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BOARD OF ESTIMATE
CITY OF NEW YORK
(CAL. NO. 46)

~~OFFICE OF THE CLERK~~
~~CITY OF NEW YORK~~
~~MAY 1985~~
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~~CITY OF NEW YORK~~

WHEREAS, MBD Housing Development Fund Company, Inc. (the "Housing Company") has been duly organized as a housing development fund company under Article 11 of the Private Housing Finance Law and Section 402 of the Not-For-Profit Corporation Law of the State of New York for the purpose of developing a housing project exclusively for elderly persons of low income ("Housing Project") on real property located in The City of New York; and

WHEREAS, the Housing Company has obtained a commitment for a mortgage from the Secretary of the Department of Housing and Urban Development of the United States of America (the "HUD Mortgage"), and will receive housing assistance payments pursuant to the provisions of Section 8 of the United States Housing Act of 1937, as amended, for the Housing Project, to be constructed on real property presently owned by the City, located in the Borough of the Bronx, County of the Bronx, City and State of New York, known as Block(s) 2983 Lot(s) 28, as more fully described by metes and bounds in a certain Agreement hereinafter referred to (the "Disposition Area"); and

WHEREAS, The City Planning Commission ("CPC") duly submitted to the Board of Estimate its approval (Report No. C840872HDX, dated August 22, 1984) of the use and disposition of the Disposition Area in conformity with the land use review procedures required by Section 197-c of the New York City Charter, which have been adhered to; and

(Art 11-In Rem-§202)

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WHEREAS, the Board of Estimate held a public hearing, considered and approved the CPC recommendation pursuant to Section 197-c of the New York City Charter on October 4, 1984 (Cal. No. 37); and

WHEREAS, a proposed Agreement between the City of New York and the Housing Company providing for the construction of the Housing Project and for the sale of the Disposition Area, at the negotiated price of Five Thousand Four Hundred (\$5,400.00) Dollars, without public auction or sealed bids has been submitted to the Board of Estimate; and

WHEREAS, the proposed Agreement provides for tax exemption pursuant to subdivision 1(a) of Section 422 of the Real Property Tax Law of the State of New York as set forth below; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Estimate as follows:

1. That the sale of the Disposition Area to the Housing Company is hereby approved pursuant to Article 11 of the Private Housing Finance Law.

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

3. That the Board of Estimate, pursuant to subdivision 1(a) of Section 422 of the RPTL does hereby approve a partial exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property included in the Housing Project (excluding those portions, if any, devoted to

614-1876

business or commercial use), provided that the Housing Company make annual partial real estate tax payments commencing upon the Effective Date as hereinafter defined. Commencing upon the Effective Date and during each year, payments shall consist of the sum of (a) \$4,601.00, which is ten percent (10%) of the annual shelter rent or carrying charges for the Housing Project, plus (b) an additional amount. The additional amount for each year shall equal twenty-five percent (25%) of the amount by which the total Contract Rents applicable to the Housing Project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceeds the total Contract Rents which are authorized as of the Effective Date. However, the total annual real estate tax payment by the Housing Company shall not at any time exceed the lesser of either seventeen (17%) percent of Contract Rents, or the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided for by existing or future local law or state legislation. The partial tax exemption approved herein shall operate and continue for so long as the HUD Mortgage is outstanding, but in no event for a period of more than forty (40) years, commencing as of the Effective Date.

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

-3-

However, if the HUD-approved income limits for the Housing Project are increased between the date this resolution is adopted [i.e., April 13, 1985] and the Effective Date hereinafter defined, then HUD shall increase the minimum annual shelter rent taxes [\$4,601] to a higher amount.

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

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

7. That the proposed price of Five Thousand Four Hundred _____ (\$5,400.00) Dollars is satisfactory and not less than the fair value of the Disposition Area for use by the Housing Company to provide dwelling units for occupancy by elderly persons of low income.

8. That the Housing Company possesses the qualifications and financial resources necessary to acquire and develop the Project Site in accordance with the Disposition Agreement.

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

10. That the Mayor, Deputy Mayor or Deputy Commissioner or Acting Deputy Commissioner of the Department of General Services, Division of Real Property, is hereby authorized to execute and

614 1878

deliver to the Housing Company a Deed of conveyance of title to the Disposition Area, when approved as to form by the Corporation Counsel, at the total negotiated price of \$5,400.00 fixed in the Disposition Agreement, without public auction or sealed bids, and upon the terms and conditions contained therein, and the City Clerk or acting City Clerk is hereby directed to attest said Deed and to affix the seal of the City of New York thereto.

~~APPROVED AS TO FORM~~

~~Acting Corporation Counsel~~

A TRUE COPY OF RESOLUTION NO. 46 DATED 4/18/1985
ADOPTED BY THE BOARD OF ESTIMATE.

Theodore M. Jenkins
Secretary