



## Legislation Text

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**File #:** Res 1874-2013, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1874

Resolution approving an Urban Development Action Area Project located at 2353 2nd Avenue (Block 1785, Lot 27), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a real estate tax exemption pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 842; 20135677 HAM).

By Council Members Comrie and Levin

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 7, 2013 its request dated April 22, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 2353 2nd Avenue (Block 1785, Lot 27), Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on July 23, 2013;

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

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (i) “Effective Date” shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, or (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
  - (ii) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (iii) “Exemption Area” shall mean the real property located in the Borough of the Manhattan, City and State of New York, identified as Block 1785, Lot 27 on the Tax Map of the City of New York.
  - (iv) “Expiration Date” shall mean the earlier to occur of (a) a date which is forty (40) years from the Effective Date, (b) the date of the expiration or termination of the Regulatory Agreement, or (c) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (v) “Regulatory Agreement” shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

- (vi) "Owner" shall mean Sponsor or any future owner of the Exemption Area.
  - (vii) "Sponsor" shall mean Nite Homes Housing Development Fund Company, Inc.
2. 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 taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
    - b. Nothing herein shall entitle Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
    - c. The Exemption shall not apply to any building on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
    - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
  4. In consideration of the Exemption, Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation 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 July 24, 2013, on file in this office.

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City Clerk, Clerk of The Council