

## **APPENDIX O**

### **Condition Analysis Report for the Midtown Project Area**



**CONDITION ANALYSIS REPORT  
For The  
MIDTOWN PROJECT AREA**

**November 2006  
#064500**

**Prepared By:**

**CMA Architecture, P.C.  
72 Cascade Dr.  
Rochester, N.Y. 14614  
(585)454-6377**

**CMA** Architecture, P.C.

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*Architecture + Planning + Interior Design*

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## **1. INTRODUCTION**

This project area is located in the northeast portion of downtown Rochester at the center of the city's downtown district and consists of sixteen parcels on approximately 12.96 acres including the Midtown Complex which consists of six buildings that dates from 1901 to the early 1970's. Midtown Plaza at the center of the complex was built in 1962 is an enclosed shopping mall which was a destination for most City and County residents for many years. The Plaza was anchored by two department stores McCurdy's and B. Forman, and Wegmans Food Market. The construction of suburban shopping malls, first in the late 60's, then in the 70's, and 80's, contributed to a decline in consumer need for urban retail space. This decline led to high vacancy rates and the inability to attract new retailers needed compete with suburban malls. In the mid 1990's McCurdy's, B. Forman, Wegmans and a number of other retailers close leaving the Plaza with significant vacant space. In 1997 the mall is sold by the McCurdy family to Arnold Industries of California for \$23.5 million. The introduction of new management was not successful in attracting new retailers and the office space vacancy rates increased leading to foreclosure and the transfer of the property as part of a bankruptcy agreement to the current owner Blackacre Bridge Capital LLC in 2001. Currently it is estimated that less than 10 percent of the Midtown is occupied and value of the property has fallen from an estimated \$40 million in 1997 to \$15 million in 2002. The property was designated as part of Rochester's Empire Zone in 2002, but no significant development has taken place on the site. The project boundary is shown on the Boundary Map included in this report and described in the Legal Description of Lands.

The project boundary may require evaluation and modification because of these factors:

- The underground Midtown Garage extends beyond the proposed project perimeter under Broad Street.
- The existence of two overhead pedestrian bridges and underground truck connection that cross the project boundary lines at the south and west perimeter.

The Cultural Overlay District overlaps the entire project area. Adjacent to the property to the north is the Sibley building and tower which also has a high vacancy rate and is under utilized, to the northwest is also an area of under utilized commercial buildings planned to be redeveloped with the proposed \$230 million Renaissance Square project which will include a performing arts center, bus terminal, and a Monroe Community College campus.

The various structures and properties in the midtown project area are comprised of a mix of mostly commercial/retail and some residential apartments and a hotel, a condition analysis of each parcel is included in this report based on our site observations and information from a condition analysis report of this project area by FJF Architects dated February 2000. Two parcels are owned by the City of Rochester, the City also owns the underground Midtown parking garage.

The soil conditions are relatively consistent throughout the site and are composed mostly of loose, saturated, sandy dirt at the upper surface with bedrock below.

## **2. URBAN RENEWAL STATUTORY REQUIREMENTS/LAND DESCRIPTION**

The Economic Development Department of the City of Rochester retained the urban planning department of CMA Architects, P.C. to conduct a site inspection, research available records and prepare a Condition Analysis Report of the project area. This analysis involves identification of deteriorating and obsolete construction which would contribute to making the area substandard, unsafe, unsanitary and inhibit growth and development. The following criteria will be used to make this determination:

1. Obsolete and dilapidated buildings and structures.
2. Defective construction.
3. Outmoded design.
4. Inadequate maintenance of physical elements.
5. Buildings abandoned or not utilized in whole or substantial part.
6. Hazardous or detrimental uses.
7. Inadequacies in street patterns or intersections.
8. Inadequate access to site (pedestrian or vehicular).
9. Traffic congestion.
10. Adequacy of off-street parking.
11. Adequacy of loading and unloading facilities.
12. Obsolete system of utilities.
13. Difficulty in assemblage. Infeasibility of privately assembling economically feasible development sites because of lack of incentives for private rehabilitation and maintenance activities and the susceptibility of the area to further deterioration and neglect, depreciation of values, lack of investment and reduced tax revenues.
14. Historic/preservation/park.

The results of the condition analysis for each parcel using the above factors are provided in the chart beginning on page 11.

Article 15 – URBAN RENEWAL of the New York State Consolidated Laws is attached

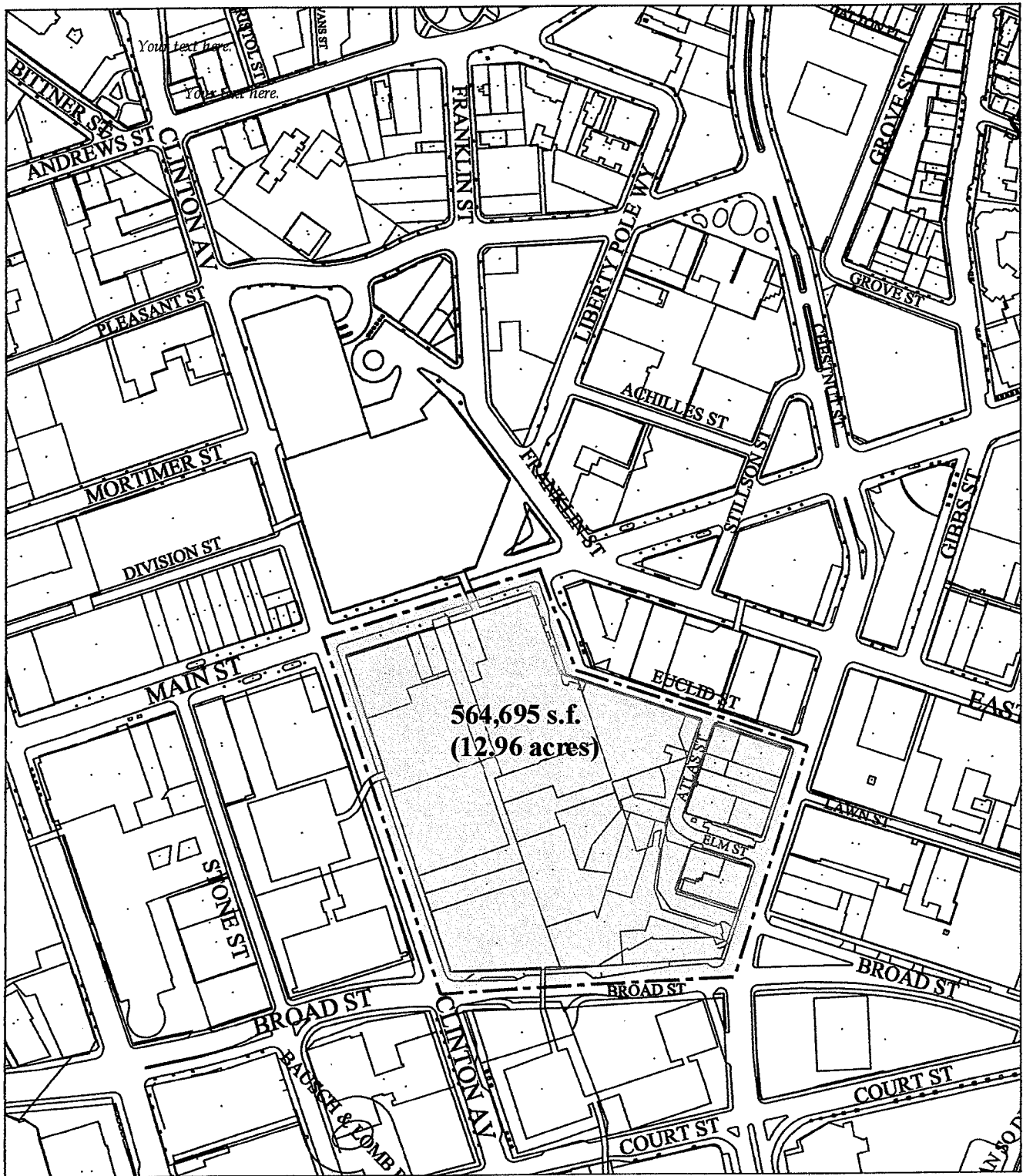
**LEGAL DESCRIPTION OF LANDS  
KNOWN AS  
THE MIDTOWN PROJECT AREA**

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and more particularly bounded and described as follows:

Beginning at a point of intersection of the centerline of East Main Street and the centerline of Euclid Street;

- 1) Southerly along Euclid Street to an angle point in said centerline; thence
- 2) Southeasterly continuing along the centerline of Euclid Street to the centerline of Chestnut Street; thence
- 3) Southwesterly along the centerline of Chestnut Street at the centerline of East Broad Street; thence
- 4) Westerly along the centerline of East Broad Street to the centerline of South Clinton Avenue; thence
- 5) Northerly along the centerline of South Clinton Avenue to the centerline of East Main Street; thence
- 6) Easterly along the centerline of East Main Street to the centerline of Euclid Street and the point or place of beginning.

Intending to describe a parcel of land approximately 12.96 acres, more or less.



## Midtown Project Area





#### 4. PROPERTY CONDITION ANALYSIS

Each of the properties within the Midtown Project Area Urban Renewal District has been evaluated using the following legislated criteria.

- |   |  |
|---|--|
| 1. Obsolete and dilapidated bldgs./structures | 8. Inadequate access to site                     |
| 2. Defective construction                     | 9. Traffic congestion                            |
| 3. Outmoded design                            | 10. Adequacy of off-street parking               |
| 4. Inadequate maintenance                     | 11. Adequacy of loading and unloading facilities |
| 5. Buildings abandoned or under utilized      | 12. Obsolete system of utilities                 |
| 6. Hazardous or detrimental uses              | 13. Difficulty in assemblage                     |
| 7. Inadequate street patterns/intersection    | 14. Historic/preservation/park                   |

