

**STATE OF NEW YORK**

5706--A

2011-2012 Regular Sessions

**IN SENATE**

June 10, 2011

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Notwithstanding any provision of law to the contrary, the  
2 city of New York is hereby authorized to discontinue the use as parkland  
3 of the land described as follows, and to use such land or sell, lease or  
4 otherwise transfer such land and interests therein to the United Nations  
5 development corporation for such purposes as are consistent with the  
6 provisions of chapter 345 of the laws of 1968, as amended:  
7 An area in the borough of Manhattan, city of New York, bounded on the  
8 west by the east side of United Nations Plaza (First Avenue); on the  
9 south by the north side of Forty-first Street; on the north by the south  
10 side of Forty-second Street; and on the east by a line that begins on  
11 the north side of Forty-first Street, is located one hundred forty-six  
12 feet seven eighths inches east of and parallel to United Nations Plaza  
13 (First Avenue) and runs north for a distance of one hundred ninety-seven  
14 feet six inches, ending at the south side of Forty-second Street, such  
15 area being sixty-six hundredths and twenty-three ten thousandths of an  
16 acre (.6623 acres).

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

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1 § 2. The authorization contained in section one of this act shall take  
2 effect only (a) upon the condition that a memorandum of understanding is  
3 completed and signed by the mayor of the city of New York, the temporary  
4 president of the senate, and the speaker of the assembly, after consul-  
5 tation with the members of the senate, the assembly and the city council  
6 of the city of New York representing the area in which the parkland  
7 described in section one of this act is located, which memorandum of  
8 understanding shall, among other matters: (i) identify the extent of,  
9 the sources for and the procedures applicable to funding for parkland  
10 and other recreational space in the borough of Manhattan to replace the  
11 parkland described in section one of this act; (ii) provide for the city  
12 of New York to designate and map parkland in the borough of Manhattan  
13 that will, in conjunction with parkland that the city of New York so  
14 designates and maps pursuant to section three of this act, have a fair  
15 market value in the aggregate of no less than the fair market value of  
16 the parkland described in section one of this act; (iii) provide for the  
17 city of New York to take possession of the area within the borough of  
18 Manhattan, city of New York, known as the ConEd Waterside Pier between  
19 Thirty-eighth and Forty-first Streets, for the prior user of said area  
20 to make a payment for the structural rehabilitation of said area and for  
21 the city of New York to commence said rehabilitation after such payment  
22 is made; and (iv) provide for a portion of amounts available to the city  
23 of New York in the future in the event of an ownership transfer by sale  
24 or otherwise or a refinancing involving the existing buildings at One  
25 and Two United Nations Plaza (First Avenue) in the borough of Manhattan,  
26 city of New York, to be dedicated toward the costs of a continuous walk-  
27 way and bike path along the East River or the costs of other parkland in  
28 the borough of Manhattan; and (b) upon the further condition that the  
29 city of New York satisfies the obligations as described in such memoran-  
30 dum of understanding as being required to be satisfied prior to the  
31 alienation of the parkland described in section one of this act. The  
32 authorization contained in section one of this act shall be negated if  
33 the city of New York fails to satisfy such obligations described in such  
34 memorandum of understanding as being required to be satisfied prior to  
35 alienation of the parkland described in section one of this act. Any  
36 obligations of the city of New York set forth in such memorandum of  
37 understanding and not described therein as being required to be satis-  
38 fied prior to the alienation of the parkland described in section one of  
39 this act, shall, to the extent stated in such memorandum of understand-  
40 ing, survive such alienation and be enforceable against the city of New  
41 York with the same effect as if included in this act. Persons described  
42 in such memorandum of understanding as having standing to pursue equita-  
43 ble remedies against the city of New York to enforce any obligation that  
44 the city of New York may be required to satisfy as described in such  
45 memorandum of understanding shall have standing to pursue such equitable  
46 remedies. The preceding two sentences shall not limit any other remedies  
47 that may be available as provided in such memorandum of understanding.

48 § 3. Notwithstanding anything to the contrary contained in any gener-  
49 al, special or local law, including the New York city charter and admin-  
50 istrative code of the city of New York, and provided that the memorandum  
51 of understanding is completed and signed as provided in section two of  
52 this act, and provided further that the city of New York has satisfied  
53 the obligations as described in such memorandum of understanding as  
54 being required to be satisfied prior to the provisions of this section  
55 three being effective, the city of New York, acting by its mayor alone,  
56 or his or her designee, is hereby authorized and empowered to take such

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1 administrative and other actions as are necessary or desirable, all of  
2 which shall be deemed ministerial, to demap, discontinue and close as  
3 part of public streets of the city of New York, located in the borough  
4 of Manhattan, the following area of approximately sixty-two hundredths  
5 and sixty-seven ten thousandths of an acre (.6267 acres), located in the  
6 borough of Manhattan, city of New York, for purposes of designating and  
7 mapping such area as parkland, such administrative and other actions  
8 being also authorized for such designation and mapping as parkland:  
9 Beginning at the northwest corner of the intersection of East Twenty-  
10 third Street and Asser Levy Place, as those streets were heretofore laid  
11 out on the map of the city of New York, thence running approximately  
12 sixty feet in an easterly direction along the southerly line of Asser  
13 Levy Place to a point, thence running approximately four hundred fifty-  
14 five feet in a northerly direction, said course forming a deflection  
15 angle to the left with the previous course of ninety degrees, no minutes  
16 and no seconds, thence running approximately sixty feet in a westerly  
17 direction, said course forming a deflection angle to the left with the  
18 previous course of ninety degrees, no minutes and no seconds, thence  
19 running approximately four hundred fifty-five feet in a southerly direc-  
20 tion, said course forming a deflection angle to the left of ninety  
21 degrees, no minutes and no seconds to the place or point of beginning.

22 § 4. Section 1 of chapter 345 of the laws of 1968, relating to estab-  
23 lishing a United Nations development district, is amended by adding five  
24 new subdivisions 10-a, 13, 13-b, 14 and 15 to read as follows:

25 10-a. "Further development plan at 42nd Street." A development plan  
26 for the United Nations 42nd Street consolidation area, including  
27 improvements within said area and any improvements incidental thereto  
28 outside said area.

29 13. "Reuse project." The initial reuse project and the additional  
30 reuse project described in subdivisions thirteen-a and thirteen-b,  
31 respectively, of section one of this chapter.

32 13-b. "Additional reuse project." The acquisition of land, easement  
33 and other rights within or appurtenant to the area in the borough of  
34 Manhattan, city of New York, described in this subdivision, and the  
35 maintenance, repair, operation, alteration and renovation, from time to  
36 time, of improvements located on such land, exclusively for use by the  
37 United Nations, including its organs, subsidiary bodies and specialized  
38 and other agencies and members of the public visiting United Nations  
39 headquarters in the city of New York. The area referred to above is  
40 bounded and described as follows: Beginning at the northwest corner of  
41 Forty-fifth Street and United Nations Plaza (First Avenue), running  
42 thence westerly along Forty-fifth Street a distance of one hundred feet,  
43 running thence northerly, parallel to United Nations Plaza (First  
44 Avenue), a distance of eighty feet five inches, running thence easterly,  
45 parallel to Forty-fifth Street, a distance of twenty feet, running  
46 thence southerly, parallel to United Nations Plaza (First Avenue), a  
47 distance of forty feet, running thence easterly, parallel to Forty-fifth  
48 Street, a distance of eighty feet, and running thence southerly along  
49 United Nations Plaza (First Avenue) a distance of forty feet five inches  
50 to the place or point of beginning. Provided that the memorandum of  
51 understanding is completed and signed as provided in section two of the  
52 chapter of the laws of 2011 that added this subdivision and provided  
53 further that the city of New York shall have satisfied the obligations  
54 as described in such memorandum of understanding as being required to be  
55 satisfied prior to the corporation undertaking the additional reuse  
56 project, the additional reuse project and the site thereof shall for all

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1 purposes be deemed to be located within the district and be deemed also  
2 to be a project as defined in this chapter and shall, except for any new  
3 construction or any increase in the height or floor area of any previ-  
4 ously constructed building, be deemed for all purposes to be part of and  
5 to conform to a development plan for a portion of the district, which  
6 has been formulated, reviewed and approved in accordance with section  
7 seven of this chapter.

8 14. "United Nations 42nd Street Consolidation Project." The acquisi-  
9 tion by lease or otherwise from the city of New York and other parties,  
10 if any, of land, easement and other rights within the United Nations  
11 42nd Street consolidation area, and associated property interests  
12 related thereto, and from time to time thereafter, the construction,  
13 alteration, renovation and rebuilding, and the ownership or operation,  
14 including repair and maintenance, of office space and related facili-  
15 ties, a tunnel (to provide secure passage from and to United Nations  
16 permanent headquarters), and space and facilities related to the forego-  
17 ing, exclusively for use by the United Nations, including its organs,  
18 subsidiary bodies and specialized and other agencies; the construction  
19 within, and improvement, alteration, use and operation of, below but not  
20 above-grade volumes of space, after the same are demapped, discontinued  
21 and closed as part of public streets of the city of New York, located in  
22 the borough of Manhattan east of United Nations Plaza (First Avenue)  
23 below Forty-second Street or below the roadway of the Franklin D.  
24 Roosevelt (East River) drive, for purposes of such tunnel; the creation,  
25 improvement, alteration and renovation of space, facilities and improve-  
26 ments within or outside the United Nations 42nd Street consolidation  
27 area to the extent incidental to such office space and tunnel; and the  
28 corporation's cooperation with and assistance to the city of New York  
29 concerning planning for, and the corporation's payment of costs of,  
30 parkland replacement to compensate for discontinuing the use as parkland  
31 of a portion of Robert Moses Playground in the borough of Manhattan for  
32 purposes of the United Nations 42nd Street consolidation project.  
33 Provided that the memorandum of understanding is completed and signed as  
34 provided in section two of the chapter of the laws of 2011 that added  
35 this subdivision, the land, buildings and other improvements included in  
36 or otherwise part of the United Nations 42nd Street consolidation  
37 project shall for all purposes be deemed to be located within the  
38 district and be deemed also to be part of a project as defined in this  
39 chapter.

