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Title: Resolution calling on the City of New York and the New York State Attorney General to renew for a period not less than eight additional years the Memorandum of Agreement set to expire in September 2010 which established a protocol for the preservation and development of City-owned community gardens.

Sponsors: James F. Gennaro, Gale A. Brewer, Daniel Dromm, Brad S. Lander, Melissa Mark-Viverito, Michael C. Nelson, Annabel Palma, Jumaane D. Williams, Ydanis A. Rodriguez

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Res. No. 111

Resolution calling on the City of New York and the New York State Attorney General to renew for a period not less than eight additional years the Memorandum of Agreement set to expire in September 2010 which established a protocol for the preservation and development of City-owned community gardens.

By Council Members Gennaro, Brewer, Dromm, Lander, Mark-Viverito, Nelson, Palma, Williams and Rodriguez

Whereas, For decades, volunteers from many communities have cleaned up hundreds of vacant lots throughout New York City and transformed these areas of urban blight into garden areas of beauty and respite for local residents; and

Whereas, Community Gardens play a vital role for New Yorkers who lack easy access to green spaces; and

Whereas, Community Gardens provide underserved neighborhoods with fresh fruits and vegetables, serve as community building activities and are used to provide after school activities for local children; and

Whereas, The City of New York announced in 1998 that it would begin selling more than 700 city-owned lots used as Greenthumb community gardens at auction; and

Whereas, The City scheduled 114 of these lots to be sold at public auction on May 13, 1999; and

Whereas, Many of these lots had already been transformed into Greenthumb community gardens by local residents and had,

therefore, become sources of community pride and beauty; and

Whereas, Local communities and gardeners overwhelmingly opposed the sale of these Greenthumb community gardens and demonstrated their opposition through testimony at public hearings, public demonstrations, civil disobedience and through the filing of lawsuits challenging the legality of the proposed auction; and

Whereas, At the time, the City of New York maintained its resolve to continue with the sale by public auction of these “oases” despite the considerable and passionate opposition to it; and

Whereas, In April of 1998, jurisdiction over 741 lots (273 gardens) was transferred from the Department of Parks and Recreation (DPR) to the Department of Housing Preservation and Development (HPD) with the intent of selling them at auction; and

Whereas, Participants in the GreenThumb program challenged this transfer, and after a hearing held by the New York City Council’s Committee on Parks and Recreation on January 15, 1999, and requests by former City Council Speaker Peter F. Vallone, the City reached agreements with the New York Restoration Project and the Trust for Public Land to sell 114 garden lots that had been scheduled for public auction; and

Whereas, Sixty-two sites went to the New York Restoration Project and 51 lots to the Trust for Public Land for a total price of \$4.2 million; and

Whereas, Litigation was commenced by the New York State Attorney General (NYAG) in May 1999, to stop the sale of the other parcels scheduled for auction and a restraining order was imposed which froze the sale of all garden lots; and

Whereas, The lawsuit charged the City with: (1) a lack of compliance with the State Environmental Quality Review Act (SEQRA); and (2) violations of the Public Trust Doctrine; and

Whereas, On September 17, 2002 the NYAG and the City signed a settlement agreement (the “2002 agreement”) and an order reflecting that settlement was entered on September 18, 2002 and will expire on September 17, 2010; and

Whereas, Although pursuant to the 2002 agreement a protocol for the preservation and development of City-owned GreenThumb Community Gardens was established, such gardens were not designated as city parkland; and

Whereas, Approximately 86 existing GreenThumb Community Gardens on 225 lots are currently under the jurisdiction of the New York City Parks Department; and

Whereas, Although GreenThumb has been a program of the New York City Parks Department since 1995, the gardens lack the protection given to mapped City parkland, including a prohibition on the alienation of parkland except through state authorizing legislation; and

Whereas, Community gardens and parks are very important to the quality of life in an urban area and are, therefore, worthy of legal protection; and

Whereas, Without an extension of the agreement between NYAG and the City, mapping of the gardens as parkland or providing other similar protection, the existence of many community gardens will always be at risk of sale to developers; now, therefore, be it

Resolved, That the Council of the City of New York calls on the City of New York and the New York State Attorney General to renew for a period not less than eight additional years the Memorandum of Agreement set to expire in September 2010 which established a protocol for the preservation and development of City-owned community gardens.

PM
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