

BOARD OF ESTIMATE CITY OF NEW YORK

Cal. No. 22

WHEREAS, The Department of Housing Preservation and Development ("HPD") has proposed to the Board of Estimate the sale of City-owned land ("Disposition Site") known as and by the following New York City Tax Map block and lot numbers in the Borough of Bronx:

<u>BLOCK</u>	<u>LOTS</u>
2744	55 and 63

and;

WHEREAS, The present status of the Disposition Site tends to impair or arrest the sound growth and development of the municipality; and

WHEREAS, Title to the Disposition Site was acquired by the City through its real property tax enforcement procedure and therefore the Disposition Site is eligible as a municipally-owned area to be conveyed pursuant to Article 16 of the General Municipal Law; and

WHEREAS, HPD has recommended the redevelopment of the Disposition Site to be deemed an Urban Development Action Area Project ("Project") pursuant to §694 of the General Municipal Law; and

WHEREAS, HPD has recommended that the designation of the disposition Site as an Urban Development Action Area be waived pursuant to §693 of the General Municipal Law and in conjunction with such waiver and pursuant to §694 of the General Municipal Law has prepared a project summary ("Project Summary") for the redevelopment of the Disposition Site as an Urban Development Area Project; and

WHEREAS, ROSE ELLEN SMITH HOUSING DEVELOPMENT FUND COMPANY, INC. ("Housing Company") has been duly organized as a housing development fund company under Article XI of the Private Housing Finance Law and Section 402 of the Not-For-Profit Corporation Law of the State of New York for the purpose of developing a housing project exclusively for elderly persons of low income on real property located in The City of New York; and

WHEREAS, The Housing Company has obtained a commitment for a mortgage from the Secretary of the Department of Housing and Urban Development of the United States of America (the "HUD Mortgage"), and will receive housing assistance payments pursuant to the provisions of Section 8 of the United State Housing Act of 1937, as amended, for a housing project (the "Housing Project") for elderly persons of low income, to be constructed on the Disposition Site as more fully described by metes and bounds in a certain Disposition Agreement hereinafter referred to; and

WHEREAS, The Housing Company has been designated as a qualified and eligible sponsor by HPD pursuant to Article 16 of the General Municipal Law; and

WHEREAS, The uniform land use review procedures required by §197-c of the New York City Charter have been waived pursuant to §693 of the General Municipal Law; and

WHEREAS, The Project Summary consists solely of the rehabilitation of multiple dwellings without any change in the permitted land use of the Disposition Site; and

WHEREAS, A proposed Agreement between the City of New York and the Housing Company providing for the construction of the Housing Project and for the sale of the Disposition Site, at the negotiated price of Eight Thousand Seven Hundred (\$8,700) Dollars, without public auction or sealed bids, and for a tax exemption as set forth herein;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Estimate of the City of New York:

1. That the City owned land ("Disposition Site") known as and by the following New York City Tax Map block and lots in the Borough of Bronx

<u>BLOCK</u>	<u>LOTS</u>
2744	44 and 63

is hereby designated as an Urban Development Action Area Project ("Project") pursuant to §694 of the General Municipal Law.

2. That the designation of the Disposition Site as an Urban Development Action Area pursuant to §693 of the General Municipal Law is hereby waived pursuant to such section.

3. That the requirements of §197-c of the New York City Charter are hereby waived pursuant to §694 of the General Municipal Law.

4. That it is hereby found and determined that the Project is consistent with the policies and purposes stated in §691 of the General Municipal Law.

5. That the Project has been duly reviewed and considered and is hereby approved pursuant to §694 of the General Municipal Law.

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6. That the Board of Estimate hereby approved the sale of the Disposition Site to Rose Ellen Smith Housing Development Fund Company, Inc. ("Housing Company") the Redevelopment Company/Sponsor pursuant to §694 of the General Municipal Law.

7. That the sale of the Disposition Area to the Housing Company is also hereby approved pursuant to Article XI of the Private Housing Finance Law ("PHFL")

8. That, pursuant to the provisions of subdivision 1(a) of Section 422 of the New York State Real Property Tax Law ("RP TL"), as amended, the City, acting by its Board of Estimate, hereby agrees to and does exempt from local and municipal taxes, other than assessments for local improvements, all of the value of the property included in the Housing Project, including both land and improvements acquired for the Housing Project at the time of its acquisition by the Housing Company, from the date of commencement of construction of the Housing Project until the date of issuance of the Certificate of Occupancy, temporary or permanent, for the Housing Project.

