



CITY PLANNING COMMISSION

December 16, 2009/Calendar No. 10

N 100099 MMX

IN THE MATTER OF an application submitted by the New York City Housing Authority, on September 17, 2009, pursuant to Section 5-430 *et seq.* of the New York City Administrative Code, involving the discontinuance and closing of a portion of Dr. Martin Luther King, Jr. Boulevard between West 165th Street and West 167th Street, and a portion of West 167th Street between Dr. Martin Luther King, Jr. Boulevard and Major Deegan Boulevard, Borough of The Bronx, in accordance with Map No. 13130, dated October 9, 2009, and signed by the Borough President

WHEREAS, at its meeting held on December 5, 1957, in regard to an application by the Borough President of The Bronx involving the elimination of mapped street lines in order to reflect abandoned plans to widen the subject streets, the Board of Estimate (the “Board”) adopted a resolution which approved an Amendment to the City Map involving the elimination of a 20-foot-wide portion of University Avenue (a/k/a Dr. Martin Luther King Jr. Blvd.) between West 167th Street and West 165th Street, and a 20-foot-wide portion of West 167th Street between University Avenue and Sedgwick Avenue (a/k/a/ Major Deegan Boulevard), in accordance with Map No. 11508 dated June 14, 1957 and signed by the Borough President of the Bronx (CP-13488, Cal. No. 76); and

WHEREAS, the City Planning Commission (the “Commission”) report to the Board recommending approval of said map stated that the City intended to cede the eliminated portions of the subject streets to the New York City Housing Authority (“NYCHA”), the latter being the former owner of said portions of streets and current owner of lands adjacent thereto; and

WHEREAS, in order for the City to convey good and marketable title of the subject portions of streets to NYCHA, a discontinuance and closing of said portions of streets is necessary; and

WHEREAS, the Law Department on December 9, 2009 advised the Department of City Planning that the Commission may adopt a resolution which provides for the discontinuance and closing of the subject portions of streets, to facilitate the conveyance of title, since such conveyance was the intent of the original approval; and

WHEREAS, the Borough President of the Bronx has reviewed and submitted to the Commission Map No.13130, dated October 9, 2009, which provides for the discontinuance and closing of the subject portions of streets; and

WHEREAS, furthermore, the Law Department advised that the Commission may adopt a resolution without review pursuant to the Uniform Land Use Review Procedure (ULURP), since it relates to the discontinuance and closing of the previously eliminated streets, and does not eliminate or affect any currently mapped and/or built portions of streets.

NOW THEREFORE, the Commission adopts the following resolution:

RESOLVED, by the City Planning Commission, pursuant to Section 5-430 *et seq.* of the New York City Administrative Code, based on the considerations described in this report, the discontinuance and closing of a portion of a portion of Dr. Martin Luther King, Jr. Boulevard between West 165th Street and West 167th Street, and a portion of West 167th Street between Dr. Martin Luther King, Jr. Boulevard and Major Deegan Boulevard, Borough of The Bronx, in accordance with Map No. 13130, dated October 9, 2009, and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 13130, dated October 9, 2009, providing for the discontinuance and closing of a portion of Dr. Martin Luther King, Jr. Boulevard between West 165th Street and West 167th Street, indicated as Parcel ‘A’, and a portion of West 167th Street between Dr. Martin Luther King, Jr. Boulevard and Major Deegan Boulevard, indicated as Parcel ‘B’, more particularly described as follows:

PARCEL ‘A’ - DR. MARTIN LUTHER KING, JR. BOULEVARD

Beginning at a point located on the westerly line of Dr. Martin Luther King, Jr. Boulevard, said point lying 43.52 feet southerly of the intersection of the southwesterly line of West 167th Street and the westerly line of Dr. Martin Luther King, Jr. Boulevard, as those streets were heretofore laid out on the City Map; thence

- 1) Running 902.50 feet in a southerly direction along the westerly line of Dr. Martin Luther King, Jr. Boulevard to a point; thence
- 2) Running 307.50 feet in a southerly direction, said course forming a deflection angle to the left with the previous course of 14 degrees, 8 minutes and 16 seconds to a point of curvature; thence
- 3) Running 66.08 feet in a northerly direction, along a curve to the left with a radius of 400.00 feet and a central angle of 9 degrees 27 minutes 59 seconds to a point of tangency; thence
- 4) Running 111.07 feet in a northerly direction to a point of curvature, thence;
- 5) Running 144.19 feet in a northerly direction, along a curve to the right with a radius of 350.00 feet and a central angle of 23 degrees 36 minutes and 15 seconds to a point of tangency; thence

- 6) Running 896.30 feet in a northerly direction, to a point; thence
- 7) Running 20.00 feet in an easterly direction, said course forming an interior angle to the right with the previous course of 90 degrees, 0 minutes and 0 seconds, to the Point of Beginning.

The area indicated as Parcel 'A' described above consists of 23,290 square feet, more or less.

PARCEL 'B' - WEST 167TH STREET

Beginning at a point located at the intersection of the southwesterly line of West 167th Street and the easterly line of Major Deegan Boulevard (a/k/a Sedgwick Avenue), as those streets are laid out on the City Map; thence

- 1) Running 668.20 feet in a southeasterly direction along the southwesterly line of West 167th Street to a point; thence
- 2) Running 20.00 feet in a southwesterly direction, said course forming an interior angle to the right with the previous course of 90 degrees, 0 minutes and 0 seconds; thence
- 3) Running 548.43 feet in a northwesterly direction, said course forming an interior angle to the right with the previous course of 90 degrees, 0 minutes and 0 seconds to a point of curvature; thence
- 4) Running 112.00 feet in a westerly direction, along a curve to the left with a radius of 50.00 feet and a central angle of 128 degrees 34 minutes 18 seconds to a point of tangency; thence
- 5) Running 129.40 feet in a northerly direction along the easterly line of Sedgwick Avenue to the Point of Beginning.

The area indicated as Parcel 'B' described above consists of 15,591 square feet, more or less.

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following condition:

The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which certified counterparts of Map No. 13130 are filed with the appropriate agencies in accordance with Section 5-435 of the New York City Administrative Code.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER
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BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners