

SECOND AMENDMENT TO
AGREEMENT
FOR
SPECIAL PROCESS
FOR
NEW YORK CITY COUNCIL REVIEW AND APPROVAL
OF
CONEY ISLAND AMUSEMENT PARK PROJECT PLAN
(“SECOND AMENDMENT”)

SECOND AMENDMENT TO SPECIAL PROCESS AGREEMENT, dated as of the ____ day of _____, 2018, modifying Special Process Agreement approved by the City Council on August 20, 2009, as modified by (first) Amendment to Agreement for Special Process Agreement dated as of the 25th day of April, 2013 (as amended, the “Special Process Agreement”), between the Mayor of the City of New York (the “Mayor”) and the Council of the City of New York (the “Council”);

WHEREAS, ULURP Application No. C090107MMK designated certain real property within Brooklyn Community Board 13 as parkland to be identified as such on the City map (such parkland the “Coney Island Amusement Park”);

WHEREAS, on December 6, 2016, the City acquired the parcels of land then identified as Block 7074, p/o Lots 4, 23 and 105 through the exercise of eminent domain, which land is situated within the Coney Island Amusement Park (the “Bullard Parcel”);

WHEREAS, the City owns certain demapped streetbeds in the Coney Island Amusement Park, identified as those portions of West 12th Street (Block 8695 Lot 500), Stillwell Avenue (Block 7074 Lot 450) and West 15th Street (Block 7074 Lot 370), all lying south of Wonder Wheel Way (the “Demapped Streets”), as well as a portion of land identified as Block 7074, Lot 2, formerly p/o Lots 20, 23 and 105 (the Bullard Parcel excluding former Lot 4 and including p/o Lot 20), the Demapped Streets and Block 7074, Lot 2 referred to above are collectively referred to as the “Additional Amusement Park Parcels”, and are depicted as Sites B, C, D and E in Exhibit A attached hereto;

WHEREAS, ULURP Application No. C090107MMK was approved, as modified by the July 29, 2009 City Council Resolution No. 2138 and the December 13, 2010 City Planning Commission Resolution, and Chapter 281 of the 2011 Session Laws was enacted by the New York State Legislature (the “Act” or “Legislation”), which Resolutions and Legislation authorized disposition of, *inter alia*, the Additional Amusement Park Parcels; and

WHEREAS, it is the intent and purpose of the Special Process Agreement to promote the development and programming of the lands within the Coney Island Amusement Park for amusement purposes, pursuant to the “CIAPPP” described in the Special Process Agreement;

WHEREAS, in furtherance of the Special Process Agreement, the Council desires to approve a lease by the City to New York City Economic Development Corporation (“NYCEDC”), which lease shall be deemed to be a lease pursuant to paragraphs (b) and (e) of Section 2 of the Act;

WHEREAS, in consultation with the City Council, NYCEDC, in coordination with the City's Department of Parks and Recreation, released a Request for Proposals dated February 6, 2017 (the "RFP") for the lease and operation of the Additional Amusement Park Parcels, and in consultation with the City Council selected Central Amusement International LLC ("CAI"), a New York Limited Liability Company, to lease and operate the Additional Amusement Park Parcels; and

WHEREAS, the parties desire to hereby amend the Special Process Agreement to authorize the City to lease the Additional Amusement Park Parcels for amusement park purposes;

NOW, THEREFORE, the parties hereto agree as follows:

1. In addition to the authorizations set forth in Sections 1, 2 and 3 of the Special Process Agreement for the lease of parcels of land in the Coney Island Amusement Park, in furtherance of the purposes and intents of the Legislation, the City is hereby authorized to enter into a lease with NYCEDC for the Additional Amusement Park Parcels, for uses and purposes consistent with the RFP, and NYCEDC shall assign such lease or enter into a sublease with CAI or an affiliate thereof for such purposes. Such lease shall expire not later than December 31, 2027.
2. The Special Process Agreement shall remain in full force and effect, and is hereby reaffirmed in its entirety, as modified by this Second Amendment.
3. This Second Amendment shall become effective upon the execution hereof by (i) the Mayor; and (ii) the Speaker of the Council upon the adoption by the Council of a resolution approving this Second Amendment.

IN WITNESS WHEREOF, the Mayor and the Speaker have hereunto executed this Second Amendment the date and year first above written.

Mayor of the City of New York

Speaker of the New York City Council

EXHIBIT A

ADDITIONAL AMUSEMENT PARK PARCELS