40 15. "City council." The city council of the city of New York.

41 § 4-a. Subdivisions 10 and 13-a of section 1 of chapter 345 of the  
42 laws of 1968, relating to establishing a United Nations development  
43 district, subdivision 13-a as added by chapter 34 of the laws of 1993,  
44 are amended to read as follows:

45 10. "Development plan." A plan or plans, including a further develop-  
46 ment plan at 42nd Street, and including any supplements, additions or  
47 amendments to such plan or plans, for the development of all or part of  
48 the district which shall include but shall not be limited to: A state-  
49 ment of proposed land uses; proposed land acquisition, demolition and  
50 removal of structures; proposed acquisition of air rights and concom-  
51 itant easements or other rights of user necessary for the use and devel-  
52 opment of such air rights; proposed public, semi-public, private or  
53 community facilities or utilities, with a site plan and drawings there-  
54 for; a statement as to the relationship between the development plan and  
55 a comprehensive plan for the development of the municipality as a whole;  
56 a statement as to proposed new codes and ordinances and amendments to

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1 existing codes and ordinances as are required or necessary to effectuate  
2 the plan or plans; a proposed time schedule for the effectuation of such  
3 plan or plans, and such additional statements or documentation as the  
4 corporation may deem appropriate.

5 13-a. [~~Reuse~~] "Initial reuse project." The acquisition and alteration,  
6 renovation or rebuilding, from time to time, without any increase in the  
7 height of any previously constructed building and without any  
8 construction on any vacant land, of real property consisting of any  
9 previously constructed commercial building or buildings, or any portion  
10 thereof, and the land and associated property interests related thereto,  
11 primarily for use by the United Nations, including its organs, subsid-  
12 iary bodies and specialized and other agencies, provided that: any such  
13 acquisition shall occur before December 31, 1998; such building or  
14 buildings shall be located at 633 Third Avenue, 685 Third Avenue or 845  
15 United Nations Plaza in the borough of Manhattan, city of New York; not  
16 more than eight hundred thousand square feet of floor area shall be  
17 acquired if such floor area is located in more than one of such build-  
18 ings; and the corporation shall not transfer any unused development  
19 rights from any of such buildings or add to any of such buildings any  
20 unused development rights from any other property. The reuse project  
21 shall for all purposes be deemed to be located within the district and  
22 be deemed also to be a project and to be part of and to conform to a  
23 development plan for a portion of the district, which has been formul-  
24 ated, reviewed and approved in accordance with section seven of this  
25 chapter.

26 § 5. Chapter 345 of the laws of 1968, relating to establishing a  
27 United Nations development district, is amended by adding a new section  
28 3-a to read as follows:

29 § 3-a. Establishment of United Nations 42nd Street consolidation  
30 area. The following area lying south of the permanent headquarters of  
31 the United Nations, in the borough of Manhattan, city of New York, and  
32 bounded and described as follows, is hereby designated as the "United  
33 Nations 42nd Street consolidation area": Beginning at the northeast  
34 corner of United Nations Plaza (First Avenue) and Forty-first Street,  
35 running easterly along the northerly side of Forty-first Street a  
36 distance of three hundred five feet seven eighths inches, running thence  
37 northerly, parallel to United Nations Plaza (First Avenue), a distance  
38 of one hundred sixty-eight feet, running thence westerly, parallel to  
39 Forty-first Street, a distance of one hundred fifty-nine feet, running  
40 thence northerly, parallel to United Nations Plaza (First Avenue), a  
41 distance of twenty-nine feet six inches, running thence westerly, along  
42 the southerly side of Forty-second Street, a distance of one hundred  
43 forty-six feet seven eighths inches, and running thence southerly, along  
44 the easterly side of United Nations Plaza (First Avenue), a distance of  
45 one hundred ninety-seven feet six inches, to the point or place of  
46 beginning. Provided that the memorandum of understanding is completed  
47 and signed as provided in section two of the chapter of the laws of 2011  
48 that added this section, the land included in the United Nations 42nd  
49 Street consolidation area shall for all purposes be deemed to be located  
50 within the district.

51 § 6. Section 6 of chapter 345 of the laws of 1968, relating to estab-  
52 lishing a United Nations development district, subdivision 3 as amended  
53 by chapter 623 of the laws of 1971, is amended to read as follows:

54 § 6. Powers and duties of corporation. The powers and duties of the  
55 corporation shall be:

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1 (1) to undertake surveys of the present and anticipated need: for  
2 [~~locations for missions~~] office space, meeting facilities, [~~and~~] hous-  
3 ing and recreational facilities [~~for~~] and other facilities for the  
4 United Nations, delegations and delegates to the United Nations, person-  
5 nel of delegations to the United Nations, and members of the United  
6 Nations staff; for office space, auditorium and meeting facilities for  
7 related nongovernmental organizations; for hotel accommodations for  
8 visiting heads of state and other dignitaries; for bus terminals, dining  
9 facilities, and other facilities for visiting persons and groups[7]; for  
10 parking[7]; and for housing, commercial, industrial and other facilities  
11 necessary or appropriate to carry out the purposes of this chapter,

12 (2) subject to the approval of the [~~board of estimate and the~~] commis-  
13 sion and the city council as hereinafter provided, to formulate a devel-  
14 opment plan or plans [~~including supplements, additions and amendments~~  
15 ~~thereto~~] in accordance with the foregoing present and anticipated  
16 needs, with provision for relocation of individuals and commercial  
17 establishments outside or within the district,

18 (3) [~~to undertake or cause its subsidiary corporation or corporations~~]  
19 to undertake, or otherwise to have undertaken on behalf of the corpo-  
20 ration, the execution of a development plan or of a portion thereof, and  
21 the financing, acquisition, construction, rehabilitation, improvement,  
22 operation and management of any project or portion thereof, including  
23 attendant relocation facilities, provided however, that all contracts  
24 let by the corporation [~~or by a subsidiary (rather than a sponsor or a~~  
25 ~~person, firm or corporation acting as sponsor in lieu of the corporation~~  
26 ~~or its subsidiaries)~~] for the erection, construction, or alteration of  
27 buildings shall be let in conformity with the provisions of section one  
28 hundred thirty-five of the state finance law, except that such  
29 provisions shall not be applied to restrict the corporation's pre-quali-  
30 fication of bidders for purposes of the United Nations 42nd Street  
31 consolidation project, and provided further that execution of a further  
32 development plan at 42nd Street may not proceed unless and until the  
33 approval thereof by the commission and the city council as hereinafter  
34 provided and unless and until the memorandum of understanding referred  
35 to in section two of the chapter of the laws of 2011 amending this  
36 section has been completed and signed as provided in that section.

37 [~~(4) when, in the opinion of the board of directors, it would be more~~  
38 ~~appropriate or convenient to have the execution of a particular develop-~~  
39 ~~ment plan or portion thereof undertaken by a sponsor rather than by the~~  
40 ~~corporation or one or more of its subsidiaries, to select a proposed~~  
41 ~~sponsor or sponsors financially responsible and otherwise qualified by~~  
42 ~~experience and training to undertake the execution of the development~~  
43 ~~plan and to relocate residents and businesses to be displaced thereby,~~

44 ~~(5) to advise and generally supervise such sponsor or sponsors or~~  
45 ~~successors thereto in connection with such relocation and development,~~

46 ~~(6) with the approval of the board of estimate, (a) to enter into~~  
47 ~~agreements with a qualified sponsor or sponsors for the implementation~~  
48 ~~and execution of all or a portion of a development plan, or, (b) where~~  
49 ~~such implementation and execution is to be undertaken by the corporation~~  
50 ~~or one or more of its subsidiaries, to enter into agreements for the~~  
51 ~~implementation and execution of such development plan or portion thereof~~  
52 ~~with persons, firms or corporations acting as sponsors in lieu of the~~  
53 ~~corporation or its subsidiaries, and (c) to enter into agreements amend-~~  
54 ~~ing, modifying or superseding such agreements, and~~

55 ~~(7)] (4) to furnish advice, technical assistance and liaison with~~  
56 federal, state and city authorities and with users and occupants of the

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1 facilities to be created within the district with respect to educa-  
2 tional, social and cultural activities within the district, and other-  
3 wise to foster and encourage greater public knowledge of, and partic-  
4 ipation in, the activities of the United Nations and affiliated  
5 organizations, and

6 (5) to provide advice and services with respect to real estate needs  
7 and development as requested by the state or city of New York, the  
8 United States or the United Nations.

9 § 7. Subdivision a of section 7 of chapter 345 of the laws of 1968,  
10 relating to establishing a United Nations development district, is  
11 amended to read as follows:

12 a. The corporation shall prepare or cause to be prepared a development  
13 plan for the district, or, if the corporation deems it necessary or  
14 advisable that the development of the district or a portion thereof be  
15 carried out in stages, development plans for parts or portions of the  
16 district. Any development plan shall include a requirement that relo-  
17 cation benefits be provided to individuals and businesses to be  
18 displaced in the course of redevelopment which are at least equal to  
19 those for which such individuals and businesses would be eligible under  
20 federal law at the time of their relocation if the development plan were  
21 an urban renewal plan.

