File #: Res 0125-2006, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 125

Resolution approving an Urban Development Action Area Project located at 88 Fountain Avenue (Block 4154/Lot 87), 165 Euclid Avenue (Block 4129/Lot 24), 204 Montauk Avenue (Block 4023/Lot 24), 361 Etna Street (Block 4108/Lot 92), 394 Shepherd Avenue (Block 4004/Lot 21), 428 Shepherd Avenue (Block 4020/Lot 16), 432 Essex Street (Block 4019/Lot 26), 453 Essex Street a.k.a. 767-777 Belmont Avenue (Block 4020/Lot 34), and 2668 Pitkin Avenue (Block 4230/Lot 18), Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 43; 20065162 HAK).

By Council Members Katz and Garodnick

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 17, 2006, its request dated December 27, 2005 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 88 Fountain Avenue (Block 4154/Lot 87), 165 Euclid Avenue (Block 4129/Lot 24), 204 Montauk Avenue (Block 4023/Lot 24), 361 Etna Street (Block 4108/Lot 92), 394 Shepherd Avenue (Block 4004/Lot 21), 428 Shepherd Avenue (Block 4020/Lot 16), 432 Essex Street (Block 4019/Lot 26), 453 Essex Street a.k.a. 767-777 Belmont Avenue (Block 4020/Lot 34), and 2668 Pitkin Avenue (Block 4230/Lot 18), Community District 5, Borough of Brooklyn (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 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, 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 February 7, 2006;

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

RESOLVED:

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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 exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of ten years commencing on the date of the conveyance of the Disposition Area to the Sponsor.

b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

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 February 15, 2006, on file in this office.

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City Clerk, Clerk of The Council

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