

# Staff Summary

<b>Subject</b> <b>EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS RELATED TO THE ACQUISITION OF PROPERTY INTERESTS FOR METRO-NORTH ADA IMPROVEMENTS AT THE WILLIAMS BRIDGE STATION ON THE HARLEM LINE</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>DAVID FLORIO</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>XAVIER CARRERA</b>

<b>Date</b> <b>OCTOBER 25, 2023</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	10/23/23		X	
2	Finance Committee	10/23/23	X		
3	Board	10/25/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

**AGENCY:** MTA Metro-North Railroad (“MNR”)  
**PROJECT:** Metro-North ADA Improvements at the Williams Bridge Station on the Harlem Line  
**USE:** Permanent and temporary easements in support of the Project  
**ACTION REQUESTED:** Approval of Determination and Findings under the New York Eminent Domain Procedure Law

**COMMENTS:**

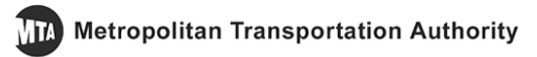
MNR is proceeding with the acquisition of property interests required for the ADA Improvements at the Williams Bridge station. In connection with the Project, the Williams Bridge station requires several temporary easements and one permanent easement from a private owner. The properties listed on the attachment to this Staff Summary include temporary construction staging and temporary and permanent air rights on several lots currently targeted for acquisition for the Project. Efforts are underway to acquire these property interests by negotiated agreements. In the instances where the MTA cannot reach agreements with the affected property owners, legal proceedings were commenced under Article 2 of the New York State Eminent Domain Procure Law (“EDPL”).

On October 4, 2023, the MTA held an EDPL public hearing to describe the public use, benefit, and purpose of the ADA improvements at Williams Bridge, as well as its general impact on the environment. Notices of this public hearing were published in newspapers, as required under the EDPL. Property owners and other interested parties were also given advance notice of the hearing by mail. Both immediately before and after the hearing, representatives of the MTA and MTA Construction and Development (“C&D”) attended this hearing.

Following a presentation by the MTA’s hearing officer, public speakers made statements about the Project and/or the proposed property acquisitions. In addition, written comments about the Project and/or the proposed property acquisitions were received by the MTA prior to the end of the written submission period at 5:30 p.m. on October 13, 2023. A summary of the statements and written comments is attached.

# Staff Summary

## FINANCE COMMITTEE MEETING



### **EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS RELATED TO THE ACQUISITION OF PROPERTY INTERESTS FOR METRO-NORTH ADA IMPROVEMENTS AT THE WILLIAMS BRIDGE STATION ON THE HARLEM LINE (Cont'd.)**

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After due consideration of all statements and comments received during and after the EDPL public hearing on October 4, 2023, the MTA staff recommends Board approval of the acquisition, by eminent domain, if necessary, of the property interests described in the attached Determination and Findings. Moreover, the MTA, C&D and Project staff will continue to work with property owners, tenants and other potentially affected parties as the Project moves forward to mitigate Project-related impacts as much as possible.

#### STATEMENTS, WRITTEN COMMENTS AND RESPONSES THERETO:

A summary of the statements and written comments made at the public hearing and during the written submission period following the hearing and the responses thereto is attached for the Board's consideration.

#### DETERMINATION AND FINDINGS:

Copies of the Determination and Findings under the EDPL are attached for the Board's consideration and approval.

MTA Real Estate hereby requests Board approval of the attached Determination and Findings, and authorization for MTA staff and counsel to pursue Eminent Domain proceedings to acquire the required property interests by eminent domain, if necessary.

## **DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW**

### **METRO-NORTH ADA IMPROVEMENTS AT THREE BRONX STATIONS - HARLEM LINE PROJECT**

On October 25, 2023 the Board of the Metropolitan Transportation Authority ("MTA") approved the acquisition of property interests described below by eminent domain or otherwise. In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the MTA Board made its Determination and Findings for the Metro-North ADA Improvements at Three Bronx Stations – Harlem Line Project by adopting the following statutory findings:

**1. EDPL Public Hearing.** On October 4, 2023 MTA held an EDPL public hearing to inform the public and to receive the public's comments on proposed property acquisitions for the Metro-North ADA Improvements at Three Bronx Stations – Harlem Line Project ("Project"). All oral comments received at the hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

**2. Location of Property Required for the Project.** The location and nature of the property interests required for the Project, and hereby approved for acquisition, are as described on the chart below.

