

MEMORANDUM OF AGREEMENT  
BETWEEN  
CITY OF NEW YORK  
THE DEPARTMENT OF PARKS AND RECREATION  
AND  
THE DEPARTMENT OF CORRECTION

THIS MEMORANDUM OF AGREEMENT ("MOA"), dated as of this 1st day of August, 2011 between the City of New York Department of Parks and Recreation ("DPR") located at 830 Fifth Avenue, New York, New York 10065 and the Department of Correction ("DOC") located at 75-20 Astoria Boulevard, East Elmhurst, New York 11375, (collectively "the Parties").

**1) Purpose:**

The purpose of this MOA is to set forth the agreement between DPR and DOC their respective responsibilities and establish a process for replanting 242 trees in the Bronx and the Queens due to the removal of seven trees on Rikers Island at the planned construction site for Co-generation Power Plant.

**2) Statement of Purpose:**

At the request of the Department of Correction, a forester from the Department of Parks and Recreation (DPR) assessed the condition of the seven (7) trees which will be removed due to the construction of a new Cogeneration Facility on Rikers Island. The DPR forester conducted a site visit, accompanied by the DOC's consultant, on June 9, 2011. The attached restitution letter dated June 23, 2011 states that "Based on the diameter, condition, species, and location of the trees, New York City Department of Parks & Recreation requires restitution for \$375,393.09 or the planting of 242 trees (2.5" to 3.0" diameter)".

**3) Term of Agreement:**

The term of this MOA shall be for the period from the date first set forth above to the completion of the Projects ("Term").

**4) Responsibilities of Parties:**

DOC and DPR have agreed to the following:

- DOC agrees to transfer the determined restitution value, \$375,393.09 to the DPR for the planting of 242 trees on City-owned property
- DOC and DPR agree that the restitution trees will be planted in the Bronx and Queens as approximately stated below:

- 100 restitution trees will be planted in Hunts Point, Bronx
- 142 trees will be planted in East Elmhurst, Queens/Community Boards 1 & 3.
- DPR will advise DOC of the exact locations of the individual trees once determined.
- DOC and DPR agree that tree planting effort in the East Elmhurst Queens will be communicated and coordinated by DOC Commissioner's office with the Community Boards 1 & 3 and other community representatives. DPR will select all planting locations based on block planting opportunity and current tree planting service requests in our database which are in the vicinity of East Elmhurst.
- All restitution planting will be performed by DPR through existing tree planting contracts.
- The tree planting shall be completed within two planting seasons of the entire restitution amount being received by DPR.

**5) Modifications:**

The terms of this MOA may be modified only by a written instrument signed by both Parties.

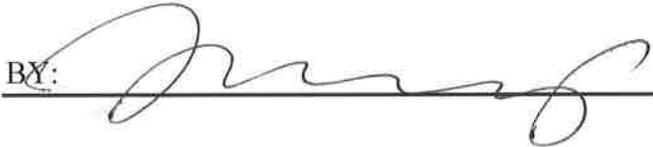
**6) Entire Understanding:**

This MOA contains the entire understanding of the Parties concerning the purposes stated herein.

IN WITNESS WHEREOF, the Parties have executed this MOA as of the date appearing above.

THE CITY OF NEW YORK DEPARTMENT OF  
PARKS AND RECREATION

THE CITY OF NEW YORK DEPARTMENT OF  
CORRECTION

BY: 

BY: 

**LIAM KAVANAGH**

**ROBERT T. MARUCA, JR.**

First Deputy Commissioner  
Department of Parks & Recreation

Deputy Commissioner  
Budget, Management, and Planning  
Department of Correction

Date: August 1, 2011

Date: August 1, 2011