictions, including specifications relating to construction, and the rentals at which such property may be leased or subleased by the grantee or lessee as the board of estimate or other governing body may prescribe. The prior consent of the city planning commission or other analogous body of such municipal corporation shall be required for the acquisition by such municipal corporation of property for the purposes of this subdivision, which prior consent shall be based upon a finding by such city planning commission or other analogous body of the desirability thereof and after a public hearing thereon.

4. As used in this section:

a. The term "public garage" shall mean any building or facility where motor vehicles are parked, stored, serviced or repaired, and whose space and facilities are available to the public, with or without fee or charge, without regard to the residence, business or employment of the motor vehicle owner or operator seeking such space or facilities.

b. The term "public off-street loading facility" shall mean any building or area for the loading or unloading of trucks, trailers or other similar vehicles and the temporary storage of goods incidental thereto, which space and facilities shall be made available hereunder to the public with or without fee or charge upon such terms and conditions as may be prescribed by the board of estimate or other governing body.

5. A town, or a town parking district, and a village wholly within such town may, as herein provided, jointly acquire lands for and maintain and operate parking garages and parking spaces or public off-street loading facilities in the manner and for the purposes herein specified. Taxes levied for the town's share of the cost of such acquisition, maintenance and operation shall be a charge upon the

taxable property of that part of the town outside of such village, and shall be assessed, levied and collected therefrom. Taxes levied for a parking district's share of the cost of such acquisition, maintenance and operation shall be a charge upon the taxable property of that part of the parking district outside of such village and shall be assessed, levied and collected therefrom.

6. The governing body of any municipal corporation may direct that the whole of the expense of the acquisition of lands for and the construction of parking garages and parking spaces or public off-street loading facilities be assessed upon property deemed benefited, or that the whole or part thereof be charged to the municipal corporation at large and the remainder if any, assessed upon the property deemed benefited. Proceedings for the assessment of the cost of acquisition of land for and construction of parking garages and parking spaces or public off-street loading facilities shall be the same as for a local improvement assessment of other public work.