At the October 4, 2023 public hearing and in letters and maps mailed to property owners and interested parties prior to the public hearing, MTA provided more detailed descriptions of the required property interests and estimated time frame when the property interests would be needed for the Project, currently estimated as Q2 2024.

MTA reserves the right to acquire a lesser interest in any of the properties described below, or to refrain from acquiring any of such property interests, as dictated by the needs of the Project.

**3. Public Use, Purpose and Benefits and Reasons for Selecting the Project Locations:** The Project consists of Americans with Disabilities Act ("ADA") Station improvements at three (3) Metro-North Harlem Line stations in the Bronx. The Stations include Botanical Garden, Williams Bridge and Woodlawn.

Botanical Garden Station will be a state of good repair project. The scope of work for this station includes, but is not limited to, structural repairs to both platforms, including full replacement of select piers and platform sections; ADA upgrades to stairs, ramps, and walkways; a full replacement of the wood canopy; new inbound canopy shelters and ADA ramps; and station upgrades consistent with Metro-North Railroad's ("MNR") Enhanced Station Initiative (ESI) and Customer Service Initiative (CSI). Williams Bridge and Woodlawn Stations are complete station replacements with the addition of ADA access. The scope of work for these stations includes, but is not limited to, full replacement of both platforms with the incorporation of a snow melt system, piers, and foundations; full stairway replacement on both platforms; new ADA accessible elevators; an extension of the inbound platform; and station upgrades consistent with MNR's ESI and CSI programs.

**4. General Effect of the Project on the Environment and Residents of the Locality.** The Project is exempt, pursuant to New York State Public Authorities Law 1266 (11), from the requirements of New York State Environmental Conservation Law Article 8, also known as the State Environmental

Quality Review Act ("SEORA"), for the following reasons:

- the affected property ("Property") is contiguous to land currently being used for a transportation purpose,
- the Property is less than ten acres in area, and
- the acquisition of the Property will not change in a material respect the general character of the prior transportation use of the contiguous property.

To help minimize potential impacts, MTA will make every reasonable effort to maintain access; control dust, noise, and vibration; screen construction activities; control rodents and pests; and minimize other disruptions, where practicable. MTA's goal is to create an active program of construction security and quality of life controls to ensure community safety.

### **COMMENTS**

At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on October 13, 2023.

The following summarizes the comments received: Suggestions for sound mitigation in the station design.

All comments have been given careful, extensive, and due consideration by MTA.

### **DETERMINATION**

Based on due consideration of the record and the foregoing findings, it was determined that the MTA should exercise its power of eminent domain to acquire the property interests set forth in the chart below in order to promote and permit the purposes of the Metro-North ADA Improvements at Three Bronx Stations – Harlem Line Project to be achieved.

Copies of this Determination and Findings are available and will be forwarded without cost and upon request, by writing to:

Joseph O'Donnell, Director of Public Affairs  
MTA Construction & Development  
2 Broadway, D8135,  
New York, N.Y.10004

**ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE A LEGAL PROCEEDING IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL § 207 AND § 208, THE EXCLUSIVE VENUE FOR SUCH PROCEEDING IS THE APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT, 27 MADISON AVENUE, NEW YORK, NEW YORK 10010.**

### **Acquisition of fee interests and permanent easements for the Metro-North ADA Improvements at Three Bronx Stations – Harlem Line Project:**

<b>Borough</b>	<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Type of Interest</b>
Bronx	3357	216	3474 Webster Ave	Temporary Easement
Bronx	3357	247	Metro-North Right-of-Way	Temporary & Permanent Aerial Easements
Bronx	3360	120	Metro-North Right-of-Way	Temporary Aerial Easement