22 § 7-a. Section 7 of chapter 345 of the laws of 1968, relating to  
23 establishing a United Nations development district, is amended by adding  
24 two new subdivisions e and f to read as follows:

25 e. The provisions of subdivisions b, c and d of this section shall  
26 not apply to any further development plan at 42nd Street or any develop-  
27 ment plan for any new construction or any increase in the height or  
28 floor area of the previously constructed building located on land  
29 acquired as part of the additional reuse project or any amendment of any  
30 such development plan. Any such development plan or amendment shall be  
31 subject to review pursuant to section one hundred ninety-seven-c and  
32 section one hundred ninety-seven-d of the charter of the city of New  
33 York in the same manner as if such development plan or amendment were  
34 described in paragraph one of subdivision b of section one hundred nine-  
35 ty-seven-d of the charter of the city of New York. Approval of any such  
36 development plan or amendment shall include, without limitation, land  
37 use review authorization for any disposition by the city of New York of  
38 the land described in the second sentence of subdivision 1 of section  
39 16-a of this chapter and any and all land or other rights, and any  
40 demapping, discontinuing and closing by the city of New York of any and  
41 all volumes of space under any public streets, for purposes of a further  
42 development plan at 42nd Street.

43 f. No portion of a further development plan at 42nd Street is permit-  
44 ted to be effectuated in any respect, including without limitation, any  
45 acquisition by the corporation of any interest in the United Nations  
46 42nd Street consolidation area, any commencement of construction by the  
47 corporation within the United Nations 42nd Street consolidation area and  
48 any other physical activity by the corporation on, or other interference  
49 by the corporation with use of or access to, the United Nations 42nd  
50 Street consolidation area, unless and until a further development plan  
51 at 42nd Street has been reviewed as provided in subdivision e of this  
52 section and a memorandum of understanding is completed and signed as  
53 provided for in section two of the chapter of the laws of 2011 that  
54 added this subdivision.

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1 § 8. Section 9 of chapter 345 of the laws of 1968, relating to estab-  
2 lishing a United Nations development district, is amended by adding a  
3 new subdivision d to read as follows:

4 d. Notwithstanding anything to the contrary contained in any general,  
5 special or local law, including the charter and administrative code of  
6 the city of New York, the city of New York, acting by its mayor alone,  
7 or his or her designee, shall be authorized, for the effectuation of a  
8 further development plan at 42nd Street when approved pursuant to  
9 section one hundred ninety-seven-c and section one hundred ninety-sev-  
10 en-d of the charter of the city of New York in the same manner as if  
11 such development plan or amendment were described in paragraph one of  
12 subdivision b of section one hundred ninety-seven-d of the charter of  
13 the city of New York, and when otherwise permitted to be executed as  
14 provided in this chapter, to take such actions as are necessary or  
15 desirable, to demap, discontinue and close below but not above-grade  
16 volumes of space part of the public streets of the city of New York,  
17 located in the borough of Manhattan east of United Nations Plaza (First  
18 Avenue), below Forty-second Street, or below the roadway at the Franklin  
19 D. Roosevelt (East River) drive, for purposes of a tunnel as part of the  
20 United Nations 42nd Street consolidation project, and to sell, lease for  
21 a term not exceeding ninety-nine years, or otherwise dispose of to the  
22 corporation any land and other interests in real property owned by the  
23 city of New York, regardless of how acquired, and included in the United  
24 Nations 42nd Street consolidation project, including any discontinued,  
25 demapped and closed part of the public streets of the city of New York,  
26 without any payment of money therefor and without further review or  
27 approvals, other than said approval of the further development plan at  
28 42nd Street, and the completion and signature of the memorandum of  
29 understanding as provided in section two of the chapter of the laws of  
30 2011 that added this subdivision, and without public auction or sealed  
31 or competitive bids.

32 § 9. Section 13 of chapter 345 of the laws of 1968, relating to estab-  
33 lishing a United Nations development district, is amended to read as  
34 follows:

35 § 13. Exemption from taxation. It is hereby found, determined and  
36 declared that the creation of the corporation and the carrying out of  
37 its purposes is in all respects for the benefit of the people of the  
38 city and state of New York and is a public purpose, and that the corpo-  
39 ration will be performing an essential governmental function in the  
40 exercise of the powers conferred upon it by this chapter. The income and  
41 operations of the corporation shall be exempt from taxation. Obligations  
42 issued by the corporation or a subsidiary pursuant to this chapter,  
43 together with income therefrom, shall be free from taxation, except for  
44 transfer and estate taxes. ~~Any~~ The land, buildings and other improve-  
45 ments from time to time included as part of the United Nations 42nd  
46 Street consolidation project shall, unless owned by the United Nations,  
47 be subject to real property taxation in the same manner and to the same  
48 extent as real property in the city of New York used for office purposes  
49 generally, except that such land, buildings and other improvements shall  
50 be exempt from such taxation if the same are owned by the city of New  
51 York and leased to the corporation for not more than ninety-nine years  
52 and otherwise on terms satisfactory to the city of New York, acting by  
53 its mayor alone, provided that the corporation enters into an agreement  
54 requiring that it pay to the city of New York or its designee amounts  
55 from time to time in lieu of such real property taxation, and in the  
56 case of any such agreement, the city of New York or its designee shall



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1 be authorized, notwithstanding anything to the contrary contained in any  
2 general, special or local law, including the charter and administrative  
3 code of the city of New York, to pledge, assign or otherwise transfer,  
4 on terms satisfactory to the city of New York, acting by its mayor  
5 alone, the amounts payable under such agreement and the right to receive  
6 such amounts, for the purpose of providing a source of payment of, and  
7 as security for, the financing of the United Nations 42nd Street consol-  
8 idation project. Except as otherwise provided above in this section, any  
9 facilities within the district owned by the corporation[~~or by a~~  
10 ~~subsidiary or a sponsor,~~] which are found and determined by the [~~board~~  
11 ~~of estimate~~] city council to be public facilities shall be exempt from  
12 taxation or assessment by and from the payment of any fees to the city  
13 of New York, and, if such finding and determination is approved by the  
14 state tax commission, from taxation or assessment by and from the  
15 payment of any fees to the state or any subdivision thereof or to any  
16 officer or employee of the state or any subdivision thereof. The [~~board~~  
17 ~~of estimate~~] city council, upon application by the corporation[~~a~~  
18 ~~subsidiary, or a sponsor,~~] may find and determine that all or part of  
19 the real property owned by the corporation[~~the subsidiary, or the~~  
20 ~~sponsor~~] within the district is devoted exclusively to public facili-  
21 ties. Such tax exemption shall continue so long as such facility is  
22 devoted exclusively to public use. Except as hereinabove provided, and  
23 except as may otherwise specifically be provided, nothing contained in  
24 this chapter shall confer exemption from any tax, assessment or fee upon  
25 any person, firm, corporation or other entity, or upon the obligations  
26 of any of them.

27 § 10. Section 16-a of chapter 345 of the laws of 1968, relating to  
28 establishing a United Nations development district, as added by chapter  
29 623 of the laws of 1971, is amended to read as follows:

30 § 16-a. Development limitation. 1. The corporation, notwithstanding  
31 any other provision of law and unless further authorized by act of the  
32 legislature, shall not in the execution of the development plan hereto-  
33 fore approved under section seven of this chapter undertake the  
34 execution of any portion of such development plan on real property with-  
35 in the district lying westerly of a line parallel to, and three hundred  
36 twenty-five feet westerly from the westerly side of United Nations  
37 Plaza. The corporation, notwithstanding any other provision of law and  
38 unless further authorized by act of the legislature, shall not in the  
39 execution of a further development plan at 42nd Street develop or  
40 construct any building or other structure above grade on any portion of  
41 the United Nations 42nd Street consolidation area other than the follow-  
42 ing portion of such area: the area bounded on the west by the east side  
43 of United Nations Plaza (First Avenue), on the south by the north side  
44 of Forty-first Street; on the north by the south side of Forty-second  
45 Street; and on the east by a line that begins on the north side of  
46 Forty-first Street, is located one hundred forty-six feet seven eighths  
47 inches east of and parallel to United Nations Plaza (First Avenue) and  
48 runs north for a distance of one hundred ninety-seven feet six inches,  
49 ending at the south side of Forty-second Street.

50 2. All properties in the district, lying easterly of a line parallel  
51 to and three hundred twenty-five feet westerly from the westerly side of  
52 United Nations Plaza, even though separated by a street, not including  
53 the United Nations 42nd Street consolidation area, and not including any  
54 property that is part of any reuse project, shall be deemed, notwith-  
55 standing any other provision of law, to be one zoning lot for all  
56 purposes, and the maximum floor area ratio of such properties, deemed to

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1 be part of one zoning lot and taken as a whole, shall not exceed  
2 fifteen.

3 3. The corporation may undertake or cause to be undertaken the  
4 execution of any portion of the development plan heretofore approved  
5 under section seven of this chapter without requiring any amendment to  
6 or modification of such development plan and without further approval  
7 under section seven of this chapter.

8 4. No portion of any structure permitted to be developed pursuant to  
9 a further development plan at 42nd Street, if and when effectuation of  
10 such further development plan at 42nd Street is permitted under this  
11 chapter, may be built to a height greater than the height of the United  
12 Nations secretariat building. Subject to compliance with the foregoing  
13 limitation in this subdivision, nine hundred thousand square feet of  
14 floor area as defined in any applicable zoning resolution shall be  
15 deemed attributable under such zoning resolution to the land that is a  
16 portion of the United Nations 42nd Street consolidation area and is  
17 described in the second sentence of subdivision one of this section, and  
18 a maximum of nine hundred thousand square feet of such floor area shall  
19 be permitted to be incorporated in such structure as part of a further  
20 development plan at 42nd Street.