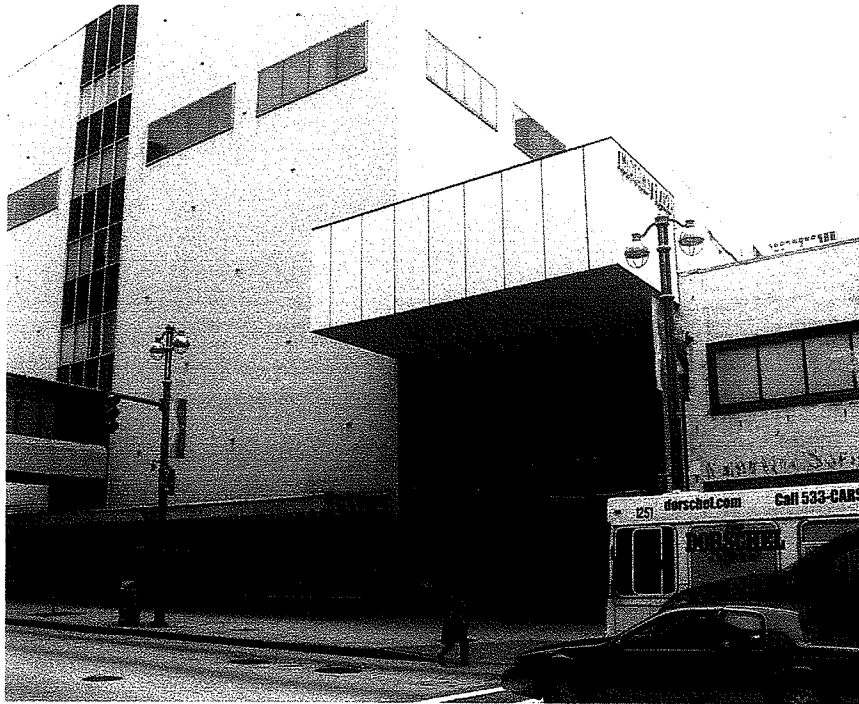
CODE & PAGE	PROPERTY	SBL. I.D.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<b>A</b>	<b>MIDTOWN COMPLEX</b> 100 S. Clinton Ave. Regional Shopping Cent.	121.240.0001.024.001														
A.1	1. Midtown Tower				•	•	•	•					•	•		
A.2	2. Midtown Plaza				•	•	•	•					•	•		
A.3	3. Euclid Building				•	•	•	•	•			•	•		•	
<b>B</b>	<b>McCURDY BUILDING</b> 285 E. Main St. Large Retail Store	121.240.0001.008.001			•	•	•	•						•	•	
<b>C</b>	<b>B. FORMAN BUILDING</b> 32-58 S. Clinton Ave. Large Retail Store	121.240.0001.029.000	•		•	•	•					•		•	•	
<b>D</b>	<b>SENECA OFF. BLDG.</b> 18-26 S. Clinton Ave. Office Building	121.240.0001.028.000						•							•	
<b>E</b>	<b>MIDTOWN PLAZA UNDERGROUND PARKING</b> 110 S. Clinton Ave.	121.320.0002.001.000						•	•							
<b>F</b>	<b>FOX RICHARD CO.</b> 255-257 E. Main St. Attached Row Bldg.	121.240.001.005.000	•		•	•	•	•		•				•	•	
<b>G</b>	<b>CHARTER ONE BANK</b> 249-253 E. Main St. Detached Row Bldg.	121.240.0001.004.000			•		•			•						
<b>H</b>	<b>CITIZENS BANK</b> 233-247 E. Main St. Bank Complex	121.240.0001.003.000			•				•	•	•	•			•	

1. Obsolete and dilapidated bldgs./structures
2. Defective construction
3. Outmoded design
4. Inadequate maintenance
5. Buildings abandoned or under utilized
6. Hazardous or detrimental uses
7. Inadequate street patterns/intersection

8. Inadequate access to site
9. Traffic congestion
10. Adequacy of off-street parking
11. Adequacy of loading and unloading facilities
12. Obsolete system of utilities
13. Difficulty in assemblage
14. Historic/preservation/park

CODE & PAGE	PROPERTY	SBL. I.D.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
I	EUCLIDS SQ. CORP. 65-67 Chestnut St. Office Building	121.240.0001.022.000	•		•	•	•	•		•	•			•		
J	WILSON-RICHFORD 89-95 Elm St. Vacant Commercial Land	121.240.0001.021.000	•			•				•					•	
K	CADILLAC HOTEL 45-51 Chestnut St. Hotel	121.240.0001.014.000	•		•	•			•	•					•	
L	CITY OF ROCHESTER 88-94 Elm St. Office Building	121.240.0001.015.000	•		•	•	•	•	•	•				•	•	
M	RALDON C. C. PROP. 41 Chestnut St. Attached Row Bldg.	121.240.0001.013.000			•	•	•			•				•	•	
N	MAXIMUS COL. 45 Euclid St. Detached Row Bldg.	121.240.0001.010.000			•	•			•	•		•			•	
O	ACTION FOR A BETTER COMMUNITY 27-33 Chestnut St. Office Building	121.240.0001.011.000								•		•	•			
P	RALDON C. C. PROP. 6 Atlas St. Detached Row Bldg.	121.240.001.016.000			•	•				•		•			•	
Q	CHATHAM LLC. 35 Chestnut St. Apartment Building	121.240.0001.012.000			•				•	•					•	

## A. MIDTOWN COMPLEX



- *Introduction*

Midtown Plaza developed into its current configuration since its opening in April of 1962 via a number of additions to the property. The bulk of the construction occurred with the development of the Midtown Plaza Mall in 1962 designed to integrate two existing downtown department stores, McCurdy's and B. Forman's. The other buildings were subsequently developed around the plaza, thereby linking the entire project. For purposes of this report, "Midtown Complex" will be used for identification of Midtown Plaza, Midtown-Tower and the Euclid Building.

Since its opening in 1962 as the nation's first downtown indoor shopping and office complex, Midtown Plaza was recognized as the heart of downtown Rochester and an icon for the community. Over the years, the role it plays as a downtown destination for business and retail along with being a community gathering place has eroded due to some of the following reasons:

- Lack of overall required maintenance and repairs.
- Lack of investment to update outmoded designs and features.
- Abandoned service features.
- Retail becoming more geared to the suburbs.

- *Features*

- Midtown Complex consists of five office and retail buildings integrated into the mall and the 2<sup>nd</sup> floor pedestrian skyway system.

- The complex consists of over 1,250,000 square feet of office, retail and public circulation space.
- The Midtown Service Tunnel provides service to all of the building in the Midtown Complex and was considered one of downtown's best infrastructure assets. This tunnel does have a major liability in terms of not having a comprehensive life safety plan in the event of a fire. In case of emergency, the number of exits and distances to these exits could be a major issue. This threat applies to all of the Midtown Complex properties including Midtown Plaza, Euclid Building, B. Forman Building, McCurdy Building, Midtown Tower and the Seneca Building.

- *Location & Accessibility*

The property is located within the Inner Loop, a perimeter expressway surrounding the downtown area, and is located right off of expressway 490 which makes the area very easily accessible.

Some of the adjacent properties, many of which are connected to the Midtown Complex via the skyway system, are Xerox Square, Bausch & Lomb, Chase Square and the Blue Cross/Blue Shield Building. The buildings serve as major headquarters for all of these companies.

- *Parking*

Directly under the property is a (3) three level municipal parking garage accessing the property via elevator and escalator, which is also tied to the skyway system (see property "E" in the condition analysis report).

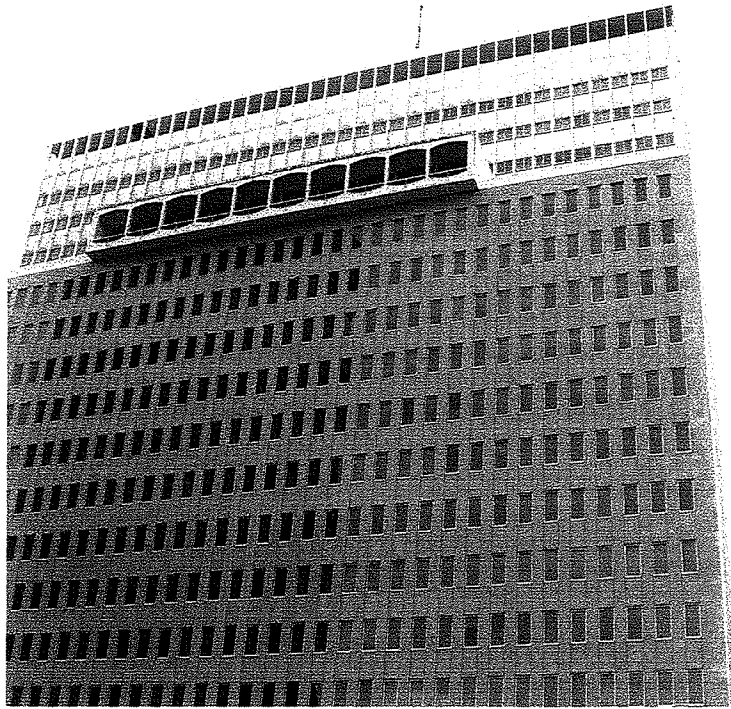
There are (5) five adjacent parking garages within a few blocks of the plaza that provide over 7,700 parking spaces, many of which that can be accessed via the skyway system.

- *Environmental*

The major issue regarding the entire Midtown area is asbestos. Asbestos containing material (ACM), namely spray-on fireproofing, is located throughout the property in both the common areas and tenant spaces. Approximately 89% of Midtown Tower, Euclid building and the Midtown Plaza mall buildings contain ACM.

## A.1 MIDTOWN TOWER

100 S. Clinton Avenue – Tax no. 121.240.0001.024.001



- *Overview*

Midtown Tower is a 17-story office building that was built simultaneously with the Midtown Plaza mall in 1962. Floors 15-17 were originally developed as a hotel, but have since been converted to office space many years ago. The Top of the Plaza restaurant was located on the fourteenth floor and was been in operation since 1962, but has since closed.

- *Floor Size*

The Tower contains 206,594 square feet of leasable space on floors 3-17. Floors 1 and 2 are retail space and are included as part of the Midtown Plaza mall space.

The building has three basic floor plates:

-Floors 3-13	16,900 sq. ft. each
-Floor 14	11,543 sq. ft.
-Floors 15-17	9,642 sq. ft. each

- *Building Structure*

The foundation is reinforced concrete, some of which serves as the structure for the underground parking garage. The exterior walls are glazed brick veneer over concrete block curtain walls attached to a structural steel frame with thermopane windows in aluminum frames. Decorative metal panels which form the curtain wall are attached to the structural frame on floors 15-17. The floors are mostly corrugated metal decking with poured concrete

slabs supported by structural steel. Floor finishes include carpeting, granite and marble tile and some oak parquet floors. The roof structure is reinforced concrete deck finished with membrane roofing and gravel ballast.

- *HVAC*

The central plant located on the third floor of Midtown Plaza produces central air conditioning served by chilled water from a central plant.

- *Electric*

Traditional & per code. Includes a 4,000 amp and a 600 amp 277/480 volt service, both served by RG&E.

- *Public Utilities*

All available & connected, including city water and sanitary sewers, storm sewers, electricity and natural gas from RG&E and fiber optic networks.

- *Plumbing*

Traditional & per code & functional. Including copper supply lines and cast iron drains throughout the building. A backflow preventer was installed in 1966-67.

- *Elevator/Escalator*

There are (6) six Otis passenger elevators (3,000 lb. capacity): (2) two serving the three-level parking garage and floors 1-4, and the third serves floors 1-17. There is (1) one Otis freight elevator serving floors 1-17 (6,000 lb. capacity). There are no escalators.

- *Fire Protection*

The building was initially developed with a smoke shaft to evacuate smoke and protect tenants in the event of a fire. It is sprinklered on the mall and terrace levels only.

- *Security*

The building is served by a centralized 24 hour security operation that monitors fire, life safety systems and after-hours access throughout the entire Midtown Plaza complex, which also employs numerous on-site security guards. The building is also served by a redundant security system from the adjacent Chase Square.

- *Building Condition Analysis*

The exterior of the building is very outdated and in need of various repairs. The brick veneer needs repointing in numerous locations surrounding the building. The windows are very old and most likely inefficient and in need of replacement.

Midtown Tower has a serious exterior wall deterioration problem. There have been efforts over the past 30 years to come up with a way to fix the problem with no apparent solution. Also, the decorative "eyebrow" overhang on the 14<sup>th</sup> floor has heavy marble slabs supported by stainless steel angles that in turn may be compromised by a corrosion damaged substructure.

The interior of the building is also very outdated and in need of many numerous repairs. The walls have substantial cracking and need to be patched and repainted. The floor finishes are worn and cracked in many locations.

## A.2 MIDTOWN PLAZA

100 S. Clinton Avenue – Tax no. 121.240.0001.024.001



- *Overview*

Midtown plaza, located in the middle of downtown Rochester, was opened in 1962 as the nation's first downtown indoor shopping and office complex. It is currently owned by Midtown Rochester Properties LLC.

