



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 746

Resolution approving a voluntary dissolution of a redevelopment company and related tax exemptions for a Project located at 198-204 Brown Place and 205-211 Brook Avenue (Block 2264/Lots 5, 7, 11, 12, 13 and 14), the Bronx, pursuant to the Private Housing Finance Law (L.U. No. 358; 20055115 HAX).

By Council Members Katz and Martinez

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on December 7, 2004 its request dated December 7, 2004 that the Council take the following actions regarding the following (the "Project") located at 198-204 Brown Place and 205-211 Brook Avenue (Block 2264/Lots 5, 7, 11, 12, 13 and 14), Community District 1, Borough of the Bronx (the "Disposition Area"):

1. Approve, pursuant to Section 125 of the Private Housing Finance Law, the termination of the partial tax exemption of the Exemption Area granted by the Board of Estimate on September 30, 1982 (Cal. No. 33) on a date to be determined by HPD; provided, however, that (i) such termination shall occur no later than December 31, 2004, and (ii) prior to such termination, the Redevelopment Company shall execute agreements approved by HPD requiring that the Exemption Area be conveyed to a housing development company upon terms approved by HPD.
2. Consent, pursuant to Section 123(4) of the Private Housing Finance Law, to the voluntary dissolution of the Redevelopment Company on a date to be determined by HPD; provided, however, that (i) such voluntary dissolution shall occur no later than December 31, 2004, and (ii) prior to such voluntary dissolution, the Redevelopment Company shall execute agreements approved by HPD requiring that the Exemption Area be conveyed to a housing development fund company upon terms approved by HPD.
3. Approve the partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

WHEREAS, upon notice, the Council held a public hearing on the Project on December 14, 2004;

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

RESOLVED:

The Council approves, pursuant to Section 125 of the Private Housing Finance Law, the termination of the partial tax exemption of the Exemption Area granted by the Board of Estimate on September 30, 1982 (Cal.

No. 33) on a date to be determined by HPD; provided, however, that (i) such termination shall occur no later than December 31, 2004, and (ii) prior to such termination, the Redevelopment Company shall execute agreements approved by HPD requiring that the Exemption Area be conveyed to a housing development company upon terms approved by HPD.

The Council consents, pursuant to Section 123(4) of the Private Housing Finance Law, to the voluntary dissolution of the Redevelopment Company on a date to be determined by HPD; provided, however, that (i) such voluntary dissolution shall occur no later than December 31, 2004, and (ii) prior to such voluntary dissolution, the Redevelopment Company shall execute agreements approved by HPD requiring that the Exemption Area be conveyed to a housing development fund company upon terms approved by HPD.

The Council approves the partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

a. For the purposes hereof, the following terms shall have the following meanings:

(1) “Bond Regulatory Agreement” shall mean the regulatory agreement for this Project entered into between HDC and the Owner.

(2) “Commencement Date” shall mean the date of acquisition of the Project by the Sponsor.

(3) “Exemption Area” shall mean the real property located in the Borough of Bronx, City and State of New York, known as Block 2264, Lots 5, 7, 11, 12, 13 and 14.

(4) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Commencement Date, (ii) the date upon which the Exemption Area ceases to be owned by the Sponsor, (iii) the date upon which the Partnership or any successor of the Partnership ceases to be controlled by a housing development fund company or (iv) the expiration or termination of the Bond Regulatory Agreement.

(5) “HDC” shall mean the New York City Housing Development Corporation.

(6) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

(7) “Maximum Shelter Rent Tax” shall mean \$166,634, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the Commencement Date.

(8) “Partnership” shall mean Brook & Brown Limited Partnership.

(9) “Sponsor” shall mean Brookhaven Housing Development Fund Company, Inc. or another housing development fund company approved by HPD.

b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use) shall be exempt

from real property taxes, other than assessments for local improvements, for a period commencing upon the Commencement Date and terminating upon the Expiration Date.

- c. Commencing upon the Commencement Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Maximum Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property payment by the Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.

d. In consideration of the tax exemption provided hereunder, the Owner, for so long as the partial tax exemption hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

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 15, 2004, on file in this office.

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City Clerk, Clerk of The Council