21 § 11. This act shall take effect immediately, and if and when the  
22 memorandum of understanding is completed and signed as provided in  
23 section two of this act, the provisions thereof shall, to the extent  
24 stated therein, have the same effect as if they were included in this  
25 act; provided, that the mayor of the city of New York shall notify the  
26 legislative bill drafting commission upon the completion and signing of  
27 the memorandum of understanding as provided in section two of this act  
28 in order that the commission may maintain an accurate and timely effec-  
29 tive data base of the official text of the laws of the state of New York  
30 in furtherance of effectuating the provisions of section 44 of the  
31 legislative law and section 70-b of the public officers law. Notwith-  
32 standing the foregoing, the provisions of this act shall expire and be  
33 deemed repealed if on or before October 10, 2011, the memorandum of  
34 understanding has not been completed and signed as provided in section  
35 two of this act.

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**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5706A

REVISED 06/17/11

SPONSOR: RULES

TITLE OF BILL:

An act to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

PURPOSE:

To authorize the city of New York (the "City") to alienate a portion of the parkland on part of the block between East 41st and East 42nd Streets on the east side of First Avenue in Manhattan for use by the United Nations, in accordance with and subject to a memorandum of understanding (the "MOU") to be signed by October 10, 2011, with the authorization to expire and this act to be deemed repealed if, by that date, the MOU is not completed and signed.

SUMMARY OF PROVISIONS:

Section 1 authorizes the City to discontinue the use as parkland of the western portion (an area of 0.6623 acres) of the Robert Moses Playground (the "Western RMP Portion") located between Forty-first and Forty-second Streets on the east side of First Avenue in Manhattan, as described in the act, and to use the same or sell, lease or otherwise transfer the same to the United Nations Development Corporation (the "UNDC") for purposes consistent with the UNDC's enabling legislation, as amended, including as amended by this act. The authorization for alienation of the Western RMP Portion will take effect only if the conditions set forth in Section 2 of this act are satisfied.

Section 2 provides that the authorization granted in Section 1 of this act for the alienation of the Western RMP Portion will take effect only if the MOU is completed and signed as provided in the act and the City satisfies obligations to be described in the MOU that are required under the MOU to be satisfied prior to such alienation. Any obligations of the City set forth in the MOU and required to be satisfied after such alienation, shall, to the extent stated in the MOU, survive such alienation and be enforceable against the City with the same effect as if included in the act. Persons described in the MOU as having standing to pursue equitable remedies against the City to enforce the City's obligations as described in the MOU shall have standing to pursue those equitable remedies. The preceding will not limit any other remedies that may be available as provided in the MOU.

The act provides for the MOU to be signed by the Mayor of the City, the Temporary President of the New York State Senate and the Speaker of the New York State Assembly, after consultation with the members of the Senate, the Assembly, and the City Council whose districts include the area in which the Robert Moses Playground is located. The MOU would, among other matters: (i) identify the extent of, the sources for, and the procedures applicable to funding for parkland and other recreational space in Manhattan to replace the Western RMP Portion; (ii) provide for the City to designate and map other parkland in Manhattan that would, together with parkland that the City designates and maps pursuant to Section 3 of the act, have a value in the aggregate at least equal to the value of the Western RMP Portion; (iii) provide for the City to take possession of and rehabilitate the ConEd Waterside Pier between Thirty-eighth and Forty-first Streets on the east side of Manhattan, and provide for the prior user of that area to make a payment to the City for such rehabilitation; and (iv) provide for a portion of amounts available to the City in the future in the event of an ownership transfer, by sale or otherwise, or a refinancing involving the existing buildings at One and Two United Nations Plaza (First Avenue) in Manhattan, to be directed toward the costs of a continuous walkway and bike path along the East River or the costs of other parkland.

Section 3 authorizes the City, acting by the Mayor alone, to take such administrative and other actions, all of which are deemed ministerial, to demap, discontinue and close the part of the public streets of the City known as Asser Levy Place (an area of approximately 0.6267 acres) in Manhattan, and to designate and map such area as parkland, provided that the MOU is completed and signed as provided in the act and the City satisfies obligations described in the MOU that are required under the MOU to be satisfied prior to the provisions of Section 3 being effective.

Sections 4 through 10 amend the UNDC's 1968 enabling legislation, except that the amendments have no effect unless and until the MOU is completed and signed as provided in the act and certain other conditions as specified in the act are satisfied.

Sections 4 and 4-a amend the UNDC's enabling legislation to define the "United Nations 42nd Street Consolidation Project," referred to in this Summary of Provisions as the "Consolidation Project." The definition of a development plan in the UNDC's enabling legislation is updated to include the Consolidation Project, and to define an "additional reuse project" consisting of the possible future acquisition and renovation by the UNDC of the "UNIT AR" building, located at 45th Street and United Nations Plaza and currently owned and occupied by the United Nations (the "UN"). As part of the Consolidation Project, the UNDC is authorized to cooperate with and assist the City in the planning for, and paying the costs of, parkland replacement for the Western RMP Portion.

Section 5 amends the UNDC's enabling legislation to establish and add a definition of the "United Nations 42nd Street consolidation area." This area includes the Western RMP Portion, which is uniquely suited for use by the UN and which would be the site for the building permitted to be constructed as part of the Consolidation Project, referred to in this Summary of Provisions as the "Consolidation Building." The Western RMP Portion does not include the dog run or the basketball and handball courts located at the eastern portion of the Robert Moses Playground. The Consolidation Building could not exceed the height of the existing UN Secretariat Building and could not include more than 900,000 square feet of floor area.

Section 6 amends the UNDC's enabling legislation to update certain provisions describing the UNDC's powers (such as replacing an obsolete reference to the New York City Board of Estimate with a reference to the City Council), without increasing or diminishing those powers, except to provide that requirements under the New York State Finance Law for public bidding are not to be applied to restrict the UNDC's pre-qualification of bidders for purposes of the Consolidation Project. The UNDC would not be permitted to carry out the development plan for the Consolidation Project unless and until the MOU is completed and signed and the development plan is approved by the City Planning Commission and the City Council pursuant to the City's Uniform Land Use Review Procedure ("ULURP") under the City Charter.

Section 7-a amends the UNDC's enabling legislation to provide for review pursuant to ULURP of the development plan for the Consolidation Project and possibly for the additional reuse project. Approval of the development plan for the Consolidation Project would include, without limitation, land use review authorization for any disposition by the City of any and all land or other rights, including the Western RMP Portion, for purposes of such development plan and land use review authorization for any demapping, discontinuing and closing by the City of any and all volumes of space and any other portions of any public streets for such purposes. The UNDC would not be permitted to carry out the development plan for the Consolidation Building unless and until the MOU is completed and signed and the development plan is approved pursuant to ULURP.

Section 8 amends the UNDC's enabling legislation to authorize the City, acting by the Mayor alone, but subject to approval of the development plan for the Consolidation Project pursuant to ULURP as referred to above and completion and signature of the MOU as provided in the act, to sell, lease for a term not exceeding 99 years, or otherwise transfer land or other real property included within the United Nations 42nd Street consolidation project to the UNDC for purposes of carrying out such development plan.

Section 9 amends the UNDC's enabling legislation to provide that the land, buildings, and other improvements included as part of the Consolidation Project will be subject to real property taxation, unless owned by the City and leased to the UNDC for not more than 99 years, with an agreement by the UNDC to pay the City or its designee amounts in lieu of real estate taxes? which payments the City or its designee will be authorized to pledge, on terms satisfactory to the City, acting by the Mayor alone, as security for the financing of the Consolidation Project.

Section 10 amends the UNDC's enabling legislation to confirm that the area within the United Nations 42nd Street consolidation area on which UNDC may construct the Consolidation Building is limited to the Western RMP Portion, and also limits the height of the Consolidation Building to no greater than the height of the UN Secretariat Building and the floor area of the Consolidation Building to a maximum of 900,000 square feet.

Section 11 provides that the provisions of the MOU shall, to the extent stated therein, have the same effect as if they were included in the act, and that the provisions of this act will expire and be deemed repealed on October 10, 2011, if by that date, the MOU is not completed and signed as provided in the act.

**JUSTIFICATION:**

This legislation provides authorization for the City, subject to the MOU required in the legislation and described above, in consultation with the legislative representatives of the affected community on the east side of Manhattan, and also subject in key respects to the City's existing land use review process, to take major steps toward addressing several important needs.

The United Nations requires an additional building adjacent to its existing campus in order to increase the security of its workers and visitors, and to consolidate its offices, which are currently spread among various buildings owned by the city or by private landlords. The continued presence of the United Nations in New York is of local, state-wide, national, and international importance. Essential public purposes are served and significant economic activity and tax revenues are generated for the City and the State of New York, by providing for the facilities, space, and security needs of the United Nations permanent headquarters, which serves as a gathering place for the world community and the 192 United Nations member states.

If the MOU provided for in the legislation and described above is signed by October 10, 2011 this legislation would alienate a portion of the public parkland located on part of a city block immediately south of the United Nations, and authorize the land to be transferred to the UNDC, and provide the authorizations necessary for the UNDC and the City to facilitate the construction of the new building needed by the United Nations.

In addition to benefitting the United Nations, generating substantial economic activity, and ensuring that revenue from the presence of the United Nations continues to flow to the City and State, this legislation creates the opportunity to provide resources necessary to fund and build greater public recreational access to the East River waterfront—a major step toward completing the greenway around Manhattan—and increase the limited open space in the area.

**LEGISLATIVE HISTORY:**

This is a new bill.

**FISCAL IMPACT:**

To be determined.

**EFFECTIVE DATE:**

This act shall take effect immediately, and if and when the memorandum of understanding is completed and signed as provided in section two of this act, the provisions thereof shall, to the extent stated therein, have the same effect as if they were included in this act; provided, that the mayor of the city of New York shall notify the legislative bill drafting commission upon the completion and signing of the memorandum of understanding as provided in section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Notwithstanding the foregoing, the provisions of this act shall expire and be deemed repealed if on or before October 10, 2011, the memorandum of understanding has not been

completed and signed as provided in section two of this act.