Midtown Plaza is the hub of an extensive downtown skyway system linking it with major downtown office buildings, including Chase Manhattan Plaza, Xerox Square, Bausch & Lomb Place, Rochester Public Library, Monroe Community College, Clinton Square and the Hyatt Hotel.

Entrances to the mall are on Main Street, Clinton Avenue, Broad Street and Euclid Street. The mall is also served by the 2,000 car underground garage.

Trailways, Greyhound and regional bus terminals are located at the southern entrance to the Midtown Plaza mall.

- *Floor Size*

The 203,474 square foot mall has (2) two floors of retail shops with an open center mall (approximately 100 ft. x 300 ft.) and a food court.

The 1<sup>st</sup> floor contains 107,236 square feet of leaseable retail space.

The 2<sup>nd</sup> floor contains 96,238 square feet of leaseable retail space.



- *Building Structure*

The building is constructed of reinforced concrete and steel frame, with the 15 inch concrete slab serving as the roof of the three level underground parking garage and the mall floor structure. The exterior walls consist of face brick veneer over concrete block curtain walls. The floors are reinforced concrete carried by a concrete or a fireproof steel frame. Floor finishes include quarry tile, slate tile, ceramic tile, sheet vinyl, parquet & oak floors. The roof is a reinforced concrete deck with membrane roofing and gravel ballast.

- *HVAC*

The central air conditioning system is served by chilled water from a central plant.

- *Electric*

Traditional & per code. Includes a 1,200 amp 277/480 volt service for the building proper.

- *Public Utilities*

All available & connected, including city water and sanitary sewers, storm sewers, electricity and natural gas from RG&E at metered rates.

- *Plumbing*

Traditional & per code & functional. Including copper supply lines and cast iron drains throughout the building. The entire plaza is sprinklered on the mall and terrace levels. The mall is also served by a smoke evacuation system.

- *Elevator/Escalator*

There are (6) six Otis escalators connecting floors 1 and 2, and (6) six additional escalators provide access to the underground parking garage.

- *Security*

The building is served by a centralized 24 hour security operation that monitors fire, life safety systems and after-hours access throughout the entire Midtown Plaza complex, which also employs numerous on-site security guards. The building is also served by a redundant security system from the adjacent Chase Square.

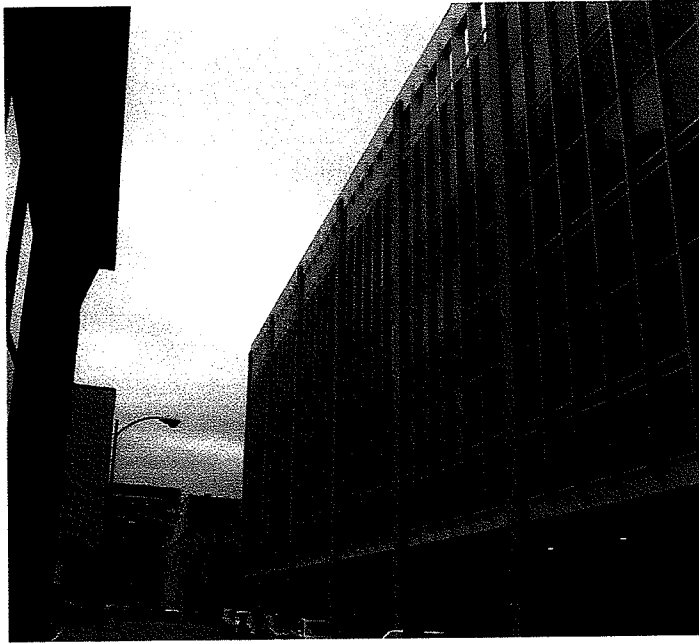
- *Building Condition Analysis*

The exterior of the building is very outdated and in need of various repairs. The brick veneer needs repointing in numerous locations surrounding the building and also needs to be cleaned. The glass entrance doors are rusted and need to be replaced. The area housing the Trailways, Greyhound and regional bus terminals is in need of major repair. The asphalt has many pot holes and sink holes, the sidewalk is heaving and has numerous cracks and the canopy used for pedestrian loading and loading has cracked plaster on its concrete ceiling. The metal fascia is rusted and needs to be repainted also.

The interior is also very outdated. The floor tile is cracked throughout the mall, and missing in some locations. The common area's need to be cleaned and repainted. The individual tenant spaces are well maintained for the most part. The lighting in the mall is extremely outdated and very dull, creating many dark spots as you walk through the mall.

The greatest liability in the mall is the dual asbestos condition; both the ceiling and structural steel fireproofing contain asbestos fiber.

**A.3 EUCLID BUILDING**  
**100 S. Clinton Avenue – Tax no. 121.240.0001.024.001**



- *Overview*

The Euclid Building was constructed in 1963. It is a (4) four-story steel framed structure with 50,652 square feet of leaseable area. It is currently owned by Midtown Rochester Properties LLC.

An underground vault exists at the corner of Euclid and Atlas. Because it was located on private property, it was not filled during the city sidewalk and vault removal initiative.

A portion of the first floor is dedicated to the Midtown Service Tunnel entrance. The portion of the building over the tunnel is supported by a large transfer girder that spans the tunnel.

- *Floor Size*

The building has 50,652 square feet of leaseable area with about 15,793 sq. ft. per floor.

- *Building Structure*

The foundation is of reinforced concrete spread footings. The exterior curtain wall consists of blue porcelain enamel steel panels and thermopane glazing set in anodized aluminum frames. Supporting columns are finished with aggregate panels and limestone veneer trim. The floors are corrugated metal deck with poured concrete slabs supported by a steel frame. Floor finishes include carpeting, vinyl tile and ceramic tile. The roof structure is reinforced concrete deck with a membrane and gravel ballast.

- *HVAC*

Steam heat is provided from the central plant located on the east side of Midtown Plaza. Central air conditioning is provided with chilled water from a central plant.

- *Electric*

Traditional & per code.

- *Public Utilities*

All available & connected, including city water and sanitary sewers, storm sewers, electricity and natural gas from RG&E at metered rates.

- *Plumbing*

Traditional & per code & functional. Including copper supply lines and cast iron drains throughout the building. A standpipe system services the entire building and sprinklers are installed on the first and second floors. An emergency overflow emptying into the underground service tunnel was installed because of the large water main located under the basement slab.

- *Elevator/Escalator*

There are (2) two Otis passenger elevators (3,000 lb. capacity) serving all floors.

- *Security*

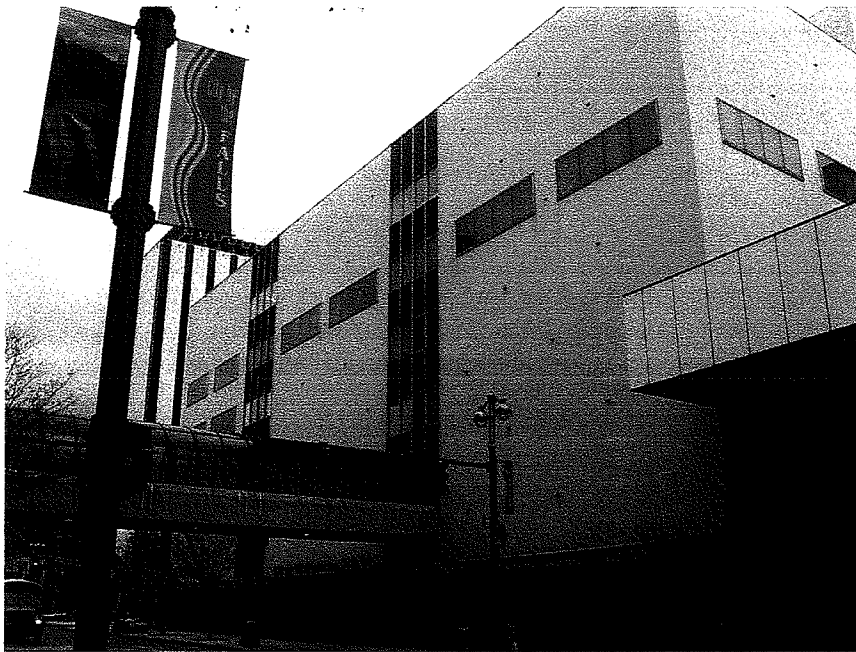
The building is served by a centralized 24 hour security operation that monitors fire, life safety systems and after-hours access throughout the entire Midtown Plaza complex, which also employs numerous on-site security guards. The building is also served by a redundant security system from the adjacent Chase Square.

- *Building Condition Analysis*

The exterior of the building is very outdated and in need of various repairs. The exterior steel panels are rusting and need to be cleaned. The glazing is old and most likely inefficient. The entire exterior of the building needs to be cleaned. The interior is also very outdated. The floor finishes are worn & cracked in many locations and need to be replaced. The walls need to be repainted and the toilet rooms are outdated and not handicap accessible.

**B. McCURDY BUILDING**

**285 East Main St. – Tax no. 121.240.0001.008.001**



- *Overview*

The McCurdy building is a (6) six-story retail store (was previously occupied by the McCurdy's Department Store) of 5 buildings built over a 100 year period. The NE corner was built in 1901-1905 (originally 4 stories high). The NW corner was built in 1970. All of the buildings were designed with the structural capacity for adding an additional 4 floors. Portions of the NW and SE buildings have a sub-basement. The building is currently owned by Midtown Rochester Properties LLC.

- *Floor Size*

The building has a total of 377,118 square feet with approximately 64,770 square feet of leaseable area per floor and sits on 1.37 acres.

The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors are former retail floors. The first floor features perimeter storefront and the second floor has access to the skyway system.

- *Building Structure*

The foundation is masonry. The basement walls consist of stone and reinforced concrete. The building is of steel frame and masonry construction. Some wall sections are load bearing masonry walls. The exterior walls consist of glazed brick and granite panels. The floors are reinforced concrete carried by concrete or a fireproofed steel frame. Flooring

includes vinyl tile, carpeting ceramic tile, quarry tile and concrete. The roof is flat with both a built-up system of composition roofing, tar & gravel and also an insulated membrane system.

- *HVAC*

Heat is provided by (2) two gas/oil fired boilers. Central air conditioning is provided by chilled water from a central plant.

- *Electric*

Traditional & per code. Includes (2) two 3,000 amp 120/208 volt services and a high voltage system.

- *Public Utilities*

All available & connected, including city water and sanitary sewers, storm sewers, electricity and natural gas from RG&E.

- *Plumbing*

Traditional & per code & functional. Including copper supply lines and cast iron drains throughout the building. The building is sprinklered throughout and has an expansive standpipe system.

- *Elevator/Escalator*

There are (6) six passenger elevators; (4) four service the retail areas on floors B-6, and (2) two are devoted exclusively for floors 1,4,5 and 6. There are also (2) two freight elevators. Escalators are in place between the basement and floors 1,2 & 3.

- *Security*

The building is served by a centralized 24 hour security operation that monitors fire, life safety systems and after-hours access throughout the entire Midtown Plaza complex, which also employs numerous on-site security guards.

- *Building Condition Analysis*

The exterior of the building is somewhat outdated and in need of various repairs. The brick veneer needs repointing in numerous locations surrounding the building and also needs to be repainted. The windows are old and inefficient. The interior was remodeled in 1986 and is more updated than the exterior. The interior is in need of new floor finishes and repainting.

