

November 16, 2004

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MANHATTAN COMMUNITY BOARD
NO. 4

The Honorable Walter Mankoff
Chairperson
Community Board No. 4
330 West 42nd Street – 26th Floor
New York, New York 10036

Re: Notice of Public Hearing Relating to the New York Sports
and Convention Center Civic and Land Use Improvement Project


Dear Mr. Mankoff:

Enclosed please find, pursuant to Section 6266 of the New York State Urban Development Corporation Act [Unconsolidated Laws Section 6251, et seq. (McKinney 1979), copies of a Notice of Public Hearing and General Project Plan which were prepared by the New York State Urban Development Corporation d/b/a the Empire State Development Corporation ("ESDC") with respect to the New York Sports and Convention Center Civic and Land Use Improvement Project.

As the Notice states, a public hearing is scheduled for December 16, 2004 from 4:00 p.m. to 8:00 p.m. to be held at the Jacob Javits Convention Center (entrance on 11th Avenue near 34th Street), New York, New York, in room 1E15.

If you wish further information on this matter, please contact Mr. Steven Matlin, of the Empire State Development Corporation, at (212) 803-3782.

Very truly yours,



Debbie Royce
Legal Assistant

Enclosures
cc: Steven J. Matlin, Esq.

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LEGAL NOTICE

NEW YORK STATE URBAN DEVELOPMENT CORPORATION

D/B/A EMPIRE STATE DEVELOPMENT CORPORATION

NOTICE OF PUBLIC HEARING TO BE HELD THURSDAY, DECEMBER 16, 2004,
PURSUANT TO SECTIONS 6 AND 16 OF THE NEW YORK STATE URBAN
DEVELOPMENT CORPORATION ACT AND SECTIONS 201-204 OF THE
EMINENT DOMAIN PROCEDURE LAW IN CONNECTION WITH THE
PROPOSED NEW YORK SPORTS AND CONVENTION CENTER CIVIC AND
LAND USE IMPROVEMENT PROJECT

PLEASE TAKE NOTICE that a public hearing, open to all persons, will be held by the New York State Urban Development Corporation d/b/a Empire State Development Corporation ("ESDC" or the "Corporation") pursuant to Sections 6 and 16 of the New York State Urban Development Corporation Act (Chapter 174, Section 1, Laws of 1968, as amended; the "Act") and Sections 201-204 of the New York State Eminent Domain Procedure Law ("EDPL") at the Jacob Javits Convention Center (entrance on 11th Avenue near 34th Street), New York, New York, in room 1E15 of said facility, from 4:00 p.m. to 8:00 p.m. on Thursday, December 16, 2004 to consider: (a) the General Project Plan (the "General Project Plan") for the proposed New York Sports and Convention Center Civic and Land Use Improvement Project (the "Project"); (b) the proposed acquisition by condemnation of certain property in furtherance of the proposed New York Sports and Convention Center Civic and Land Use Improvement Project; and (c) the proposed transfer and development of the property to be acquired in furtherance of the Project.

The public hearing is for the purpose of: (1) informing the public about the Project; (2) giving all interested persons an opportunity to be heard with respect to the General Project Plan, pursuant to Section 16 of the Act; (3) reviewing the public use to be served by the Project, the proposed location of the Project, and the impact the Project may have on the environment and residents of the locality where the Project will be constructed, pursuant to Article 2 of the EDPL; and (4) giving all interested persons an opportunity to comment upon the proposed transfer of land in furtherance of the Project, pursuant to Section 6 of the Act.

Project Location and Description

The Project area is located on the far west side of Manhattan and consists of (i) the airspace over active railyards bounded by West 30th Street, West 33rd Street, 11th Avenue and 12th Avenue (Route 9A) and referred to as Tax Block 676, Lot 3 (the “MTA Parcel”); and (ii) the street bed of West 33rd Street (including the airspace above), and certain airspace over the street bed of West 30th Street (approximately 13 feet wide by 800 feet long), each between 11th and 12th Avenues, (the “City Parcels”). The Project also entails the development of a pedestrian bridge that will cross over Route 9A at 33rd Street. The Project contemplates the development of a multi-use facility, to be known as the New York Sports and Convention Center (“NYSCC”), with seating capacity of approximately 75,000, that will be constructed upon a steel and concrete platform above the Project site to be utilized for professional football events, conventions and trade shows and special events.