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# STATE OF NEW YORK

8305--A

2011-2012 Regular Sessions

## IN ASSEMBLY

June 10, 2011

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

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

- 1 Section 1. Notwithstanding any provision of law to the contrary, the  
 2 city of New York is hereby authorized to discontinue the use as parkland  
 3 of the land described as follows, and to use such land or sell, lease or  
 4 otherwise transfer such land and interests therein to the United Nations  
 5 development corporation for such purposes as are consistent with the  
 6 provisions of chapter 345 of the laws of 1968, as amended:  
 7 An area in the borough of Manhattan, city of New York, bounded on the  
 8 west by the east side of United Nations Plaza (First Avenue); on the  
 9 south by the north side of Forty-first Street; on the north by the south  
 10 side of Forty-second Street; and on the east by a line that begins on  
 11 the north side of Forty-first Street, is located one hundred forty-six  
 12 feet seven eighths inches east of and parallel to United Nations Plaza  
 13 (First Avenue) and runs north for a distance of one hundred ninety-seven  
 14 feet six inches, ending at the south side of Forty-second Street, such  
 15 area being sixty-six hundredths and twenty-three ten-thousandths of an  
 16 acre (.6623 acres).  
 17 § 2. The authorization contained in section one of this act shall take  
 18 effect only (a) upon the condition that a memorandum of understanding is

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

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1 completed and signed by the mayor of the city of New York, the temporary  
2 president of the senate, and the speaker of the assembly, after consul-  
3 tation with the members of the senate, the assembly and the city council  
4 of the city of New York representing the area in which the parkland  
5 described in section one of this act is located, which memorandum of  
6 understanding shall, among other matters: (i) identify the extent of,  
7 the sources for and the procedures applicable to funding for parkland  
8 and other recreational space in the borough of Manhattan to replace the  
9 parkland described in section one of this act; (ii) provide for the city  
10 of New York to designate and map parkland in the borough of Manhattan  
11 that will, in conjunction with parkland that the city of New York so  
12 designates and maps pursuant to section three of this act, have a fair  
13 market value in the aggregate of no less than the fair market value of  
14 the parkland described in section one of this act; (iii) provide for the  
15 city of New York to take possession of the area within the borough of  
16 Manhattan, city of New York, known as the ConEd Waterside Pier between  
17 Thirty-eighth and Forty-first Streets, for the prior user of said area  
18 to make a payment for the structural rehabilitation of said area and for  
19 the city of New York to commence said rehabilitation after such payment  
20 is made; and (iv) provide for a portion of amounts available to the city  
21 of New York in the future in the event of an ownership transfer by sale  
22 or otherwise or a refinancing involving the existing buildings at One  
23 and Two United Nations Plaza (First Avenue) in the borough of Manhattan,  
24 city of New York, to be dedicated toward the costs of a continuous walk-  
25 way and bike path along the East River or the costs of other parkland in  
26 the borough of Manhattan; and (b) upon the further condition that the  
27 city of New York satisfies the obligations as described in such memoran-  
28 dum of understanding as being required to be satisfied prior to the  
29 alienation of the parkland described in section one of this act. The  
30 authorization contained in section one of this act shall be negated if  
31 the city of New York fails to satisfy such obligations described in such  
32 memorandum of understanding as being required to be satisfied prior to  
33 alienation of the parkland described in section one of this act. Any  
34 obligations of the city of New York set forth in such memorandum of  
35 understanding and not described therein as being required to be satis-  
36 fied prior to the alienation of the parkland described in section one of  
37 this act, shall, to the extent stated in such memorandum of understand-  
38 ing, survive such alienation and be enforceable against the city of New  
39 York with the same effect as if included in this act. Persons described  
40 in such memorandum of understanding as having standing to pursue equita-  
41 ble remedies against the city of New York to enforce any obligation that  
42 the city of New York may be required to satisfy as described in such  
43 memorandum of understanding shall have standing to pursue such equitable  
44 remedies. The preceding two sentences shall not limit any other remedies  
45 that may be available as provided in such memorandum of understanding.

46 § 3. Notwithstanding anything to the contrary contained in any gener-  
47 al, special or local law, including the New York city charter and admin-  
48 istrative code of the city of New York, and provided that the memorandum  
49 of understanding is completed and signed as provided in section two of  
50 this act, and provided further that the city of New York has satisfied  
51 the obligations as described in such memorandum of understanding as  
52 being required to be satisfied prior to the provisions of this section  
53 three being effective, the city of New York, acting by its mayor alone,  
54 or his or her designee, is hereby authorized and empowered to take such  
55 administrative and other actions as are necessary or desirable, all of  
56 which shall be deemed ministerial, to demap, discontinue and close as

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1 part of public streets of the city of New York, located in the borough  
2 of Manhattan, the following area of approximately sixty-two hundredths  
3 and sixty-seven ten thousandths of an acre (.6267 acres), located in the  
4 borough of Manhattan, city of New York, for purposes of designating and  
5 mapping such area as parkland, such administrative and other actions  
6 being also authorized for such designation and mapping as parkland:  
7 Beginning at the northwest corner of the intersection of East Twenty-  
8 third Street and Asser Levy Place, as those streets were heretofore laid  
9 out on the map of the city of New York, thence running approximately  
10 sixty feet in an easterly direction along the southerly line of Asser  
11 Levy Place to a point, thence running approximately four hundred fifty-  
12 five feet in a northerly direction, said course forming a deflection  
13 angle to the left with the previous course of ninety degrees, no minutes  
14 and no seconds, thence running approximately sixty feet in a westerly  
15 direction, said course forming a deflection angle to the left with the  
16 previous course of ninety degrees, no minutes and no seconds, thence  
17 running approximately four hundred fifty-five feet in a southerly direc-  
18 tion, said course forming a deflection angle to the left of ninety  
19 degrees, no minutes and no seconds to the place or point of beginning.

20 § 4. Section 1 of chapter 345 of the laws of 1968, relating to estab-  
21 lishing a United Nations development district, is amended by adding five  
22 new subdivisions 10-a, 13, 13-b, 14 and 15 to read as follows:

23 10-a. "Further development plan at 42nd Street." A development plan  
24 for the United Nations 42nd Street consolidation area, including  
25 improvements within said area and any improvements incidental thereto  
26 outside said area.

27 13. "Reuse project." The initial reuse project and the additional  
28 reuse project described in subdivisions thirteen-a and thirteen-b,  
29 respectively, of section one of this chapter.

30 13-b. "Additional reuse project." The acquisition of land, easement  
31 and other rights within or appurtenant to the area in the borough of  
32 Manhattan, city of New York, described in this subdivision, and the  
33 maintenance, repair, operation, alteration and renovation, from time to  
34 time, of improvements located on such land, exclusively for use by the  
35 United Nations, including its organs, subsidiary bodies and specialized  
36 and other agencies and members of the public visiting United Nations  
37 headquarters in the city of New York. The area referred to above is  
38 bounded and described as follows: Beginning at the northwest corner of  
39 Forty-fifth Street and United Nations Plaza (First Avenue), running  
40 thence westerly along Forty-fifth Street a distance of one hundred feet,  
41 running thence northerly, parallel to United Nations Plaza (First  
42 Avenue), a distance of eighty feet five inches, running thence easterly,  
43 parallel to Forty-fifth Street, a distance of twenty feet, running  
44 thence southerly, parallel to United Nations Plaza (First Avenue), a  
45 distance of forty feet, running thence easterly, parallel to Forty-fifth  
46 Street, a distance of eighty feet, and running thence southerly along  
47 United Nations Plaza (First Avenue) a distance of forty feet five inches  
48 to the place or point of beginning. Provided that the memorandum of  
49 understanding is completed and signed as provided in section two of the  
50 chapter of the laws of 2011 that added this subdivision and provided  
51 further that the city of New York shall have satisfied the obligations  
52 as described in such memorandum of understanding as being required to be  
53 satisfied prior to the corporation undertaking the additional reuse  
54 project, the additional reuse project and the site thereof shall for all  
55 purposes be deemed to be located within the district and be deemed also  
56 to be a project as defined in this chapter and shall, except for any new

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1 construction or any increase in the height or floor area of any previ-  
2 ously constructed building, be deemed for all purposes to be part of and  
3 to conform to a development plan for a portion of the district, which  
4 has been formulated, reviewed and approved in accordance with section  
5 seven of this chapter.

6 14. "United Nations 42nd Street Consolidation Project." The acquisi-  
7 tion by lease or otherwise from the city of New York and other parties,  
8 if any, of land, easement and other rights within the United Nations  
9 42nd Street consolidation area, and associated property interests  
10 related thereto, and from time to time thereafter, the construction,  
11 alteration, renovation and rebuilding, and the ownership or operation,  
12 including repair and maintenance, of office space and related facili-  
13 ties, a tunnel (to provide secure passage from and to United Nations  
14 permanent headquarters), and space and facilities related to the forego-  
15 ing, exclusively for use by the United Nations, including its organs,  
16 subsidiary bodies and specialized and other agencies; the construction  
17 within, and improvement, alteration, use and operation of, below but not  
18 above-grade volumes of space, after the same are demapped, discontinued  
19 and closed as part of public streets of the city of New York, located in  
20 the borough of Manhattan east of United Nations Plaza (First Avenue)  
21 below Forty-second Street or below the roadway of the Franklin D.  
22 Roosevelt (East River) drive, for purposes of such tunnel; the creation,  
23 improvement, alteration and renovation of space, facilities and improve-  
24 ments within or outside the United Nations 42nd Street consolidation  
25 area to the extent incidental to such office space and tunnel; and the  
26 corporation's cooperation with and assistance to the city of New York  
27 concerning planning for, and the corporation's payment of costs of,  
28 parkland replacement to compensate for discontinuing the use as parkland  
29 of a portion of Robert Moses Playground in the borough of Manhattan for  
30 purposes of the United Nations 42nd Street consolidation project.  
31 Provided that the memorandum of understanding is completed and signed as  
32 provided in section two of the chapter of the laws of 2011 that added  
33 this subdivision, the land, buildings and other improvements included in  
34 or otherwise part of the United Nations 42nd Street consolidation  
35 project shall for all purposes be deemed to be located within the  
36 district and be deemed also to be part of a project as defined in this  
37 chapter.