**C. B. FORMAN BUILDING**  
**32-58 S. Clinton Avenue – Tax no. 121.240.0001.029.000**



- *Overview*

The building's current (6) six-story configuration is the result of several expansions to the original structure built in 1920. The lower (2) two floors are retail space with Peebles department store occupying the first floor. The second floor is currently vacant. The upper three floors have been subsequently re-developed into office space which appears to currently be vacant. The current owner is Midtown Rochester Properties LLC.

- *Floor Size*

The building has a total of 140,616 square feet of leaseable area and sits on .84 acres. The square footage per floor is as follows:

-Basement:	34,000 sq. ft.	-4 <sup>th</sup> floor:	18,000 sq. ft.
-1 <sup>st</sup> -3 <sup>rd</sup> floors:	38,000 sq. ft.	-5 <sup>th</sup> -6 <sup>th</sup> floors:	4,420 sq. ft.

- *Building Structure*

Basic construction includes stone, brick & reinforced concrete. Exterior walls are painted brick, limestone veneer with plate glass display windows. The floors are mainly reinforced concrete carried by a steel frame. Other floors are wood trussed with sub-flooring, and the floor finishes include vinyl tile, finished concrete, terrazzo, carpeting, marble tile & sheet vinyl.

- *HVAC*

Heating and air conditioning is a combination of hydro-pulse hot water boilers and gas-fired furnaces plus chilled water for air conditioning from the central plant.

- *Electric*

Traditional & per code. Includes (2) two 800 amp 120/208 volt services. Several tenant floors have independently metered electrical services.

- *Public Utilities*

All available & connected. Including city water and sanitary sewers, storm sewers, electricity, natural gas and telephone service.

- *Plumbing*

Traditional & per code & functional.

- *Elevator/Escalator*

Three passenger elevators and one and freight elevator serve all floors and an additional passenger elevator serves the basement and floors 1 through 6.

- *Security*

The building is served by a centralized 24 hour security operation that monitors fire, life safety systems and after-hours access throughout the entire Midtown Plaza complex, which also employs numerous on-site security guards.

- *Building Condition Analysis*

The limestone exterior of the building needs to be cleaned. The glass storefront is very old and needs to be reglazed. The aluminum framing is rusting in many locations and needs to be cleaned. The painted window frames are peeling and need to be repainted. The interior of the building is very outdated and needs various repairs. The flooring is worn and cracked in numerous locations, the walls need to be patched and repainted, and the ceiling tiles and grid need to be replaced in many locations.



**D. SENECA OFFICE BUILDING**  
**18-26 S. Clinton Avenue – Tax no. 121.240.0001.028.000**



- *Overview*

The building is (7) seven stories with 220,703 square feet of leaseable area and was constructed in 1969. Chase Manhattan Bank, now J.P. Morgan Chase, has anchored this building since its opening, although it has recently been revealed that they will be leaving the building ..... The current owner is Midtown Rochester Properties LLC.

The Seneca building is served for loading and service purposes at the midpoint of the underground service tunnel that links Atlas St. to the Convention Center. The tunnel has extensive cross-easement agreements to facilitate joint use.

The basement and floors 1 and 2 are a combination of retail, office, service and storage areas. Floors 3-7 contain J.P. Morgan Chase office space.

- *Floor Size*

The building has a total of 241,269 square feet with approximately 34,600 square feet per floor and sits on .792 acres. There are smaller rentable areas on floors 1 and 2 due to the additional common area allocated to public circulation and retail space.

- *Building Structure*

Basic construction includes masonry foundation and basement walls that consist of reinforced concrete. Exterior walls are glazed brick with one glass curtain wall. The floors are reinforced concrete carried by a fireproofed steel frame.

- *HVAC*

Steam is procured from Rochester District Heating and chilled water is produced in the central plant located in the Seneca building.

- *Electric*

Traditional & per code. Includes a 4,000 amp 277/480 volt service for the building proper. Five other major services supply individual tenant spaces.

- *Public Utilities*

All available & connected, including city water and sanitary sewers, storm sewers, electricity and natural gas from RG&E.

- *Plumbing*

Traditional & per code & functional. Including copper supply lines and cast iron drains throughout the building. The building is sprinklered on the basement, 1<sup>st</sup> and 2<sup>nd</sup> floors with a standpipe system throughout.

- *Elevator/Escalator*

There are (3) three Otis passenger elevators that serve floors 1-7 (3,500 lb. capacity) and (1) one Otis freight elevator serving the basement through the 7<sup>th</sup> floor (5,000 lb. capacity). Escalators serve the 1<sup>st</sup> and 2<sup>nd</sup> floors.

- *Security*

The building is served by a centralized 24 hour security operation that monitors fire, life safety systems and after-hours access throughout the entire Midtown Plaza complex, which also employs numerous on-site security guards. The building is also served by a redundant security system from the adjacent Chase Square.

- *Building Condition Analysis*

The exterior of the building is somewhat outdated and in need of various repairs. The brick veneer needs repointing in numerous locations surrounding the building and also needs to be repainted. The glass curtain wall needs to be cleaned. The interior is also outdated yet well maintained for the most part.

**E. MIDTOWN PLAZA UNDERGROUND PARKING GARAGE**  
**110 S. Clinton Avenue – Tax no. 121.320.0002.001.000**



- *Introduction*

The Midtown Parking Garage is a (3) floor parking garage owned by the City of Rochester located below Midtown Plaza and serving any and all of the adjacent buildings. The garage holds 1,843 parking spaces.

- *Floor Size*

Approximately 7 acres per each of three floors.

- *Building Structure*

Reinforced concrete.

- *HVAC*

The use of positive ventilation as an operating mode increases the risk of pushing smoke into buildings adjacent to the tunnel. The original ventilation system was modified several times over the structure's life. Currently, the north side air-supply shafts have been modified to alleviate a carbon monoxide contamination problem.

- *Public Utilities*

Electricity is furnished from two RG&E networks with emergency crossover.

- *Plumbing*

An extensive sump pump system serves sanitary and storm drainage requirements.

- *Elevator/Escalator*

ct the garage levels to the mall.

- *Fire Protection*

A dry sprinkler system is in place. Three passenger elevators serve the three garage levels, Midtown Tower and the Midtown Mall level.

- *Building Condition Analysis*

Overall, the garage is very well maintained and clean. Some of the reinforced concrete walls are spalling and in need of repair. The exposed piping is rusting in many locations and needs to be repainted.

**F. FOX RICHARD CO. (Former Wendy's)**  
**255-257 E. Main St. – Tax no. 121.240.0001.005.000**



- *Overview*

This (2) story building was a former Wendy's operation and was discontinued and the building remains vacant. This can be attributed to inadequate parking. The previous business owner surrendered the site due to poor urban conditions that didn't fit the company's marketing profile. The building was built in 1940 and the current owner is Fox Richard Co.

- *Floor Size*

The building has a total of 6,256 square feet with approximately 3,128 square feet per floor and sits on .072 acres. The building is directly adjacent to the Midtown Plaza entrance on Main St.

- *Building Structure*

Unknown

- *HVAC*

Self-contained & non-functional

- *Electric*

Traditional & disconnected

- *Public Utilities*

All available & disconnected

- *Plumbing*

Traditional & nonfunctional

- *Elevator/Escalator*

None

- *Security*

None apparent

- *Building Condition Analysis*

The exterior of the building is not maintained and needs various repairs. The pre-cast panels have many holes due to previous signage, and the entire exterior needs to be cleaned. The storefront framing is peeling and the glazing is broken in various locations. The interior conditions are unknown but assumed to be outdated and in need of extensive repair.

**G. CHARTER 1 BANK**  
**249-253 E. Main St. – Tax no. 121.240.0001.004.000**



- *Overview*

A (3) three-story office building that was built in 1920. The current owner is Charter One Bank. The building may be vacant, it could not be verified, but it does appear to be empty on the 1<sup>st</sup> floor and there is no signage on the building.

- *Floor Size*

The building has a total of 6,178 square feet with approximately 2,059 square feet per floor and sits on .057 acres.

- *Building Structure*

Unknown

- *HVAC*

Self-contained & assumed functional

- *Electric*

Traditional & per code & assumed connected

- *Public Utilities*

All available & assumed connected

- *Plumbing*

Traditional & per code & assumed functional

- *Elevator/Escalator*

None

- *Security*

No security camera at main entrance. There is some sort of electronic card reader at the door that appears to be functional.

- *Building Condition Analysis*

The exterior of the building is well maintained and has no visible issues. The glazing may be inefficient and the door frame needs to be repainted. The interior conditions are unknown.



## H. CITIZENS BANK

233-247 E. Main St. – Tax no. 121.240.0001.003.000



- *Overview*

A (3) three-story building primarily owner-occupied (previously Charter 1 Bank, currently Citizens Bank). The building is compromised by a very heavy bus patron accumulation which inhibits pedestrian traffic and access to the store fronts. The building is currently owned by Citizens Bank and was built in 1960.

- *Floor Size*

The building has a total of 53,562 square feet with approximately 17,850 square feet per floor and sits on .38 acres. The building sits on the corner of E. Main St. and Clinton Ave.

- *Building Structure*

Structural steel and curtain wall.

- *HVAC*

Self-contained & functional

- *Electric*

Traditional & per code

- *Public Utilities*

All available & connected, utilizes Downtown steam system

- *Plumbing*

Traditional & per code & functional

- *Elevator/Escalator*

2 functional elevators.

- *Security*

Numerous security cameras are being used to monitor the property, and the bank security is tied directly to the local police department in case of emergency.

- *Building Condition Analysis*

The exterior of the building has an outdated design yet is well maintained.

The entire exterior needs to be cleaned. The windows appear to be old and inefficient. The interior is well maintained and not in need of serious repair. The current owner has maintained the interior of the building and kept it in very good working condition.

**I. EUCLIDS SQUARE CORP.**  
**65-67 Chestnut Street – Tax no. 121.240.0001.024.001**



- *Introduction*

This vacant (9) nine story office building was built in 1950. The building is currently owned by Euclids Square Corporation and is currently for sale.

- *Floor Size*

The building has a total of 78,120 square feet with approximately 4,424 square feet per floor and sits on .212 acres. The building sits on the corner of Elm St. and Chestnut St.

- *Building Structure*

Steel frame, concrete deck and exterior curtain walls (metal clad)

- *HVAC*

Self contained & non-functional

- *Electric*

Traditional & disconnected

- *Public Utilities*

All available & disconnected

- *Plumbing*

Traditional & non-functional

- *Elevator/Escalator*

All non-functional

- *Security*

None currently

- *Building Condition Analysis*

The exterior of the building is outdated. The vertical metal siding is rusting in many locations and also need to be cleaned. The windows appear to be old and inefficient. The tile veneer at the base of the building is in need of repair due to cracked and missing tiles. The rear of the building, which is a used as a parking lot, has exposed brick which is in need of re-pointing and painting in many locations. The sidewalk is cracked, pitted and heaving in many locations and needs to be repaired.

**J. VACANT LOT (Owned by Wilson-Richford Corp.)**  
**89-95 Elm Street. – Tax no. 121.240.0001.021.000**



- *Overview*

This was the site of the Edison Hotel which was demolished in the early 1970's. It presently serves as a bus storage/parking lot for the adjoining Trailways bus terminal. It is currently owned by the Wilson-Richford Corp.

- *Lot Size*

The lot size is .093 acres.

- *Site Condition Analysis*

The lot is compacted gravel that is mostly flat and level. The lot is clean but in need of some repairs. The chain link fence that surrounds the lot is rusted and broken in many locations. The sidewalk all around the lot is cracked, pitted and heaving in many locations.

