



Legislation Text

File #: Res 1801-2009, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1801

Resolution approving an amended Urban Development Action Area Project located at 165 Avenue C, 167 Avenue C and 169 Avenue C (Block 393, Lots 38, 37, and 36), Borough of Manhattan, and approving a tax exemption pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 971; 20095285 HAM).

By Council Members Katz and Garodnick

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 5, 2009 its request dated December 8, 2008 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 165 Avenue C, 167 Avenue C and 169 Avenue C (Block 393, Lots 38, 37, and 36), Borough of Manhattan (the "Disposition Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI 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, consists solely of the rehabilitation or conservation of existing private or multiple dwellings and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, the project description that HPD provided to the Council states that the purchaser in connection with the Sale (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, upon due notice, the Council held a public hearing on the Project on January 26, 2009;

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

RESOLVED:

The Council approves the Tax Exemption as follows:

Exemption from real property taxes, other than assessments for local improvements, of all of the value of the property included in the housing project (excluding those portions, if any, devoted to business or commercial use), commencing upon the date of conveyance of the Disposition Area to Sponsor ("Effective Date") and terminating upon a date which is thirty two (32) years from the Effective Date ("Expiration Date"); provided, however, that such tax exemption shall terminate if the Department of

Housing Preservation and Development determines that Sponsor is not organized as a housing development fund company, that Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or that Sponsor is not operating the housing project in accordance with the requirements of any agreements between Sponsor and City of New York.

Those portions of the property included in the Exemption Area which are devoted to business or commercial use (collectively, "Commercial Property"), if any, shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.

In consideration of the Article XI Exemption, the owner of the Exemption Area 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 ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Exemption Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any alternative Tax benefit for the Exemption Area.

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 28, 2008, on file in this office.

City Clerk, Clerk of The Council