38 15. "City council." The city council of the city of New York.

39 § 4-a. Subdivisions 10 and 13-a of section 1 of chapter 345 of the  
40 laws of 1968, relating to establishing a United Nations development  
41 district, subdivision 13-a as added by chapter 34 of the laws of 1993,  
42 are amended to read as follows:

43 10. "Development plan." A plan or plans, including a further develop-  
44 ment plan at 42nd Street, and including any supplements, additions or  
45 amendments to such plan or plans, for the development of all or part of  
46 the district which shall include but shall not be limited to: A state-  
47 ment of proposed land uses; proposed land acquisition, demolition and  
48 removal of structures; proposed acquisition of air rights and concom-  
49 itant easements or other rights of user necessary for the use and devel-  
50 opment of such air rights; proposed public, semi-public, private or  
51 community facilities or utilities, with a site plan and drawings there-  
52 for; a statement as to the relationship between the development plan and  
53 a comprehensive plan for the development of the municipality as a whole;  
54 a statement as to proposed new codes and ordinances and amendments to  
55 existing codes and ordinances as are required or necessary to effectuate  
56 the plan or plans; a proposed time schedule for the effectuation of such

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1 plan or plans, and such additional statements or documentation as the  
2 corporation may deem appropriate.

3 13-a. [~~Reuse~~] "Initial reuse project." The acquisition and alteration,  
4 renovation or rebuilding, from time to time, without any increase in the  
5 height of any previously constructed building and without any  
6 construction on any vacant land, of real property consisting of any  
7 previously constructed commercial building or buildings, or any portion  
8 thereof, and the land and associated property interests related thereto,  
9 primarily for use by the United Nations, including its organs, subsid-  
10 iary bodies and specialized and other agencies, provided that: any such  
11 acquisition shall occur before December 31, 1998; such building or  
12 buildings shall be located at 633 Third Avenue, 685 Third Avenue or 845  
13 United Nations Plaza in the borough of Manhattan, city of New York; not  
14 more than eight hundred thousand square feet of floor area shall be  
15 acquired if such floor area is located in more than one of such build-  
16 ings; and the corporation shall not transfer any unused development  
17 rights from any of such buildings or add to any of such buildings any  
18 unused development rights from any other property. The reuse project  
19 shall for all purposes be deemed to be located within the district and  
20 be deemed also to be a project and to be part of and to conform to a  
21 development plan for a portion of the district, which has been formu-  
22 lated, reviewed and approved in accordance with section seven of this  
23 chapter.

24 § 5. Chapter 345 of the laws of 1968, relating to establishing a  
25 United Nations development district, is amended by adding a new section  
26 3-a to read as follows:

27 § 3-a. Establishment of United Nations 42nd Street consolidation  
28 area. The following area lying south of the permanent headquarters of  
29 the United Nations, in the borough of Manhattan, city of New York, and  
30 bounded and described as follows, is hereby designated as the "United  
31 Nations 42nd Street consolidation area": Beginning at the northeast  
32 corner of United Nations Plaza (First Avenue) and Forty-first Street,  
33 running easterly along the northerly side of Forty-first Street a  
34 distance of three hundred five feet seven eighths inches, running thence  
35 northerly, parallel to United Nations Plaza (First Avenue), a distance  
36 of one hundred sixty-eight feet, running thence westerly, parallel to  
37 Forty-first Street, a distance of one hundred fifty-nine feet, running  
38 thence northerly, parallel to United Nations Plaza (First Avenue), a  
39 distance of twenty-nine feet six inches, running thence westerly, along  
40 the southerly side of Forty-second Street, a distance of one hundred  
41 forty-six feet seven eighths inches, and running thence southerly, along  
42 the easterly side of United Nations Plaza (First Avenue), a distance of  
43 one hundred ninety-seven feet six inches, to the point or place of  
44 beginning. Provided that the memorandum of understanding is completed  
45 and signed as provided in section two of the chapter of the laws of 2011  
46 that added this section, the land included in the United Nations 42nd  
47 Street consolidation area shall for all purposes be deemed to be located  
48 within the district.

49 § 6. Section 6 of chapter 345 of the laws of 1968, relating to estab-  
50 lishing a United Nations development district, subdivision 3 as amended  
51 by chapter 623 of the laws of 1971, is amended to read as follows:

52 § 6. Powers and duties of corporation. The powers and duties of the  
53 corporation shall be:

54 (1) to undertake surveys of the present and anticipated need: for  
55 [~~locations for missions,~~] office space, meeting facilities, [~~and~~] hous-  
56 ing and recreational facilities [~~for~~] and other facilities for the

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1 United Nations, delegations and delegates to the United Nations, person-  
2 nel of delegations to the United Nations, and members of the United  
3 Nations staff; for office space, auditorium and meeting facilities for  
4 related nongovernmental organizations; for hotel accommodations for  
5 visiting heads of state and other dignitaries; for bus terminals, dining  
6 facilities, and other facilities for visiting persons and groups[7]; for  
7 parking[7]; and for housing, commercial, industrial and other facilities  
8 necessary or appropriate to carry out the purposes of this chapter,

9 (2) subject to the approval of the [~~board of estimate and the~~] commis-  
10 sion and the city council as hereinafter provided, to formulate a devel-  
11 opment plan or plans [~~including supplements, additions and amendments~~  
12 ~~thereto,~~] in accordance with the foregoing present and anticipated  
13 needs, with provision for relocation of individuals and commercial  
14 establishments outside or within the district,

15 (3) [~~to undertake or cause its subsidiary corporation or corporations]~~  
16 to undertake, or otherwise to have undertaken on behalf of the corpo-  
17 ration, the execution of a development plan or of a portion thereof, and  
18 the financing, acquisition, construction, rehabilitation, improvement,  
19 operation and management of any project or portion thereof, including  
20 attendant relocation facilities, provided however, that all contracts  
21 let by the corporation [~~or by a subsidiary (rather than a sponsor or a~~  
22 ~~person, firm or corporation acting as sponsor in lieu of the corporation~~  
23 ~~or its subsidiaries)] for the erection, construction, or alteration of  
24 buildings shall be let in conformity with the provisions of section one  
25 hundred thirty-five of the state finance law, except that such  
26 provisions shall not be applied to restrict the corporation's pre-quali-  
27 fication of bidders for purposes of the United Nations 42nd Street  
28 consolidation project, and provided further that execution of a further  
29 development plan at 42nd Street may not proceed unless and until the  
30 approval thereof by the commission and the city council as hereinafter  
31 provided and unless and until the memorandum of understanding referred  
32 to in section two of the chapter of the laws of 2011 amending this  
33 section has been completed and signed as provided in that section.~~

34 [~~(4) when, in the opinion of the board of directors, it would be more~~  
35 ~~appropriate or convenient to have the execution of a particular develop-~~  
36 ~~ment plan or portion thereof undertaken by a sponsor rather than by the~~  
37 ~~corporation or one or more of its subsidiaries, to select a proposed~~  
38 ~~sponsor or sponsors financially responsible and otherwise qualified by~~  
39 ~~experience and training to undertake the execution of the development~~  
40 ~~plan and to relocate residents and businesses to be displaced thereby,~~

41 (5) ~~to advise and generally supervise such sponsor or sponsors or~~  
42 ~~successors thereto in connection with such relocation and development,~~

43 (6) ~~with the approval of the board of estimate, (a) to enter into~~  
44 ~~agreements with a qualified sponsor or sponsors for the implementation~~  
45 ~~and execution of all or a portion of a development plan, or, (b) where~~  
46 ~~such implementation and execution is to be undertaken by the corporation~~  
47 ~~or one or more of its subsidiaries, to enter into agreements for the~~  
48 ~~implementation and execution of such development plan or portion thereof~~  
49 ~~with persons, firms or corporations acting as sponsors in lieu of the~~  
50 ~~corporation or its subsidiaries, and (c) to enter into agreements amend-~~  
51 ~~ing, modifying or superseding such agreements, and~~

52 (7) (4) to furnish advice, technical assistance and liaison with  
53 federal, state and city authorities and with users and occupants of the  
54 facilities to be created within the district with respect to educa-  
55 tional, social and cultural activities within the district, and other-  
56 wise to foster and encourage greater public knowledge of, and partic-

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1 ipation in, the activities of the United Nations and affiliated  
2 organizations, and

3 (5) to provide advice and services with respect to real estate needs  
4 and development as requested by the state or city of New York, the  
5 United States or the United Nations.

6 § 7. Subdivision a of section 7 of chapter 345 of the laws of 1968,  
7 relating to establishing a United Nations development district, is  
8 amended to read as follows:

9 a. The corporation shall prepare or cause to be prepared a development  
10 plan for the district, or, if the corporation deems it necessary or  
11 advisable that the development of the district or a portion thereof be  
12 carried out in stages, development plans for parts or portions of the  
13 district. Any development plan shall include a requirement that relo-  
14 cation benefits be provided to individuals and businesses to be  
15 displaced in the course of redevelopment which are at least equal to  
16 those for which such individuals and businesses would be eligible under  
17 federal law at the time of their relocation if the development plan were  
18 an urban renewal plan.