**K. CADILLAC HOTEL**  
**45-51 Chestnut Street. – Tax no. 121.240.0001.014.000**



- *Overview*

This building was originally designed as an (8) eight-story hotel, built in 1923, which is still in viable operating condition. The first floor restaurant is no longer in service and was most recently occupied by Uptown Pizza. The building is currently owned by Ramji Inc.

- *Floor Size*

The building has a total of 35,398 square feet with approximately 4,424 square feet per floor and sits on .111 acres. The building sits on the corner of Elm St. and Chestnut St.

- *Building Structure*

Steel frame, concrete deck and masonry exterior walls.

- *HVAC*

Self-contained & functional

- *Electric*

Traditional & per code

- *Public Utilities*

All available & connected

- *Plumbing*

Traditional & per code & functional

- *Elevator/Escalator*

Unknown but assumed to be at least one functional elevator accessing all 8 floors.

- *Security*

A desk attendant that requires a signature on a sign-in sheet was all of the security that was visible. No camera's or security personnel were apparent.

- *Building Condition Analysis*

The exterior of the building is extremely outdated and appears to all be original. The brick exterior is in need of major cleaning and re-pointing. The windows appear to be old and inefficient. The wood fascia at the top of the building is warped and needs to be rebuilt and repainted. The sidewalk is cracked, pitted and heaving in many locations and needs to be repaired. The interior of the building is also extremely outdated and in need of serious repair and attention. The floor tile is cracked and dirty. The ceiling tiles have many water stains and are bowing in many locations. The carpeting is old, worn and dirty and majority of the walls need to be repainted.

**L. CITY OF ROCHESTER**  
**88-94 Elm Street. – Tax no. 121.240.0001.015.000**



- *Overview*

This (13) thirteen story office building was built in 1920. It is vacant and currently owned by the City of Rochester.

- *Floor Size*

The building has a total of 80,271 square feet with approximately 6,000 square feet per floor and sits on .136 acres and sits on the corner of Elm St. and Atlas St.

- *Building Structure*

Steel frame, concrete deck and masonry exterior walls with storefront on the main level.

- *HVAC*

Non-functional

- *Electric*

Disconnected



- *Public Utilities*

All available & disconnected

- *Plumbing*

Non-functional.

- *Elevator/Escalator*

All non-functional

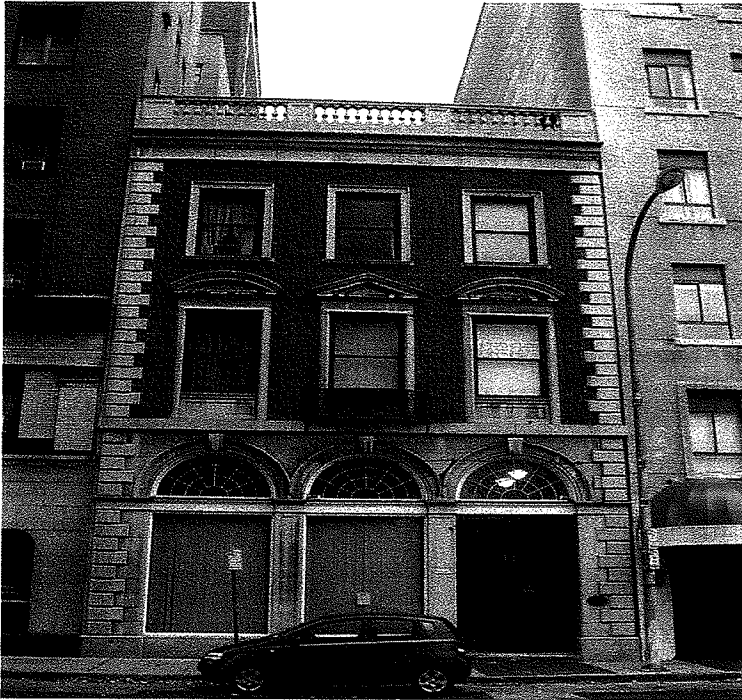
- *Security*

Monitored by the City of Rochester

- *Building Condition Analysis*

The exterior brick needs to be cleaned and some brick needs to be repointed. Many of the windows inefficient and appear to be over 15 years old. The condition of the interior of the building is unknown. The sidewalk all around the building is in need of repair due to pitting and cracking.

**M. RALDON CENTER CITY PROPERTIES**  
**41 Chestnut Street. – Tax no. 121.240.0001.013.000**



- *Overview*

This is a (3) three-story office building built in 1900, previously utilized as an expansion space for the adjacent building (formerly BC/BS building) and is currently owned by Raldon Center City Properties. The building currently appears to be vacant, but this could not be confirmed.

- *Floor Size*

The building has a total of 19,735 square feet with approximately 6,578 square per floor and sits on .127 acres with the rear of the building facing Atlas St.

- *Building Structure*

Unknown

- *HVAC*

Self-contained & assumed functional.

- *Electric*

Traditional & per code & assumed connected.

- *Public Utilities*

All available & assumed connected.

- *Plumbing*

Traditional & per code & assumed functional.

- *Elevator/Escalator*

One operational elevator & assumed functional.

- *Security*

Unknown, but no visible security system or camera.

- *Building Condition Analysis*

The exterior brick and precast needs to be cleaned and some brick needs to be repointed. The windows appear to be old & outdated. The condition of the interior of the building is unknown. The sidewalk directly in front of the building running along Chestnut St. is in need of repair due to cracking, pitting and heaving.

**N. MAXIMUS COL.**  
**45 Euclid Street. – Tax no. 121.240.0001.010.000**



- *Overview*

This building is a (2) two-story traditional retail operation, built in 1900, that is still operated by an owner-occupied business. The current tenant is Postmarks inc. and the current owner is Maximus Col. Inc.

- *Floor Size*

The building has a total of 6,490 square feet with approximately 3,245 square feet per floor and sits on .076 acres. The building sits on the corner of Euclid St. and Atlas St.

- *Building Structure*

Ordinary construction.

- *HVAC*

Self-contained & functional

- *Electric*

Traditional & per code

- *Public Utilities*

All available & connected

- *Plumbing*

Traditional & per code & functional

- *Elevator/Escalator*

None

- *Security*

None visible

- *Building Condition Analysis*

The exterior of the building is mainly plaster and is in need of repair. It has significant cracks that are causing the plaster to break away from the building and it also needs to be repainted. The windows are old and in need of re-glazing. The cedar shingles on the 2 awnings are coming off in locations and are cracked and dried out. The interior of the building is clean and well maintained.

**O. ACTION FOR A BETTER COMMUNITY**  
**27-33 Chestnut Street. – Tax no. 121.240.0001.011.000**



- *Overview*

This (2) two-story, owner occupied, office building was built in 1970 and has been extensively remodeled, refaced and upgraded somewhat recently with a new elevator & lobby also. The current owner of the building is Action for a Better Community.

- *Floor Size*

The building has a total of 13,210 square feet with approximately 6,600 square feet per floor and sits on .149 acres. The building sits on the corner of Chestnut St. and Euclid St.

- *Building Structure*

Unknown

- *HVAC*

Self-contained & functional

- *Electric*

Traditional & per code

- *Public Utilities*

All available & connected

- *Plumbing*

Traditional & per code & functional

- *Elevator/Escalator*

One relatively new elevator

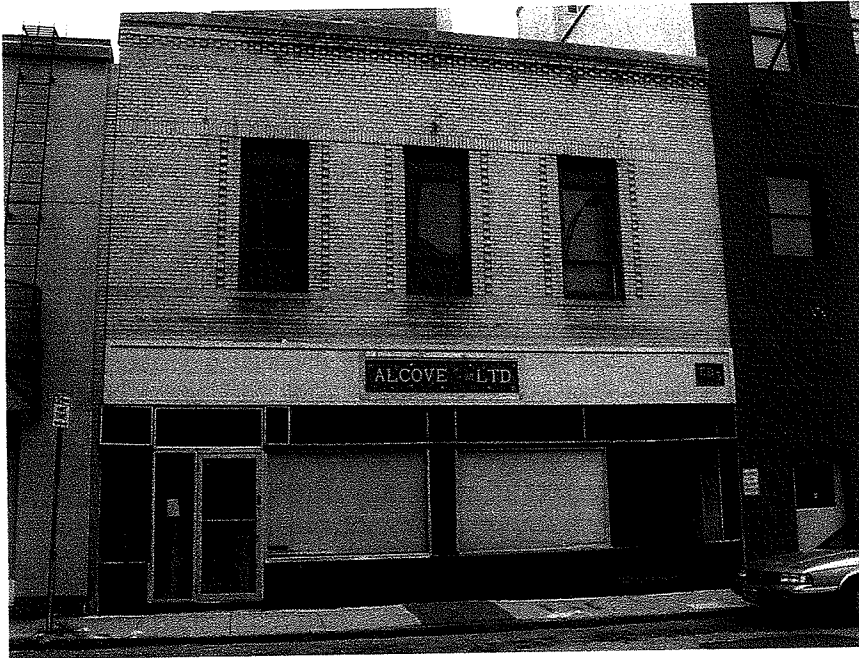
- *Security*

All visitors are required to buzz in to a secretary inside in order to enter the building. A security camera is also located at the main entrance.

- *Building Condition Analysis*

The exterior of the building is well maintained except the façade facing Euclid Street has brick veneer and needs to be repainted. The windows seem to be relatively new and well maintained. The sidewalk is in need of repair due to extensive cracking, pitting and some heaving. The interior of the building was previously updated and is well maintained, not requiring any visible repair.

**P. RALDON CENTER CITY PROPERTIES**  
**6 Atlas Street. – Tax no. 121.240.0001.016.000**



- *Overview*

This (2) two-story brick building, built in 1939, formerly housed City Blue Print at street level. The building currently has 2 tenants, the Midtown Gallery and Performance Studio is on the 1<sup>st</sup> floor and ED-3 is on the 2<sup>nd</sup> floor. The current owner is Raldon Center City Properties.

- *Floor Size*

The building has a total of 3,300 square feet with approximately 1,650 square feet per floor and sits on .038 acres.

- *Building Structure*

Ordinary construction

- *HVAC*

Self-contained & functional

- *Electric*

Traditional & per code



- *Public Utilities*

All available & connected

- *Plumbing*

Traditional & per code & functional

- *Elevator/Escalator*

None

- *Security*

None visible

- *Building Condition Analysis*

The exterior of the building is extremely outdated and in need of updating. The storefront glazing needs to be replaced and repaired and the storefront framing is rusting in many locations. The brick needs to be cleaned and re-pointed in many locations. The interior is also very outdated and in need of updating. The flooring needs to be replaced and the walls need to be patched and painted. The ceilings also show stains from previous water damage. The lack of parking and narrow streets at the Atlas and Euclid intersection are problems for potential tenants.

**Q. CHATHAM LLC – GIBBS PLACE**  
**35 Chestnut Street. – Tax no. 121.240.0001.012.000**



- *Overview*

This is an (8) eight-story apartment building built in 1920 housing 49 residential rental units. It has been somewhat recently renovated and is enjoying close to full occupancy. The building includes a full basement that provide laundry facilities for the tenants. The current owner is Chatham LLC.

The facade was improved by a previous owner, using an exterior insulating facing system. New windows were also installed during the exterior upgrade.

The first floor will soon be leased by Flour City restaurant which has recently signed a 6 year lease.

- *Floor Size*

The building has a total of 24,024 square feet with approximately 3,000 square per floor and sits on .087 acres.

- *Building Structure*

Unknown

- *HVAC*

Self-contained.

- *Electric*

Traditional & per code (included in rent).