9. That the Board of Estimate, pursuant to subdivision 1(a) of Section 422 of the RP TL and Section 577 of Article XI of the PHFL, does hereby approve a partial exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property included in the Housing Project (excluding those portions, if any, devoted to business or commercial use), provided that the Housing Company make an annual real estate tax payment as provided herein. For each year, this payment shall consist of the sum of (a) ten (10%) percent of the annual shelter rent or carrying charges for the Housing Project, plus (b) an annual adjustment amount (if any); provided, however, that if the HUD-approved income limits for the Housing Project are increased between the date of this resolution and the Effective Date, then HPD shall increase the minimum annual partial real estate tax payment to a higher amount. The annual adjustment amount for each year shall equal twenty-five percent (25%) of the amount by which the total Contract Rents applicable to the Housing Project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceeds the total Contract Rents which are authorized as of the Effective Date. However, the total annual real estate tax payment by the Housing Company shall not any time exceed the lesser of either seventeen (17%) percent of Contract Rents, or the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided for by existing or future local law or state legislation. The partial tax exemption approved herein shall operate and continue for so long as the HUD Mortgage is outstanding, but in no event for a period of more than forty (40) years, commencing as of the Effective Date.

10. That the annual partial real estate tax payment shall first become payable and effective upon the date of issuance (the "Effective Date") of the Certificate of Occupancy, temporary or permanent, whichever first occurs, for the Housing Property, or, if the Housing Project is constructed in stages, the annual partial real estate tax payment applicable to each stage shall become payable and effective from the date of issuance of the Certificate of Occupancy, temporary or permanent, whichever first occurs, for each such stage.

11. That, in consideration of the sale of the Disposition site and the tax exemption granted herein, the Housing Company, for so long as the HUD Mortgage remains outstanding, but in no event for a period of more than forty (40) years, shall waive the benefits, if any, of additional or concurrent tax abatement and/or tax exemption which may be authorized under existing or future provisions of state law, the Administrative Code of the City of New York, or any successor state or municipal law, rule or regulation.

12. That the disposition of the land required for the development of the Housing Project by negotiation is the appropriate method of making the land available for redevelopment.

13. That the proposed price of Eight Thousand Seven Hundred (\$8,700.00) Dollars is satisfactory and not less than the fair value of the Disposition Area for use by the Housing Company to provide dwelling units for occupancy by elderly persons of low income.

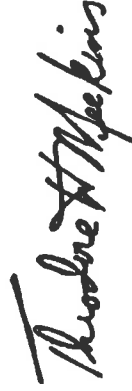
14. That the City is authorized, if necessary, to indemnify the Housing Company against claims of interest in the Disposition Site by Former mortgagees of the Disposition Site, in an agreement to be approved by the Corporation Counsel.

15. That the proposed Disposition Agreement between the City of New York and the Housing Company relating to the sale and redevelopment of the Disposition Site as described in said Agreement is hereby approved in substantially the form submitted pursuant to the provisions of Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law, and the Mayor or Deputy Mayor is hereby authorized to execute the same, when approved as to form by the Corporation Counsel, and the City Clerk or acting City Clerk is hereby directed to attest the same and to affix the seal of the City of New York thereto.

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16. That the Mayor, Deputy Mayor, Deputy Commissioner or Acting Deputy Commissioner of the Department of General Services, Division of Real Property, is hereby authorized to execute and deliver to the Housing Company a Deed of conveyance of title to the Disposition Site, when approved as to form by the Corporation Counsel, at the negotiated price fixed in the Disposition Agreement, without public auction or sealed bids, and upon the terms and conditions contained therein, and the City Clerk or acting City Clerk is hereby directed to attest said Deed and to affix the seal of the City of New York thereto.

A true copy of resolution adopted by the Board of Estimate
May 21, 1987.

A handwritten signature in black ink, reading "Theodore W. McKinis". The signature is written in a cursive style with a prominent initial "T".

Secretary