19 § 7-a. Section 7 of chapter 345 of the laws of 1968, relating to  
20 establishing a United Nations development district, is amended by adding  
21 two new subdivisions e and f to read as follows:

22 e. The provisions of subdivisions b, c and d of this section shall  
23 not apply to any further development plan at 42nd Street or any develop-  
24 ment plan for any new construction or any increase in the height or  
25 floor area of the previously constructed building located on land  
26 acquired as part of the additional reuse project or any amendment of any  
27 such development plan. Any such development plan or amendment shall be  
28 subject to review pursuant to section one hundred ninety-seven-c and  
29 section one hundred ninety-seven-d of the charter of the city of New  
30 York in the same manner as if such development plan or amendment were  
31 described in paragraph one of subdivision b of section one hundred nine-  
32 ty-seven-d of the charter of the city of New York. Approval of any such  
33 development plan or amendment shall include, without limitation, land  
34 use review authorization for any disposition by the city of New York of  
35 the land described in the second sentence of subdivision 1 of section  
36 16-a of this chapter and any and all land or other rights, and any  
37 demapping, discontinuing and closing by the city of New York of any and  
38 all volumes of space under any public streets, for purposes of a further  
39 development plan at 42nd Street.

40 f. No portion of a further development plan at 42nd Street is permit-  
41 ted to be effectuated in any respect, including without limitation, any  
42 acquisition by the corporation of any interest in the United Nations  
43 42nd Street consolidation area, any commencement of construction by the  
44 corporation within the United Nations 42nd Street consolidation area and  
45 any other physical activity by the corporation on, or other interference  
46 by the corporation with use of or access to, the United Nations 42nd  
47 Street consolidation area, unless and until a further development plan  
48 at 42nd Street has been reviewed as provided in subdivision e of this  
49 section and a memorandum of understanding is completed and signed as  
50 provided for in section two of the chapter of the laws of 2011 that  
51 added this subdivision.

52 § 8. Section 9 of chapter 345 of the laws of 1968, relating to estab-  
53 lishing a United Nations development district, is amended by adding a  
54 new subdivision d to read as follows:

55 d. Notwithstanding anything to the contrary contained in any general,  
56 special or local law, including the charter and administrative code of

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1 the city of New York, the city of New York, acting by its mayor alone,  
2 or his or her designee, shall be authorized, for the effectuation of a  
3 further development plan at 42nd Street when approved pursuant to  
4 section one hundred ninety-seven-c and section one hundred ninety-sev-  
5 en-d of the charter of the city of New York in the same manner as if  
6 such development plan or amendment were described in paragraph one of  
7 subdivision b of section one hundred ninety-seven-d of the charter of  
8 the city of New York, and when otherwise permitted to be executed as  
9 provided in this chapter, to take such actions as are necessary or  
10 desirable, to demap, discontinue and close below but not above-grade  
11 volumes of space part of the public streets of the city of New York,  
12 located in the borough of Manhattan east of United Nations Plaza (First  
13 Avenue), below Forty-second Street, or below the roadway at the Franklin  
14 D. Roosevelt (East River) drive, for purposes of a tunnel as part of the  
15 United Nations 42nd Street consolidation project, and to sell, lease for  
16 a term not exceeding ninety-nine years, or otherwise dispose of to the  
17 corporation any land and other interests in real property owned by the  
18 city of New York, regardless of how acquired, and included in the United  
19 Nations 42nd Street consolidation project, including any discontinued,  
20 demapped and closed part of the public streets of the city of New York,  
21 without any payment of money therefor and without further review or  
22 approvals, other than said approval of the further development plan at  
23 42nd Street, and the completion and signature of the memorandum of  
24 understanding as provided in section two of the chapter of the laws of  
25 2011 that added this subdivision, and without public auction or sealed  
26 or competitive bids.

27 § 9. Section 13 of chapter 345 of the laws of 1968, relating to estab-  
28 lishing a United Nations development district, is amended to read as  
29 follows:

30 § 13. Exemption from taxation. It is hereby found, determined and  
31 declared that the creation of the corporation and the carrying out of  
32 its purposes is in all respects for the benefit of the people of the  
33 city and state of New York and is a public purpose, and that the corpo-  
34 ration will be performing an essential governmental function in the  
35 exercise of the powers conferred upon it by this chapter. The income and  
36 operations of the corporation shall be exempt from taxation. Obligations  
37 issued by the corporation or a subsidiary pursuant to this chapter,  
38 together with income therefrom, shall be free from taxation, except for  
39 transfer and estate taxes. [Any] The land, buildings and other improve-  
40 ments from time to time included as part of the United Nations 42nd  
41 Street consolidation project shall, unless owned by the United Nations,  
42 be subject to real property taxation in the same manner and to the same  
43 extent as real property in the city of New York used for office purposes  
44 generally, except that such land, buildings and other improvements shall  
45 be exempt from such taxation if the same are owned by the city of New  
46 York and leased to the corporation for not more than ninety-nine years  
47 and otherwise on terms satisfactory to the city of New York, acting by  
48 its mayor alone, provided that the corporation enters into an agreement  
49 requiring that it pay to the city of New York or its designee amounts  
50 from time to time in lieu of such real property taxation, and in the  
51 case of any such agreement, the city of New York or its designee shall  
52 be authorized, notwithstanding anything to the contrary contained in any  
53 general, special or local law, including the charter and administrative  
54 code of the city of New York, to pledge, assign or otherwise transfer,  
55 on terms satisfactory to the city of New York, acting by its mayor  
56 alone, the amounts payable under such agreement and the right to receive

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1 such amounts, for the purpose of providing a source of payment of, and  
2 as security for, the financing of the United Nations 42nd Street consol-  
3 idation project. Except as otherwise provided above in this section, any  
4 facilities within the district owned by the corporation~~[, or by a~~  
5 ~~subsidiary or a sponsor,]~~ which are found and determined by the [~~board~~  
6 ~~of estimate]~~ city council to be public facilities shall be exempt from  
7 taxation or assessment by and from the payment of any fees to the city  
8 of New York, and, if such finding and determination is approved by the  
9 state tax commission, from taxation or assessment by and from the  
10 payment of any fees to the state or any subdivision thereof or to any  
11 officer or employee of the state or any subdivision thereof. The [~~board~~  
12 ~~of estimate]~~ city council, upon application by the corporation~~[, a~~  
13 ~~subsidiary, or a sponsor,]~~ may find and determine that all or part of  
14 the real property owned by the corporation~~[, the subsidiary, or the~~  
15 ~~sponsor]~~ within the district is devoted exclusively to public facili-  
16 ties. Such tax exemption shall continue so long as such facility is  
17 devoted exclusively to public use. Except as hereinabove provided, and  
18 except as may otherwise specifically be provided, nothing contained in  
19 this chapter shall confer exemption from any tax, assessment or fee upon  
20 any person, firm, corporation or other entity, or upon the obligations  
21 of any of them.

22 § 10. Section 16-a of chapter 345 of the laws of 1968, relating to  
23 establishing a United Nations development district, as added by chapter  
24 623 of the laws of 1971, is amended to read as follows:

25 § 16-a. Development limitation. 1. The corporation, notwithstanding  
26 any other provision of law and unless further authorized by act of the  
27 legislature, shall not in the execution of the development plan hereto-  
28 fore approved under section seven of this chapter undertake the  
29 execution of any portion of such development plan on real property with-  
30 in the district lying westerly of a line parallel to, and three hundred  
31 twenty-five feet westerly from the westerly side of United Nations  
32 Plaza. The corporation, notwithstanding any other provision of law and  
33 unless further authorized by act of the legislature, shall not in the  
34 execution of a further development plan at 42nd Street develop or  
35 construct any building or other structure above grade on any portion of  
36 the United Nations 42nd Street consolidation area other than the follow-  
37 ing portion of such area: the area bounded on the west by the east side  
38 of United Nations Plaza (First Avenue), on the south by the north side  
39 of Forty-first Street; on the north by the south side of Forty-second  
40 Street; and on the east by a line that begins on the north side of  
41 Forty-first Street, is located one hundred forty-six feet seven eighths  
42 inches east of and parallel to United Nations Plaza (First Avenue) and  
43 runs north for a distance of one hundred ninety-seven feet six inches,  
44 ending at the south side of Forty-second Street.

45 2. All properties in the district, lying easterly of a line parallel  
46 to and three hundred twenty-five feet westerly from the westerly side of  
47 United Nations Plaza, even though separated by a street, not including  
48 the United Nations 42nd Street consolidation area, and not including any  
49 property that is part of any reuse project, shall be deemed, notwith-  
50 standing any other provision of law, to be one zoning lot for all  
51 purposes, and the maximum floor area ratio of such properties, deemed to  
52 be part of one zoning lot and taken as a whole, shall not exceed  
53 fifteen.

54 3. The corporation may undertake or cause to be undertaken the  
55 execution of any portion of the development plan heretofore approved  
56 under section seven of this chapter without requiring any amendment to



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1 or modification of such development plan and without further approval  
2 under section seven of this chapter.

3 4. No portion of any structure permitted to be developed pursuant to  
4 a further development plan at 42nd Street, if and when effectuation of  
5 such further development plan at 42nd Street is permitted under this  
6 chapter, may be built to a height greater than the height of the United  
7 Nations secretariat building. Subject to compliance with the foregoing  
8 limitation in this subdivision, nine hundred thousand square feet of  
9 floor area as defined in any applicable zoning resolution shall be  
10 deemed attributable under such zoning resolution to the land that is a  
11 portion of the United Nations 42nd Street consolidation area and is  
12 described in the second sentence of subdivision one of this section, and  
13 a maximum of nine hundred thousand square feet of such floor area shall  
14 be permitted to be incorporated in such structure as part of a further  
15 development plan at 42nd Street.