- *Public Utilities*

All available (included in rent except for cable).

- *Plumbing*

Traditional & per code.

- *Elevator/Escalator*

One operational elevator

- *Security*

All tenants have a 4-digit code in order to unlock the door and enter the building, all guests need to buzz in and check with 1 security attendant before being allowed into the building.

- *Building Condition Analysis*

The exterior needs to be cleaned and could be repainted. The awning is faded but in good condition. The sidewalk directly in front of the building running along Chestnut St. is in need of repair due to cracking, pitting and heaving. The interior of the building is well maintained and in good condition. The individual apartment units are updated periodically including repainting, new carpeting and new appliances.

## **5. TAX ASSESSMENT ANALYSIS**

### **PROPERTY ASSEMENTS**

<b>CODE &amp; PAGE</b>	<b>PROPERTY</b>	<b>SBL. I.D.</b>	<b>BUILDING VALUE</b>	<b>LAND VALUE</b>	<b>TOTAL ASSESSMENT</b>
<b>A</b>	<b>MIDTOWN COMPLEX</b> <b>100 S. Clinton Ave.</b> Regional Shopping Cent.	121.240.0001.024.001	\$1,265,000	\$2,420,000	\$3,685,000
A.1	1. Midtown Tower				
A.2	2. Midtown Plaza				
A.3	3. Euclid Building				
<b>B</b>	<b>McCURDY BUILDING</b> <b>285 E. Main St.</b> Large Retail Store	121.240.0001.008.001	\$250,000	\$850,000	\$1,000,000
<b>C</b>	<b>B. FORMAN BUILDING</b> <b>32-58 S. Clinton Ave.</b> Large Retail Store	121.240.0001.029.000	\$150,000	\$350,000	\$500,000
<b>D</b>	<b>SENECA OFF. BLDG.</b> <b>18-26 S. Clinton Ave.</b> Office Building	121.240.0001.028.000	\$7,462,000	\$1,038,000	\$8,500,000
<b>E</b>	<b>MIDTOWN PLAZA UNDERGROUND PARKING</b> <b>110. S. Clinton Ave.</b>	121.320.0002.001.000	\$16,770,000	\$258,000	\$17,028,000
<b>F</b>	<b>FOX RICHARD CO.</b> <b>255-257 E. Main St.</b> Attached Row Bldg.	121.240.001.005.000	\$125,000	\$125,000	\$250,000
<b>G</b>	<b>CHARTER ONE BANK</b> <b>249-253 E. Main St.</b> Detached Row Bldg.	121.240.0001.004.000	\$280,500	\$74,500	\$355,000
<b>H</b>	<b>CITIZENS BANK</b> <b>233-247 E. Main St.</b> Bank Complex	121.240.0001.003.000	\$1,687,000	\$658,000	\$2,345,000
<b>I</b>	<b>EUCLIDS SQ. CORP.</b> <b>65-67 Chestnut St.</b> Office Building	121.240.0001.022.000	\$71,600	\$78,400	\$150,000
<b>J</b>	<b>WILSON-RICHFORD</b> <b>89-95 Elm St.</b> Vacant Commercial Land	121.240.0001.021.000		\$56,400	\$56,400
<b>K</b>	<b>CADILLAC HOTEL</b> <b>45-51 Chestnut St.</b> Hotel	121.240.0001.014.000	\$704,000	\$74,800	\$778,800

# PROPERTY ASSEMENTS CONTINUED

CODE & PAGE	PROPERTY	SBL. I.D.	BUILDING VALUE	LAND VALUE	TOTAL ASSESSMENT
L	CITY OF ROCHESTER 88-94 Elm St. Office Building	121.240.0001.015.000	\$510,900	\$89,100	\$600,000
M	RALDON C. C. PROP. 41 Chestnut St. Attached Row Bldg.	121.240.0001.013.000	\$123,000	\$35,000	\$158,000
N	MAXIMUS COL. 45 Euclid St. Detached Row Bldg.	121.240.0001.010.000	\$42,000	\$18,000	\$60,000
O	ACTION FOR A BETTER COMMUNITY 27-33 Chestnut St. Office Building	121.240.0001.011.000	\$552,600	\$97,400	\$650,000
P	RALDON C. C. PROP. 6 Atlas St. Detached Row Bldg.	121.240.001.016.000	\$18,700	\$26,300	\$45,000
Q	CHATHAM LLC. 35 Chestnut St. Apartment Building	121.240.0001.012.000	\$408,100	\$56,900	\$465,000
		<b>TOTALS:</b>	<b>\$30,420,400</b>	<b>\$6,305,800</b>	<b>\$36,626,200</b>

## **6. TRAFFIC/LOADING**

- ***Street Configuration***

The study area is made up of Clinton Ave., Main St., Euclid St., Atlas St., Elm St., Chestnut St. and Broad St.

Clinton Avenue, running in the north-south direction, is a major one-way northbound central business arterial, with two lanes of traffic along with some additional metered parking areas along both sides of the street. This also serves as the entrance to the underground parking garage just south of Broad Street. This defines the western border of this study area.

Main street serves as the major arterial for downtown and supports four lanes of traffic, 2 lanes running in both the east and west directions. This defines the northern border of this area.

Euclid Street is a one lane side street that runs between Main Street and Chestnut Street, and serves as the north-east border of this area. Euclid Street also provides access to Atlas Street and Elm Street which are also smaller side streets that make up part of this study area.

Chestnut Street runs in the north-south direction and provides two lanes of traffic going in each direction. This street also provides access to Elm Street and Atlas Street. This defines the south-east border of this study area.

Broad Street, running in the east-west direction, provides three lanes of one-way traffic headed west and serves as the main entrance to the bus station. This defines the southern border of this area.

Existing signalization in the neighborhood works adequately and provides good synchronization and traffic flow. Traffic lights at the five major intersections that provide the boundary for this study area help to minimize and control traffic flows throughout the day.

- ***Access to the site***

The Rochester Skyway system connects the second level of Midtown Plaza to the Sibley building, Chase Square and Xerox Square. It also provides vertical access to the underground parking garage.

The study area is also served by regional transit (RTS) on Main St., and Greyhound, Trailways and suburban (RTS) routes which originate at the Broad and Chestnut area. The Rochester Transit Service also runs several bus routes on Clinton Avenue running northbound.

The Pedestrian access to the site is adequate from a network of sidewalks that connect all of the commercial and retail areas of the neighborhood. All of the street intersections have pedestrian crosswalks and all of the streets have a sidewalk on at least one side of the street.

- ***Traffic Congestion***

Generally, traffic is not congested around the area and the existing street patterns and intersections are adequate. Observation of traffic flow in and around the neighborhood indicated a very smooth and reasonable level of service. Main Street is the heaviest traffic area in the neighborhood with the level of service varying at different times during the day and evening, yet typically with little or no delay.

- ***Adequacy of Loading/Unloading Facilities***

Midtown is served by a loading dock at Atlas and Elm Street. The remainder of the project area, in addition to the Euclid Building, B. Forman Building, Seneca Building and Clinton Square is served by the Midtown Underground Service Tunnel.

***The proposed impact of the future Renaissance Square project on the traffic/loading capacities should be analyzed prior to and during redevelopment planning for the project area.***

## **7. PRIVATE AND PUBLIC UTILITIES**

The public and private utilities are adequate and accessible for redevelopment uses. Water pressure for fire protection systems would need to be evaluated on an individual basis depending on the proposed building occupancies. The proposed impact of the future Renaissance Square Project on the existing utilities and their capacities should be analyzed prior to and during redevelopment planning for the project area.

### ***Rochester Water Bureau – Domestic Water***

Existing utilities include the following:

- 12 inch Holley Station water main is located along South Clinton Avenue on the West, and Broad Street on the South.
- 12 inch domestic service water main is located along South Clinton Avenue on the West.

### ***Rochester Gas & Electric – Electricity***

Electric power is provided at numerous locations at the perimeter of the project area. Previous discussions with RG&E prior to the proposed Renaissance Square Project indicate that the entire area of downtown within the inner loop is mapped and has ample capacity and the grid supply network & natural gas main distribution would handle any additional load on service equipment.

### ***Rochester Gas & Electric – Natural Gas***

Natural gas service is located under the site along the west side via North and South Clinton Avenue, and Atlas Street.

### ***Rochester District Heating – Steam***

Steam mains are located along the west side of the project area via North and South Clinton Avenue and via easements through the Seneca and McCurdy Buildings.

### ***Frontier Communications – Telephone***

Adequate telephone service is located at the perimeter of the project area.

### ***Time Warner – Cable Television***

Cable television is located along the west side of the site via South Clinton ave.



## **8. ENVIRONMENTAL**

The majority of foundations within Midtown, McCurdy and Seneca buildings are at rock level and the Midtown underground Garage is built well below rock level and extends under Broad Street. The Euclid and Forman building foundations may be a composite design (hardpan with spread footings at rock level).

There has been no environmental history or issue regarding ground water contaminants communicated to this consultant by the City with regard to this site. An overall Environmental Assessment of the project area and testing of the existing soils, ground water, and verification of existing rock levels throughout the site should be done prior to public fund investment in the project area and prior to the planning of future development.

Based on the age of the existing structures located in the project area, it is likely that most of the buildings may have present in them asbestos containing building materials and lead containing building products. Asbestos and lead testing and surveys of the existing buildings should be done prior to public fund investment in the project area and prior to the planning of future development.

## **9. CONCLUSION**

The continuing deterioration of most of the properties in the project area will continue without strong public/private initiative. Many of the structures are over 45 years old and in poor condition. The district is comprised of 25% vacant structures, along with one vacant lot now being used as parking and many of the remaining parcels have high vacancy rates and are under utilized. The past private initiatives have failed to provide redevelopment of the site and further eroded property values. It is apparent from this report that redevelopment has been hampered by high vacancies, functional and architectural obsolescence, physical deterioration, and the lack of capital improvements have negatively affected the attractiveness of the project area, its adjacent properties, and the potential for economic recovery.

The recent news of public initiative for control of the Midtown property is the first step towards defining a plan for redevelopment and revitalization of the project area. This initiative must allow for both public agencies and private developers an opportunity to work together during the planning process. Recent studies indicate that the property would benefit by a redevelopment to a mix of housing, office/retail space, and new open public space. The planned adjacent Renaissance Square project and future redevelopment of the Sibley building should provide a basis for this areas programming. Future development of the site should take into account the physical links between the sites and provide for future integration. During the planning process all potential uses should be thoroughly analyzed for their economic impact and feasibility, this area of downtown must again contain private positive tax generating properties that will benefit the City and its population, helping to further future inner city revitalization.

This report strongly endorses the designation of the project area as an urban renewal district giving the City of Rochester the legislative authority necessary to act decisively to stem the decline of past prime tax generating properties. It is the consultant's opinion that significant conditions of deterioration, blight, substandard, unsafe and/or unsanitary conditions exist to justify designating the Midtown Project Area as appropriate for urban renewal as defined by Article 15 – URBAN RENEWAL, Section 502 of the New York State General Municipal Law. Municipal input would stop blight, curb deterioration and make the area and its surroundings attractive to private development and increase use by persons who would live, work and shop in the district.

## **10. ARTICLE 15 – N.Y.S. URBAN RENEWAL LAW**

- New York State Consolidated Laws
  - General Municipal

### ARTICLE 15 URBAN RENEWAL

- Section 500. Short title.
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S 500. Short title. This chapter shall be known and may be cited and referred to as the "urban renewal law."

