

**Attachments:** EDPL Public Hearing Notice 04-20-10.pdf

This is to advise you that the Metropolitan Transportation Authority ("MTA") will hold a public hearing to discuss the proposed acquisition of property interests and the termination of rights for certain sidewalk encroachments that will be required to construct and operate Phase 1, Contracts 3, 4B, 5A and 5B of a project known as the Second Avenue Subway Project (the "Project"). The time, date and place of the hearing are as follows:

Date: Tuesday, April 20, 2010

Beginning at 6:00 P.M.

Location: Metropolitan Transportation Authority

347 Madison Avenue, 5<sup>th</sup> Floor Board Room (44-45<sup>th</sup>

Streets)

New York, NY (Manhattan)

Attached is an official notice of the public hearing that the MTA published in various newspapers and that gives more information about the hearing. As noted, interested parties will have an opportunity to present oral or written statements at the hearing. In addition, any written comments about the project or proposed property acquisitions or terminations may be submitted until April 30, 2010 to either of the MTA officials listed below. Any such written comments will be included in the official record of the hearing. Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at the public hearing.

As you probably are aware, Phase 1 of the Project will include tunneling between East 92<sup>nd</sup> and East 63<sup>rd</sup> Streets and construction of three stations and related systems. When completed, passenger service will operate from the 96<sup>th</sup> Street station to the existing 63<sup>rd</sup> Street station and continue downtown on the existing Broadway line. Your property is among those affected by Contract 3, 4B, 5A or 5B. Specifically, the MTA anticipates it must acquire temporary / permanent easement and fee interests and terminate rights for certain sidewalk encroachments (shown on the enclosed site maps) in order to construct portions of the 72<sup>nd</sup> Street and 86<sup>th</sup> Street tunnels and stations.

Although subject to change, the MTA anticipates, under the current project schedule, that it will complete its acquisitions of the property interests and terminate rights for certain sidewalk encroachments needed for the construction of the 96<sup>th</sup> Street Station in Manhattan in Contract 3, 4B, 5A and 5B no later than Fall 2010. However, the MTA anticipates that it will contact affected property owners and other affected parties well before that time in an effort to negotiate agreements to acquire the necessary property interests.

The MTA's public hearing under the Eminent Domain Procedure Law is a preliminary step in the property acquisition and sidewalk encroachment termination process and does not automatically mean that the MTA will initiate a court proceeding to acquire your property rights. We will keep you advised as the process moves forward. Please be assured that the MTA will try to acquire as many property rights for the project as possible through negotiated agreements with property owners and other affected parties. In each instance where the MTA is unable to reach agreement with a property owner or affected party, we will provide additional notices and information prior to starting a court proceeding to acquire or terminate the necessary property interests. Where owner or tenant relocation may be required, the MTA also will provide advance notice of benefits and claim procedures under federal relocation laws and regulations.

The MTA, its staff and its consultants intend to work cooperatively with all affected owners and tenants to minimize any disruptions or inconveniences associated with the property acquisition and construction for this important public transportation project. We will continue to be in contact with affected parties as the project moves forward. MTA officials also will be available at the hearing site at 5:00 PM, one hour prior to the 6:00 PM start time, to address any questions. In the meantime, please feel free to contact the following MTA officials:

For general questions about the Second Avenue Subway Project, contact:

Alissa Kosowsky

Assistant Director, Government and Community Relations

MTA New York City Transit

2 Broadway

New York, NY 10004

Tel. (646) 252-2656

Fax. (646) 252-2662

For general questions about the eminent domain process, contact:

Anthony P. Semancik

Deputy General Counsel

347 Madison Avenue

New York, NY 10017

Tel. (212) 878-7248

Fax. (212) 878-1240