16 § 11. This act shall take effect immediately, and if and when the  
17 memorandum of understanding is completed and signed as provided in  
18 section two of this act, the provisions thereof shall, to the extent  
19 stated therein, have the same effect as if they were included in this  
20 act; provided, that the mayor of the city of New York shall notify the  
21 legislative bill drafting commission upon the completion and signing of  
22 the memorandum of understanding as provided in section two of this act  
23 in order that the commission may maintain an accurate and timely effec-  
24 tive data base of the official text of the laws of the state of New York  
25 in furtherance of effectuating the provisions of section 44 of the  
26 legislative law and section 70-b of the public officers law. Notwith-  
27 standing the foregoing, the provisions of this act shall expire and be  
28 deemed repealed if on or before October 10, 2011, the memorandum of  
29 understanding has not been completed and signed as provided in section  
30 two of this act.

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**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A8305A

**SPONSOR:** Kavanagh

**TITLE OF BILL:** An act to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

**PURPOSE:** To authorize the city of New York (the "City") to alienate a portion of the parkland on part of the block between East 41st and East 42nd Streets on the east side of First Avenue in Manhattan for use by the United Nations, in accordance with and subject to a memorandum of understanding (the "MOU") to be signed by October 10, 2011, with, the authorization to expire and this act to be deemed repealed if, by that date, the MOU is not completed and signed.

**SUMMARY OF PROVISIONS:** Section 1 authorizes the City to discontinue the use as parkland of the western portion (an area of 0.6623 acres) of the Robert Moses Playground (the "Western RMP Portion") located between Forty-first and Forty-second Streets on the east side of First Avenue in Manhattan, as described in the act, and to use the same or sell, lease or otherwise transfer the same to the United Nations Development Corporation (the "UNDC") for purposes consistent with the UNDC's enabling legislation, as amended, including as amended by this act. The authorization for alienation of the Western RMP Portion will take effect only if the conditions set forth in Section 2 of this act are satisfied.

Section 2 provides that the authorization granted in Section 1 of this act for the alienation of the Western RMP Portion will take effect only if the MOU is completed and signed as provided in the act and the City satisfies obligations to be described in the MOU that are required under the MOU to be satisfied prior to such alienation. Any obligations of the City set forth in the MOU and required to be satisfied after such alienation, shall, to the extent stated in the MOU, survive such alienation and be enforceable against the City with the same effect as if included in the act. Persons described in the MOU as having standing to pursue equitable remedies against the City to enforce the City's obligations as described in the MOU shall have standing to pursue those equitable remedies. The preceding will not limit any other remedies that may be available as provided in the MOU.

The act provides for the MOU to be signed by the Mayor of the City, the Temporary President of the New York State Senate and the Speaker of the New York State Assembly, after consultation with the members of the Senate, the Assembly, and the City Council whose districts include the area in which the Robert Moses Playground is located. The MOU would,

among other matters: (i) identify the extent of, the sources for, and the procedures applicable to funding for parkland and other recreational space in Manhattan to replace the Western RMP Portion; (ii) provide for the City to designate and map other parkland in Manhattan that would, together with parkland that the City designates and maps pursuant to Section 3 of the act, have a value in the aggregate at least equal to the value of the Western RMP Portion; (iii) provide for the City to take possession of and rehabilitate the ConEd Waterside Pier between Thirty-eighth and Forty-first Streets on the east side of Manhattan, and provide for the prior user of that area to make a payment to the City for such rehabilitation; and (iv) provide for a portion of amounts available to the City in the future in the event of an ownership transfer, by sale or otherwise, or a refinancing involving the existing buildings at One and Two United Nations Plaza (First Avenue) in Manhattan, to be directed toward the costs of a continuous walkway and bike path along the East River or the costs of other parkland.

Section 3 authorizes the City, acting by the Mayor alone, to take such administrative and other actions, all of which are deemed ministerial, to demap, discontinue and close the part of the public streets of the City known as Asser Levy Place (an area of approximately 0.6267 acres) in Manhattan, and to designate and map such area as parkland, provided that the MOU is completed and signed as provided in the act and the City satisfies obligations described in the MOU that are required under the MOU to be satisfied prior to the provisions of Section 3 being effective.

Sections 4 through 10 amend the UNDC's 1968 enabling legislation, except that the amendments have no effect unless and until the MOU is completed and signed as provided in the act and certain other conditions as specified in the act are satisfied.

Sections 4 and 4-a amend the UNDC's enabling legislation to define the "United Nations 42nd Street Consolidation Project," referred to in this Summary of Provisions as the "Consolidation Project." The definition of a development plan in the UNDC's enabling legislation is updated to include the Consolidation Project, and to define an "additional reuse project" consisting of the possible future acquisition and renovation by the UNDC of the "UNITAR" located at 45th Street and United Nations Plaza and currently owned and occupied by the United Nations (the "UN"). As part of the Consolidation Project, the UNDC is authorized to cooperate with and assist the City in the planning for, and paying the costs of, parkland replacement for the Western RMP Portion.

Section 5 amends the UNDC's enabling legislation to establish and add a definition of the "United Nations 42nd Street consolidation area." This area includes the Western RMP Portion, which is uniquely suited for use by the UN and which would be the site for the building permitted to be constructed as part of the Consolidation Project, referred to in this Summary of Provisions as the "Consolidation Building." The Western RMP Portion does not include the dog run or the basketball and handball courts located at the eastern portion of the Robert Moses Playground. The Consolidation Building could not exceed the height of the existing UN Secretariat Building and could not include more than 900,000 square feet of floor area.

Section 6 amends the UNDC's enabling legislation to update certain provisions describing the UNDC's powers (such as replacing, an obsolete reference to the New York City Board of Estimate with a reference to the City Council), without increasing or diminishing those powers, except to

provide that requirements under the New York State Finance Law for public bidding are not to be applied to restrict the UNDC's pre-qualification of bidders for purposes of the Consolidation Project. The UNDC would not be permitted to carry out the development plan for the Consolidation Project unless and until the MOU is completed and signed and the development plan is approved by the City Planning Commission and the

City Council pursuant to the City's Uniform Land Use Review Procedure ("ULURP") under the City Charter.

Section 7-a amends the UNDC's enabling legislation to provide for review pursuant to ULURP of the development plan for the Consolidation Project and possibly for the additional reuse project. Approval of the development plan for the Consolidation Project would include, without limitation, land use review authorization for any disposition by the City of any and all land or other rights, including the Western RMP Portion, for purposes of such development plan and land use review authorization for any demapping, discontinuing and closing by the City of any and all volumes of space and any other portions of any public streets for such purposes. The UNDC would not be permitted to carry out the development plan for the Consolidation Building unless and until the MOU is completed and signed and the development plan is approved pursuant to ULURP.

Section 8 amends the UNDC's enabling legislation to authorize the City, acting by the Mayor alone, but subject to approval of the development plan for the Consolidation Project pursuant to ULURP as referred to above and completion and signature of the MOU as provided in the act, to sell, lease for a term not exceeding 99 years, or otherwise transfer land or other real property included within the United Nations 42nd Street consolidation project to the UNDC for purposes of carrying out such development plan,

Section 9 amends the UNDC's enabling legislation to provide that the land, buildings, and other improvements included as part of the Consolidation Project will be subject to real property taxation, unless owned by the City and leased to the UNDC for not more than 99 years, with an agreement by the UNDC to pay the City or its designee amounts in lieu of real estate taxes, which payments the City or its designee will be authorized to pledge, on terms satisfactory to the City, acting by the Mayor alone, as security for the financing of the Consolidation Project.

Section 10 amends the UNDC's enabling legislation to confirm that the area within the United Nations 42nd Street consolidation area on which UNDC may construct the Consolidation Building is limited to the Western RMP Portion, and also limits the height of the Consolidation Building to no greater than the height of the UN Secretariat Building and the floor area of the Consolidation Building to a maximum of 900,000 square feet.

Section 11 provides that the provisions of the MOU shall, to the extent stated therein, have the same effect as if they were included in the act, and that the provisions of this act will expire and be deemed repealed on October 10, 2011, if by that date, the MOU is not completed and signed as provided in the act.

**JUSTIFICATION:** This legislation provides authorization for the City, subject to the MOU required in the legislation and described above, in consultation with the legislative representatives of the affected community on the east side of Manhattan, and also subject in key respects to

the City's existing land use review process, to take major steps toward addressing several important needs.

The United Nations requires an additional building adjacent to its existing campus in order to increase the security of its workers and visitors, and to consolidate its offices, which are currently spread among various buildings owned by the city or by private landlords. The continued presence of the United Nations in New York is of local, state-wide, national, and international importance. Essential public purposes are served and significant economic activity and tax revenues are generated for the City and the State of New York, by providing for the facilities, space, and security needs of the United Nations permanent headquarters, which serves as a gathering place for the world community and the 192 United Nations member states.

If the MOU provided for in the legislation and described above is signed by October 10, 2011 this legislation would alienate a portion of the public parkland located on part of a city block immediately south of the United Nations, and authorize the land to be transferred to the UNDC, and provide the authorizations necessary for the UNDC and the City to facilitate the construction of the new building needed by the United Nations.

In addition to benefitting the United Nations, generating substantial economic activity, and ensuring that revenue from the presence of the United Nations continues to flow to the City and State, this legislation creates the opportunity to provide resources necessary to fund and build greater public recreational access to the East River waterfront—a major step toward completing the greenway around Manhattan—and increase the limited open space in the area.

LEGISLATIVE HISTORY: This is a new bill.

FISCAL IMPACT ON THE STATE: To be determined.

EFFECTIVE DATE: This act shall take effect immediately, and if and when the memorandum of understanding is completed and signed as provided in section two of this act, the provisions thereof shall, to the extent stated therein, have the same effect as if they were included in this act; provided, that the mayor of the city of New York shall notify the legislative bill drafting commission upon the completion and signing of the memorandum of understanding as provided in, section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Notwithstanding the foregoing, the provisions of this act shall expire and be deemed repealed if on or before October 10, 2011, the memorandum of understanding has not been completed and signed as provided in section two of this act.

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