



## Legislation Text

File #: Res 0638-2004, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 638

Resolution approving an Urban Development Action Area Project located at Beach 40<sup>th</sup> Street, Beach 41<sup>st</sup> Place, Beach 41<sup>st</sup> Street, Beach 42<sup>nd</sup> Street, Beach 43<sup>rd</sup> Street, Beach 44<sup>th</sup> Street, Beach 45<sup>th</sup> Street between Beach Channel Drive and Rockaway Beach Boulevard (Block 15829/Lots 21, 23, 24; Block 15830/Lots 6, 7, 9, 15-17, 19, 23, 26, 28, 30, 38, 39, 45, 46, 50-55, 59; Block 15831, Lots 1, 17, 20, 25, 29, 50; Block 15832, Lots 60,75; Block 15833/Lots 1, 7, 9, 10, 12, 14, 16, 18, 20, 46, 55, 58, 71, 73; Block 15834/Lots 1, 11, 19, 21, 24-26, 28, 43, 45, 53, 54, 56, 58, 62, 64, 158; Block 15835/Lot 29; Block 15836/Lots 1, 7, 22; and Block 15837/Lots 64-67, 69), Queens, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 264; 20055058 HAQ).

By Council Members Katz and Martinez

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 27, 2004 its request dated August 9, 2004 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at Beach 40<sup>th</sup> Street, Beach 41<sup>st</sup> Place, Beach 41<sup>st</sup> Street, Beach 42<sup>nd</sup> Street, Beach 43<sup>rd</sup> Street, Beach 44<sup>th</sup> Street, Beach 45<sup>th</sup> Street between Beach Channel Drive and Rockaway Beach Boulevard (Block 15829/Lots 21, 23, 24; Block 15830/Lots 6, 7, 9, 15-17, 19, 23, 26, 28, 30, 38, 39, 45, 46, 50-55, 59; Block 15831/Lots 1, 17, 20, 25, 29, 50; Block 15832/Lots 60,75; Block 15833/Lots 1, 7, 9, 10, 12, 14, 16, 18, 20, 46, 55, 58, 71, 73; Block 15834/Lots 1, 11, 19, 21, 24-26, 28, 43, 45, 53, 54, 56, 58, 62, 64, 158; Block 15835/Lot 29; Block 15836/Lots 1, 7, 22; and Block 15837/Lots 64-67, 69), Community District 14, Borough of Queens (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Project amends 20025383 HAQ (L.U. No. 180, Resolution No. 420 of 2002) which was approved by the Council on July 24, 2002;

WHEREAS, the Project is to be developed on land that is now a municipally-owned area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 5, 2004;

WHEREAS, the Council has considered the land use, environmental and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1<sup>st</sup> following the conveyance of the Disposition Area to the Sponsor, during the last ten years of which such exemption shall decrease in equal annual decrements.

b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion

of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 13, 2004, on file in this office.

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City Clerk, Clerk of The Council