

Matter of City of New York
2021 NY Slip Op 31323(U)
April 19, 2021
Supreme Court, Kings County
Docket Number: 511264/2018
Judge: Wayne P. Saitta
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At IA Part 89, of the Supreme Court of the State of New York, held for the County of Kings, at 360 Adams Street in the Borough of Brooklyn, City and State of New York, on the 19th day of April, 2021

P R E S E N T:

HON. WAYNE P. SAITTA,

JUSTICE

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In the Matter of the Application of

Index No. 511264/2018

THE CITY OF NEW YORK,

**ORDER, JUDGMENT, AND
FINAL DECREE**

Petitioner,

To Acquire by Exercise of its Powers of Eminent Domain Title to an Estate for a Term of Eight Years in Certain Real Property Known as Tax Block 425, Lot 1, Located in the Borough of Brooklyn, Required for the

COMBINED SEWER OVERFLOW CONTROL FACILITY – GOWANUS CANAL SUPERFUND REMEDIATION; PHASE II.

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The City of New York made application to this Court for an order authorizing the condemnation of real property in the above captioned proceeding, and directing that the compensation to the owners of said real property be determined by this Court without a jury; and,

The making of said application was authorized by the Deputy Mayor of the City of New York on May 18, 2018 (Certificate No. CBX 8573); and,

The said application was granted by an order of this Court dated September 27, 2018, and entered in the office of the Clerk of the County of Kings on October 4, 2018 and title to the real property vested in the City of New York on October 31, 2018; and,

A written stipulation was entered into between the City of New York and 270 Nevins St. Properties LLC and Nevins Canal Corp., the fee claimants for Damage Parcel 1 (Brooklyn Block 425, Lot 1) (shown in the damage and acquisition map annexed hereto), whereby any or all claims arising from the acquisition of said damage parcel were settled for the sum of **EIGHTEEN MILLION DOLLARS AND NO CENTS (\$18,000,000.00)**, including any advance payments, with interest on the entire amount of the award, at a rate of 6% per annum, from title vesting date, October 31, 2018, until date of availability of payment (provided, however, that no additional interest shall accrue on any advance payment or supplemental advance payment which has already been made available); and,

The said stipulation is annexed hereto; and,

The Court, after reviewing the above-referenced stipulation, finds that the terms thereof provide for just compensation for the property taken; and,

The parties have further stipulated to waive the filing of a tentative decree, the giving of notice to file objections and the filing and hearing of objections; and they have also waived a judicial viewing of the property; and,

The owners of the property that is the subject of this Decree and the amount of compensation to be awarded to said owner are set forth in the tabular abstract annexed hereto; and,

NOW, THEREFORE, IT IS HEREBY:

ORDERED, ADJUDGED AND DECREED, that the amount set forth as a final award in the tabular abstract annexed to and made part of this Final Decree, amounting to the sum of **EIGHTEEN MILLION DOLLARS AND NO CENTS (\$18,000,000.00)**, with interest on the entire amount of said award, excluding any advance payments, at a rate of 6%, per annum, from the title vesting date, October 31, 2018, until the date of availability of payment, constitutes and is just compensation, which the owners of the said damage parcel is entitled to receive from the City of New York for the taking of the property in this proceeding, which amount has been ascertained and determined as of October 31, 2018, the date of vesting of title in the City of New York; and it is further

ORDERED, ADJUDGED AND DECREED, that no additional interest shall accrue on any advance payments or supplemental advance payments that have already been made available to claimants; and it is further

ORDERED, ADJUDGED AND DECREED, that the award as set forth in the said tabular abstract is subject to all taxes, assessments, water rates, and other lawful charges due and unpaid and a lien on the property acquired herein; and it is further

ORDERED, ADJUDGED AND DECREED, that pursuant to § 702(A)(3) of the EDPL, the owner of a condemned parcel of real property herein who has paid taxes, water rates, sewer rents, or other lawful charges covering a period subsequent to the vesting of title therein in the City of New York, shall be reimbursed therefor in the sum which is allocable to the period subsequent to the vesting of title; and it is further

ORDERED, ADJUDGED AND DECREED, that the Comptroller of the City of New York, in case of abandoned awards herein, upon payment of those awards to the Commissioner of Finance of the City of New York or the Comptroller of the State of New York, as required by law, shall deduct from such awards all unpaid taxes, assessments, water rates and other lawful charges which are liens upon said awards, and upon making such payment to the Commissioner of Finance of the City of New York, or the Comptroller of the State of New York, the City of New York shall be discharged from any and all liability in respect to said award so paid.

ENTER IN KINGS COUNTY



J.S.C.