



Legislation Text

File #: Res 0775-2005, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 775

Resolution approving a project summary, related tax exemptions and a regulatory agreement for a Project located at 125 Beach 17th Street, 120 Beach 19th Street, 17-21/31 Seagirt Boulevard (Block 15638/Lot 1), Far Rockaway, Queens, pursuant to the Private Housing Finance Law (L.U. No. 360; 20055117 HAQ).

By Council Members Katz and Martinez

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 23, 2004 its request dated November 22, 2004 that the Council take the following actions regarding the following (the "Project") located at 125 Beach 17th Street, 120 Beach 19th Street, 17-21/31 Seagirt Boulevard (Block 15638/Lot 1), Community District 14, Borough of Queens (the "Disposition Area"):

1. Approve the Project Summary attached hereto as Exhibit A as to the conformity with the provisions and purposes of Article V of the Private Housing Finance Law;
2. Approve the partial exemption of the Project from real property taxes pursuant to Section 125 of the Private Housing Finance Law;
3. Approve the regulatory agreement between the Owner and the Department of Housing Preservation and Development in the form presented and attached hereto as Exhibit B and authorize the Mayor or the Deputy Mayor or the Commissioner of the Department of Housing Preservation and Development to execute the regulatory agreement, when approved as to form by the Corporation Counsel or Acting Corporation Counsel.

WHEREAS, upon due notice, the Council held a public hearing on the Project on January 13, 2005;

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

RESOLVED:

The Council approves the Project Summary attached hereto as Exhibit A as to the conformity with the provisions and purposes of Article V of the Private Housing Finance Law.

The Council approves the partial exemption of the Project from real property taxes pursuant to Section 125 of the Private Housing Finance Law as follows:

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

(1) “Commencement Date” shall mean the date of acquisition of the Project by the Owner.

(2) “Shelter Rent” shall mean the total rents and other income received from the residential occupants of the Exemption Area, but excluding any Federal subsidy (including, but not limited to, Section 8, rent supplements, interest reduction payments and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(3) “Maximum Shelter Rent Tax” shall mean the greater of (i) \$407,119, or (ii) ten percent of the annual Shelter Rent.

(4) “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, known as Block 15638, Lot 1.

(5) “Expiration Date” shall mean the earlier to occur of (i) the twenty-fifth anniversary of the Commencement Date, (ii) the date upon which the Exemption Area ceases to be owned by the Owner or, subject to HPD approval, another redevelopment company organized pursuant to Article V of the PHFL, (iii) the expiration or termination of the HFA Regulatory Agreement, or (iv) the date upon which the City terminates the partial real property tax exemption pursuant to the terms of the HPD Regulatory Agreement.

(6) “HFA” shall mean the New York State Housing Finance Agency.

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

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

(9) “HPD Regulatory Agreement” shall mean the regulatory Agreement for this Project entered into between HPD and the Owner.

(10) “Owner” shall mean Ocean Park Acquisition, L.P.

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 amount of real property taxes that would otherwise be due and payable 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.

The Council approves the regulatory agreement between the Owner and the Department of Housing Preservation and Development in the form presented and attached hereto as Exhibit B and authorize the Mayor or the Deputy Mayor or the Commissioner of the Department of Housing Preservation and Development to execute the regulatory agreement, when approved as to form by the Corporation Counsel or Acting Corporation Counsel.

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 January 19, 2005, on file in this office.

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City Clerk, Clerk of The Council