S 501. Policy and purposes of article. There exist in many municipalities within this state residential, non-residential, commercial, industrial or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate

expenditures of public funds for all forms of public service and constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues.

In order to protect and promote the safety, health, morals and welfare of the people of the state and to promote the sound growth and development of our municipalities, it is necessary to correct such substandard, insanitary, blighted, deteriorated or deteriorating conditions, factors and characteristics by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, the undertaking of public and private improvement programs related thereto and the encouragement of participation in these programs by private enterprise.

It is necessary for the accomplishment of such purposes to grant municipalities of this state the rights and powers provided in this article. The use of such rights and powers to correct such conditions, factors and characteristics and to eliminate or prevent the development and spread of deterioration and blight through the clearance, replanning, reconstruction, rehabilitation, conservation or renewal of such areas, for residential, commercial, industrial, community, public and other uses is a public use and public purpose essential to the public interest, and for which public funds may be expended.

S 502. Definitions. As used in this article and article fifteen-A of this chapter, the following terms shall mean:

1. "Governing body." (a) In a city, the board of aldermen, common council, commission or other body vested by its charter or other law with jurisdiction to enact ordinances or local laws, except that in a city having a population of one million or more the term "governing body" shall, as to such city, mean the council or mayor, as appropriate, who shall act pursuant to this article in accordance with the powers vested in them by the charter of such city, or by other law; (b) in a town, the town board; (c) in a village, the board of trustees.

2. "Municipality." A city, town or village.

3. "Urban renewal." A program established, conducted and planned by a municipality for the redevelopment, through clearance, replanning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreational and other facilities incidental or appurtenant thereto, pursuant to and in accordance with article eighteen of the constitution and this article, including those programs authorized by and to effectuate the purposes of title one of the housing act of nineteen hundred forty-nine and section three hundred fourteen of title three of the housing act of nineteen hundred fifty-four, whether such programs and contracts pursuant thereto were in process on or before June sixteenth, nineteen hundred sixty-eight and all federal laws amendatory and supplementary thereto. The terms "clearance, replanning, reconstruction and rehabilitation" shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof as well as relocation activities and the testing and reporting of methods and techniques for the arrest, prevention and elimination of slums and blight; the term "program" may mean or include and be interchangeable with the term "project."

4. "Substandard or insanitary area." The term "substandard or insanitary area" shall mean and be interchangeable with a slum, blighted, deteriorated or deteriorating area, or an area which has a

blighting influence on the surrounding area, whether residential, non-residential, commercial, industrial, vacant, or land in highways, railway and subway tracks, bridge and tunnel approaches and entrances, or other similar facilities, over which air rights and easements or other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influence, or any combination thereof and may include land, buildings or improvements, or air rights and concomitant easements or other rights of user necessary for the use and development of such air rights, not in themselves substandard or insanitary, the inclusion of which is deemed necessary for the effective undertaking of one or more urban renewal programs.

5. "Agency." The officer, board, commission, department, or other agency of the municipality designated by the governing body, or as otherwise provided by law, to carry out the functions vested in the agency under this article or delegated to the agency by the governing body in order to carry out the purpose and provisions of this article. The term "agency" shall include a corporate governmental agency established pursuant to article fifteen-A of this chapter.

6. "Comprehensive community plan." The term "comprehensive community plan" shall mean and be interchangeable with "master plan" or "general plan."

7. "Urban renewal plan." A plan for an urban renewal project, which shall conform to the comprehensive community plan for the development of the municipality as a whole and which shall be consistent with local objectives. Such urban renewal plan shall include but shall not be limited to: a statement of proposed land uses; proposed land acquisition, demolition and removal of structures; proposed acquisition of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights; proposed methods or techniques of urban renewal; proposed public, semi-public, private or community facilities or utilities; a statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the plan; proposed program of code enforcement; a proposed time schedule for the effectuation of such plan, and such additional statements or documentation as the agency may deem appropriate.

8. "Commission." The planning commission or other analogous body or, if there be none, the board of estimate or other governing body of the municipality.

9. "Urban renewal area." An area designated by the governing body, or by the commission where so authorized to act by the governing body, pursuant to section five hundred four of this article as appropriate for urban renewal, except that in municipalities having a population of one million or more, such designation shall be made only after a public hearing held by the governing body or the commission, as the case may be.

10. "State capital grant." A capital grant or subsidy paid to a municipality or an agency established pursuant to the provisions of article fifteen-A of this chapter with monies appropriated therefor from the general fund of the state and not to be applied to the payment of principal and interest on any state loan made or contracted to be made pursuant to this article.

11. "Commissioner." The commissioner of housing and community renewal of the state of New York.

S 503. Powers of municipalities. Every municipality is hereby authorized to plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article, including but not limited to the following powers:

(a) Cooperate with the federal government and apply for and accept advances, loans, grants, subsidies, contributions and any other form of financial assistance from the federal government, or from the state, county or other public body, or from any sources public or private, for the purposes of this article; and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project, or with respect to any other program authorized under the housing act of nineteen hundred forty-nine, and all other federal laws amendatory and supplemental thereto, such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this article. Such conditions may include but shall not be limited to (1) provisions requiring payment of not less than certain minimum salaries and wages to architects, engineers, technicians, laborers, mechanics and other personnel; (2) provisions prohibiting rebates and kick backs; and (3) provisions requiring contractors and subcontractors to furnish reports and other data to the secretary of labor;

(b) Provide local grants-in-aid, as provided under such federal laws, in the form of appropriations, cash, municipal services and facilities, or any other form;

(c) Borrow money and issue bonds or other obligations for the acquisition of property in the same manner as for the acquisition of property for other public purposes or as otherwise provided in article two of the local finance law;

(d) Provide for demolition and clearance of property, improvement of property, or development and use of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights and air right sites, including the remedying of unsuitable topographical, subsoil or other physical conditions which impede development within the urban renewal area, and construction of foundations and platforms as well as other necessary site work by the municipality or by the person, firm or corporation to whom such property, air rights and easements or air rights site, is sold or leased, provided, however, that any such work upon or affecting railroad property, right-of-way or facilities shall be subject to the approval of and joint supervision by the railroad company or companies affected. No work upon or affecting railroad property, right-of-way or facilities shall be progressed without the approval of the railroad company or companies, and in connection with all such projects upon or affecting railroad property, right-of-way or facilities appropriate standards for safety of operations, ventilation and lighting shall be subject to the approval of the railroad company or companies affected. In the event that such demolition, clearance, improvement or development is done by the municipality or funded by the municipality, the cost thereof may be financed in the same manner as acquisition costs. Any municipality with a population of one million or more persons may provide a loan for the purpose of carrying out such demolition, clearance, improvement or development and use to the person, firm or corporation to whom such property, air rights, easements or air rights site is sold or leased.

Such loans shall be made upon terms and conditions approved by the agency, for a term not to exceed thirty years;

(e) Develop, test and report methods and techniques and carry out demonstration and other activities in relation to or in connection with one or more programs of urban renewal or other programs relating to the arrest and prevention of conditions of deterioration or blight. In carrying out such demonstration and other activities a municipality may itself reconstruct, repair, rehabilitate or otherwise improve such real property or may sell, lease or otherwise dispose of such real property, for the effectuation of such activities or purposes by the purchaser or lessee thereof, pursuant to the provisions of section five hundred seven of this article;

(f) prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems, and which is of such size that urban renewal activities may have to be initiated in stages;

(g) prepare or cause to be prepared a community-wide plan or program for urban renewal which shall conform to the comprehensive community plan for the development of the municipality as a whole.

(h) for the purpose of preserving the integrity of an urban renewal plan, to require, for a maximum period of three years after approval of an urban renewal plan pursuant to section five hundred five of this article, the consent of the agency to the issuance of a building construction or alteration permit or certificate of occupancy for a structure or use within the urban renewal area or within that part or portion of such area for which a plan has been so approved (except for construction, alteration or use which is necessary for the immediate protection of public health or safety). Such consent shall be based upon a determination by the agency that the proposed construction, alteration or use is not inconsistent with the plan.

(i) notwithstanding anything to the contrary contained elsewhere in this chapter, or in any general, special or local law, in addition to any other powers of a municipality, to appropriate the necessary funds for and authorize the payment of the actual reasonable moving and related expenses as well as supplemental and additional payments to be paid to individuals, families, business concerns or non-profit organizations displaced by reason of urban renewal or other federally-aided activities, so that disproportionate injuries are not suffered as a result of such programs, in accordance with federal law, rules and regulations, as may be imposed by any contract for financial assistance between the municipality and federal government, in connection with an urban renewal project or other authorized program, pursuant to such conditions as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this article.

S 503-a. Cooperation with agencies. For the purpose of aiding an agency established pursuant to the provisions of article fifteen-A of this chapter a municipality may:

1. Delegate to such agency such of its powers enumerated under section five hundred three of this article as it may deem appropriate, necessary or desirable to effectuate the purposes and provisions of this article and as are not inconsistent with the powers reserved to the governing body or the commission under this article or the powers granted to such agencies in article fifteen-A of this chapter.

2. Enter into agreements with such agency respecting action to be taken by the municipality to assist such agency in carrying out and effectuating the purposes and provisions of this article and of article fifteen-A of this chapter. Such agreements may extend over any period of time necessary to carry out and effectuate such purposes and provisions, notwithstanding any provision or rule of law to the contrary.

3. Appropriate and expend money and guarantee the principal of and interest on, or only the interest on, indebtedness contracted by such agency for the purpose of aiding such agency in the carrying out and effectuating of any urban renewal program within such municipality. Any obligations issued for such object or purpose shall be authorized and issued in the manner provided and subject to the provisions of the local finance law. Such obligations or guarantees shall be deemed to be issued or made for the purpose of effectuating an urban renewal program and the period of probable usefulness of said object or purpose shall be as set forth in subdivision forty-one-a of section 11.00 of the local finance law.

Any guarantee by a municipality of indebtedness contracted by such agency shall be authorized by a resolution of the finance board of the municipality (as defined in the local finance law), which resolution shall be adopted by at least a two-thirds vote of the total voting strength of the finance board and shall prescribe the manner in which such guarantee shall be evidenced. If the authorization of the issuance of obligations for such object or purpose by the municipality is required by law to be subject to a permissive or mandatory referendum, then the authorization of the guarantee of indebtedness contracted by such agency for such object or purpose shall also be subject to such a referendum. Such referendum shall be governed by the provisions of the local finance law applicable to such permissive or mandatory referendum in such municipality.

4. For the purpose of aiding such agency in carrying out and effectuating the purposes and provisions of this article and of article fifteen-A of this chapter, with or without consideration as it may determine, (a) dedicate, sell, convey, lease, grant or otherwise transfer any of its right, title and interest in any property, real or personal, to such agency, or grant easements, licenses or privileges therein to such agency; (b) make advances, loans, grants, subsidies, contributions and any other form of financial assistance to such agency; (c) incur the entire expense of any public improvements or facilities necessary or desirable under the urban renewal plan; (d) dedicate, close, vacate, pave, install, grade and plan, streets, roads, sidewalks or other public ways and places; (e) plan, replan, zone or rezone any area of the municipality or make variances to building codes or regulations; and (f) cause administrative, police, sanitation, fire protection or other municipal services to be furnished to the agency.

5. Do all other things necessary or convenient to carry out the above powers and to insure the expeditious undertaking and completion of an urban renewal program, or part thereof, by such agency.