A number of ESDC discretionary actions are subject to review pursuant to the Act and the EDPL, including ESDC’s approval of the General Project Plan, the acquisition of

an interest in real property, including the condemnation of New York City land and disposition of the Project site by ESDC. After the public hearing is held and the public comment period is concluded, pursuant to applicable laws, ESDC, as an involved agency, will adopt findings pursuant to the State Environmental Quality Review Act (“SEQRA”) and may affirm, or if appropriate, modify the General Project Plan and make statutory findings under the EDPL.

In furtherance of the Project, ESDC expects to exercise its statutory authority to override local zoning requirements that apply to the Project site and to override City requirements regarding the City Map for the City Parcels and any other local laws which are inconsistent with the General Project Plan.

Proposed Property Acquisition and Transfer

The General Project Plan contemplates that ESDC will acquire title to the City Parcels by exercise of its statutory power of eminent domain and acquire a leasehold interest in the MTA Parcel. ESDC will lease to New York Jets Development LLC (“Jets Development”), an affiliate of the New York Jets LLC, through a Local Development Corporation that will be established to assist in financing the Project, the MTA Parcel and a portion of the City Parcels, for the purposes of building and operating the New York Sports and Convention Center. The lease to Jets Development will have a term of 49 years, with options that could extend the term to 99 years. Jets Development will make various payments under the lease and related agreements, including nominal rent payments to ESDC, and payments to the MTA to compensate the MTA for the fair market value of air rights over the Project site and incremental operating costs that will

be incurred by the MTA. Jets Development will be obligated, at its sole cost and expense, to operate, maintain and repair the NYSCC.

Availability of the General Project Plan and Environmental Impact Statement

An analysis of the environmental impact of the Project is included within the Draft Generic Environmental Impact Statement ("DGEIS") and will be included within the Final Generic Impact Statement ("FGEIS") for the No. 7 Subway Extension - Hudson Yards Rezoning and Development Program, prepared by the Metropolitan Transportation Authority and the City of New York City Planning Commission, as co-lead agencies. The General Project Plan, which contains a detailed description of the Project, as well as the DGEIS, is on file at the Corporate Office of ESDC (and the FGEIS will be on file, when available), 633 Third Avenue, New York, New York 10017 and is available for inspection by the general public between the hours of 9:30 a.m. to 5:00 p.m., Monday through Friday. (The DGEIS and FGEIS for the No. 7 Subway Extension - Hudson Yards Rezoning and Development Program may also available for viewing at the websites <http://www.mta.nyc.ny.us/capconstr/7ext/documents.htm>, and <http://www.nyc.gov/html/dcp/html/hyards/eis.html>).

Copies of the General Project Plan and the executive summary of the DGEIS are available, without charge, to any person requesting such copies at the office of ESDC at the address given above or by calling Suzanna Blaskovic at (212) 803-3771. Pursuant to Section 16(2) of the Act, ESDC also has filed a copy of the General Project Plan, including the findings required pursuant to Section 10 of the Act, in the office of the

Clerks of the County and City of New York, and has provided copies thereof to the Mayor of the City of New York, the Borough President of the Borough of Manhattan, the Chair of the City Planning Commission, and the Chair of Manhattan Community Board No. 4. Copies of the General Project Plan will also be available at the public hearing.

Receipt of Comments

Comments on the General Project Plan and the proposed acquisition and transfer of the Project site are requested and may be made orally or in writing at the hearing on December 16, 2004, or presented in writing to ESDC at 633 Third Avenue, New York, New York 10017 (Attention: Steven Matlin) on or before January 17, 2005. According to EDPL Section 202(C), those property owners who may subsequently wish to challenge the condemnation of their property via judicial review, may do so only on the basis of issues, facts, and objections raised at the hearing. Comments received after the close of business on January 17, 2005 will not be considered.

Dated: November 9, 2004
New York, New York

NEW YORK STATE URBAN
DEVELOPMENT CORPORATION D/B/A
EMPIRE STATE DEVELOPMENT
CORPORATION

By: _____
Eileen McEvoy
Corporate Secretary