



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 628

Resolution approving a partial exemption from real property taxes for property located at 28 East 29th Street (Block 858, Lot 56), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 284).

By Council Member Weprin

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 16, 2004 that the Council take the following action regarding a property located at 28 East 29th Street (Block 858, Lot 56), Borough of Manhattan ("Exemption Area"):

Approve a partial exemption of the property from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council indicates that the owner of the property, Phipps Affordable Housing Development Fund Corporation, (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council held a hearing on the property on October 13, 2004;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. 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, commencing upon the date of conveyance of the Exemption Area to Sponsor ("Effective Date") and terminating upon the earlier to occur of (i) the date of any conveyance of the Exemption Area by Sponsor to an owner which is not a housing development fund company, (ii) the date upon which the Exemption Area ceases to be operated in accordance with the terms of Section 23-90 through Section 23-94 of the New York City Zoning Resolution, the Inclusionary Housing Program Description and Guidelines for Lower Income Housing Plans, and the Lower Income Housing Plan Written Agreement dated June 22, 2000 between the Department of Housing Preservation and Development and Two Eight East LLC, or (iii) a date which is forty (40) years from the Effective Date ("Expiration Date").

2. Commencing upon the Effective Date and during every year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in an amount equal to ten percent (10%) of the annual shelter rent. For purposes of this paragraph, shelter rent

shall mean the total rents received from the residential occupants of the Exemption Area (including any Federal rent subsidy) less the cost of providing to such occupants electricity, gas, heat and other utilities. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation.

3. In consideration of the tax exemption provided hereunder, the Sponsor, for so long as the tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of any 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 October 13, 2004, on file in this office.

City Clerk, Clerk of Council