



Legislation Text

File #: Res 2101-2013, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2101

Resolution approving the decision of the City Planning Commission on ULURP No. C 130040 MMK, an amendment to the City Map (L.U. No. 989).

By Council Members Comrie and Levin

WHEREAS, the City Planning Commission filed with the Council on November 22, 2013 its decision dated November 20, 2013 (the "Decision"), on the application submitted by Long Island University, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the narrowing by elimination, discontinuance and closing of Willoughby Street between Fleet Place and Ashland Place;
- the narrowing by elimination, discontinuance and closing of Ashland Place between Willoughby Street and DeKalb Avenue;
- the elimination of Public Place between Willoughby Street, Fleet Street, and Fleet Place;
- the delineation of public access easements in Willoughby Street and Ashland Place;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 2, in accordance with Map Nos. X-2737 and X-2738 dated June 26, 2013 and signed by the Borough President (ULURP No. C 130040 MMK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 5, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues including the conditional negative declaration (CEQR No. 13DCP018K) issued November 20, 2013 (the "Conditional Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Conditional Negative Declaration, subject to the following condition:

The applicant, LIU agrees via the mapping agreement to submit a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) to DEP for review and approval prior to construction, for implementation during construction.

Pursuant to Sections 197-d and 199 of the City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130040 MMK, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map as set forth in Map Nos.: X-2737 and X-2738 dated June 26, 2013, including the authorization for any acquisition or disposition of real property related thereto, being more particularly described as follows:

DISCONTINUING AND CLOSING A PORTION OF WILLOUGHBY STREET BETWEEN FLEET STREET AND ASHLAND PLACE

Starting at a Point of Beginning located at the intersection of the former southerly street line of Willoughby Street and the easterly street line of Fleet Street, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence easterly, along said former southerly street line of Willoughby Street, discontinued and closed, 684.30 feet to its intersection with the newly established westerly street line of Ashland Place;
- 2) Running thence northerly, along said newly established westerly street line of Ashland Place, said course forming a deflection angle to the left with the last mentioned course of 99 degrees 04 minutes 06 seconds, 20.25 feet to its intersection with the newly established southerly street line of Willoughby street;
- 3) Running thence westerly, along said newly established southerly street line of Willoughby Street, said course forming a deflection angle to the left with the last mentioned course of 80 degrees 55 minutes 54 seconds, 669.99 feet to the newly established easterly street line of Fleet Street; and
- 4) Running thence southerly, along said newly established easterly street line of Fleet Street, said course forming a deflection angle to the left with the last mentioned course of 60 degrees 55 minutes 22 seconds, 22.88 feet to its intersection with the former southerly street line of Willoughby Street, discontinued and closed, the point or place of beginning.

The area described above consists of 13,542.88 square feet, more or less.

DISCONTINUING AND CLOSING A PORTION OF ASHLAND PLACE BETWEEN WILLOUGHBY STREET AND DEKALB AVENUE

Starting at a Point of Beginning located at the intersection of the northerly street line of DeKalb Avenue and the former westerly street line of Ashland Place, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence easterly, along the newly established northerly street line of DeKalb Avenue, 14.18 feet

to its intersection with the newly established westerly street line of Ashland Place;

- 2) Running thence northerly, along said newly established westerly street line of Ashland Place, said course forming a deflection angle to the left with the last mentioned course of 99 degrees 01 minute 34 seconds, 700.16 feet to its intersection with the newly established southerly street line of Willoughby Street;
- 3) Running thence westerly, along said newly established southerly street line of Willoughby Street, said course forming a deflection angle to the left with the last mentioned course of 80 degrees 55 minutes 54 seconds, 14.18 feet to its intersection with the former westerly street line of Ashland Place; and
- 4) Running thence southerly, along said former westerly street line of Ashland Place, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 99 degrees 04 minutes 06 seconds, 679.92 feet to its intersection with the northerly street line of DeKalb Avenue, the point or place of beginning.

The area described above consists of 9,518.78 square feet, more or less.

DISCONTINUING AND CLOSING PUBLIC PLACE BETWEEN WILLOUGHBY STREET, FLEET PLACE AND FLEET STREET

Starting at a Point of Beginning located at the intersection of the former southerly street line of Willoughby Street and the former northwesterly street line of Fleet Street, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence westerly, along said former southerly street line of Willoughby Street, discontinued and closed, 15.33 feet to its intersection with the former easterly street line of Fleet Place;
- 2) Running thence southerly, along said former easterly street line of Fleet Place, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 40 minutes 55 seconds, 27.00 feet to its intersection with the former northwesterly street line of Fleet Street; and
- 3) Running thence northeasterly, along said former northwesterly street line of Fleet Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 150 degrees 14 minutes 27 seconds, 30.89 feet to its intersection with the former southerly street line of Willoughby Street, the point or place of beginning.

The area described above consists of 207.00 square feet, more or less.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. X-2737 and X-2738 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;

- b. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law;
- c. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- d. The Mapping Agreement shall contain provisions governing, in connection with development of the former street, the testing for and remediation of hazardous materials in accordance with DEP requirements, as such environmental requirements are specified in the Conditional Negative Declaration dated November 20, 2013. The applicant or its successor shall submit proof of recording of the restrictive declaration to counsel for the Department of City Planning and DEP.

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 December 19, 2013, on file in this office.

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City Clerk, Clerk of The Council