S 503-b. Transfer of projects. Notwithstanding any provision of this article, or of any general, special or local law or charter to the contrary, a municipality may, upon the establishment of a municipal urban renewal agency pursuant to the provisions of article fifteen-A of this chapter, convey, assign, grant or otherwise transfer all of its right, title and interest in any urban renewal program, or part thereof, and any right, title and interest in or to any real or personal



property, contract, claim or other interest acquired or held by it in connection with such program, or part thereof, to such agency, with or without consideration, as it may determine.

S 504. Site designation. An area shall be designated by the governing body, or by the commission where so authorized to act by the governing body, on its own initiative or on petition of the owners in fee of not less than fifty-one per cent of the land (excluding publicly owned land) or upon recommendation of the agency, upon a finding that such area is appropriate for urban renewal as defined in subdivision three of section five hundred two of this article. Such designation may be accompanied by a recommendation of the commission as to the predominant reuse and such other planning criteria as it may deem appropriate for the general renewal of the area.

S 504-a. Abandoned dwellings and mortgage foreclosures in Nassau, Suffolk or Westchester county. 1. Following site designation, pursuant to section five hundred four of this article, a municipality or an urban renewal or community development agency in Nassau, Suffolk or Westchester county may certify a one, two or three family dwelling as abandoned. Upon such certification, an action to foreclose any mortgage on such dwelling may be commenced by. Process in such action shall be served pursuant to subdivision four upon natural persons who are record owners.

2. Said certification of abandonment may be made if such municipality or agency finds that: (a) all or a part of the subject property lies within an area that has been designated by the governing body as in need of urban renewal, pursuant to such section five hundred four; (b) the subject property has been vacant for sixty consecutive days; and, (c) in the opinion of the certifying municipality or agency the subject property has become a danger to life, public health or public safety and/or has, because of its physical condition and appearance, caused a blighting influence to surrounding properties and is adversely affecting neighborhood property values.

3. Said premises shall be deemed vacant within the meaning of paragraph (b) of subdivision two of this section if three or more of the following conditions exist: (a) termination of service by the lighting company, which termination has lasted for fifteen days; or (b) termination of telephone service by the telephone company, which termination has lasted for fifteen days; or (c) failure to maintain the premises in reasonably good repair; or (d) information from the neighbors that the premises have been vacant for sixty days or more; or (e) accumulation of mail at the premises; or (f) blatant evidence of vandalism; or (g) lack of furnishings inside the premises.

4. Upon said certification of abandonment, the certifying municipality or agency may file or record in the office of the clerk of each county in which all or a part of the subject property is situated, without fee, a certification containing such findings and the facts upon which it is based, describing the property and providing that an action to foreclose any mortgage on said property, may be commenced by filing of the summons and verified complaint with personal service to be made either as provided in subdivisions one through four of section three hundred eight of the civil practice law and rules, or, with respect to natural persons who are record owners, by publishing, without the necessity for a court order, of a copy of the summons together with notice to the defendant, a brief statement of the nature of the action and the relief sought, the

sum of money for which judgment may be taken in case of default, and a brief description of the property, at least once in each of three successive weeks in a newspaper in the English language of general circulation in the municipality wherein all or a part of the property lies and by mailing a copy of the summons and verified complaint to the last known address of the record owner or owners of the premises, certified mail, return receipt requested and by tacking a copy of the summons and verified complaint, to the front door of the premises. Service shall be deemed complete twenty days after the last date of publication, date of mailing or date of posting, whichever occurs last.

5. All other parties to the lawsuit, other than record owners, shall be served with the summons and verified complaint as presently provided in the CPLR.

S 505. Urban renewal plan and approval thereof. 1. Following the designation of an area pursuant to section five hundred four of this article, the agency shall prepare or cause to be prepared an urban renewal plan for such area in its entirety or, where the designated area is of such scope that the agency deems it necessary or advisable to have the urban renewal activities to be undertaken therein carried out in stages, an urban renewal plan for a part or portion of such designated area.

2. The urban renewal plan for the designated area, or for a part or portion of such area, shall be submitted to the commission which shall certify, after a public hearing held on due notice, whether such plan complies with the provisions of subdivision seven of section five hundred two of this article and conforms to the finding made pursuant to section five hundred four of this article. The commission shall submit its report to the governing body, not later than ten weeks from the date of referral of the plan to it, certifying its unqualified approval, its disapproval, or its qualified approval with recommendations for modifications therein.

3. After a public hearing, held on due notice after the report is received or due from the commission, the governing body may:

- (a) if the commission shall have certified its unqualified approval, approve the plan by a majority vote;
- (b) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such plan was submitted to it by the agency, nevertheless approve the plan, but only by a three-fourths vote;
- (c) if the commission shall have certified its qualified approval together with recommendations for modifications, approve the plan together with the modifications recommended by the commission by a majority vote, or approve the plan without such modifications but only by a three-fourths vote.

4. Upon approving the urban renewal plan for the designated area, or for a part or portion of such area, with or without modifications recommended by the commission, the governing body shall by resolution find that:

- (a) The area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.
- (b) The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the plan.
- (c) The plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the

undertaking of an urban renewal program.

(d) The plan conforms to a comprehensive community plan for the development of the municipality as a whole.

(e) There is a feasible method for the relocation of families and individuals displaced from the urban renewal area into decent, safe and sanitary dwellings, which are or will be provided in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

Upon approving an urban renewal plan for a part or portion of a designated area, the governing body shall, in addition to the foregoing, also find that the undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of such designated area.

5. In a city having a population of one million or more, any action of the council approving an urban renewal plan shall be filed with the mayor within five days of such action for approval or disapproval.

S 506. Acquisition of property. 1. (a) A municipality, acting through its governing body, may acquire by purchase, gift, devise, lease, condemnation or otherwise, in accordance with the provisions of the appropriate general, special or local law applicable to the acquisition of real property by such municipality, real property or any interest therein, including but not limited to air rights, and easements or other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences of an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area, necessary for or incidental to a program of urban renewal for residential, commercial, industrial, public, semi-public, community or other uses or combinations of such uses in accordance with an urban renewal plan for a designated area, or for a part or portion of such area, provided, however, that the acquisition of any air rights over railroad tracks, rights of way or facilities and easements or other rights of user necessary for the use and development of such air rights are to be subject to the provision of section fifty-one-a of the railroad law. The acquisition of real property within a designated urban renewal area shall in every case be deemed to be and constitute a continuous rather than separate takings.

(b) Property so acquired by a municipality shall be exempt from taxation until sold, leased for a term not exceeding ninety-nine years or otherwise disposed of in accordance with the provisions of this article of this chapter; provided however, that any such municipality shall have the power and authority, with respect to such property, to pay or transfer, out of funds available to it for the effectuating of such urban renewal program, annual sums in lieu of taxes to any taxing jurisdiction providing services to the urban renewal area, or to the part or portion thereof within such taxing jurisdiction, in order that no such taxing jurisdiction shall suffer an inequitable loss of revenue by virtue of such urban renewal program; provided, further, that the amount so paid or transferred for any year with respect to any such property shall not exceed the lesser of (1) the sum last levied for the

benefit of such taxing jurisdiction as an annual tax on such property prior to the time of its acquisition for urban renewal purposes or (2) such amount as shall be approved by the commissioner, pursuant to such rules, regulations, limitations and conditions as he may prescribe, as an eligible and proper charge against such urban renewal program. Upon the sale, lease or disposition of such property to any person, firm or corporation not entitled to an exemption from taxation or entitled to only a partial tax exemption such property shall immediately become subject to taxation in whole or in part, as the case may be, and shall be taxed pro rata for the unexpired portion of the taxable year.

As used in this paragraph, the term "taxing jurisdiction" means any municipal corporation or district corporation, including any school district or any special district, having the power to levy or collect taxes and benefit assessments upon real property, or in whose behalf such taxes or benefit assessments may be levied or collected.

c. Notwithstanding any other provisions of this article, a municipality may acquire by purchase, gift, devise, lease, condemnation or otherwise, upon recommendation of the agency and in accordance with the appropriate provisions of any general, special or local law or charter applicable to the acquisition of real property by such municipality, such real property or any interest therein, within an area designated pursuant to this article as appropriate for urban renewal, as it may deem ultimately necessary or proper to effectuate the purposes of this article although temporarily not required for such purposes, provided that the early acquisition of such property is approved as follows:

(1) In a municipality where there is a planning commission, the agency shall submit the proposal for early acquisition to the commission for its approval. Such planning commission shall, not later than ten weeks from the date of the referral of the proposal to it, after a public hearing held on due notice, submit its report to the governing body certifying its unqualified consent, its disapproval, or its qualified consent with recommendations for modifications of the proposal.

After public hearing held on due notice after the report is received or due from the planning commission, the governing body may:

(i) if the commission shall have certified its unqualified consent, approve the proposal by a majority vote:

(ii) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such proposal was submitted to it by the agency, nevertheless approve the proposal, but only by a three-fourths vote:

(iii) if the commission shall have certified its qualified consent together with recommendations for modifications of the proposal, approve the proposal together with the modifications recommended by the commission by a majority vote, or approve the proposal without such modifications but only by a three-fourths vote.

(2) In a municipality where there is no planning commission, the agency shall submit the proposal to the governing body which, after public hearing held on due notice, may either approve or disapprove the proposal.

S 507. Disposition of property. 1. In addition to employing any other lawful method of utilizing or disposing of any real property, and appurtenances thereto or any interest therein owned by a municipality or acquired by it pursuant to section five hundred six of this article, a municipality may sell, lease for a term not exceeding ninety-nine years,

or otherwise dispose of any such real property and appurtenances thereto, to any person, firm or corporation at the highest marketable price or rental at public auction or by sealed bids pursuant to the provisions of any general, special or local laws applicable to the sale or disposition of real property by said municipality.

2. Notwithstanding anything to the contrary contained in this article and notwithstanding the provisions of any general, special or local law applicable to the sale of real property by a municipality, such real property and appurtenances thereto may be sold, leased for a term not exceeding ninety-nine years or otherwise disposed of for the effectuation of any of the purposes of the urban renewal program in accordance with the urban renewal plan:

(a) to any limited profit housing company organized pursuant to the provisions of article two of the private housing finance law without public auction or sealed bids;

(b) to any limited dividend housing company organized pursuant to article four of the private housing finance law or redevelopment company organized pursuant to article five of the private housing finance law, without public auction or sealed bids provided that notice of such sale, lease or other disposition is published and a public hearing is held before the governing body not less than ten days after such publication;

(c) to any person, firm or corporation designated by the agency and approved by the governing body as a qualified and eligible sponsor in accordance with established rules and procedures prescribed by the agency, provided that (1) the agency has published, in at least one newspaper of general circulation in the municipality at least ten days prior to such sale, lease or other disposition, a notice which shall include a statement of the identity of the proposed sponsor and of his proposed use or reuse of the urban renewal area or of the applicable portion thereof; such notice shall be in such form and manner as may be prescribed by the agency and, in the case of projects aided by a state loan, periodic subsidy or capital grant or in which application has been made for such loan, subsidy or grant, as approved by the commissioner; (2) such proposed sponsor agrees to pay the minimum price or rental fixed by the agency for such real property; (3) such proposed sponsor matches any bid higher than the said minimum price or rental, and (4) such sale, lease or other disposition shall require effectuation of the purpose thereof within a definite and reasonable period of time. In the event that such qualified and eligible sponsor does not agree to pay the minimum price or rental fixed by the agency or fails to match any higher bid than such minimum price or rental, a municipality may, in its sole discretion and only if consistent with the urban renewal plan, sell or lease for a term not exceeding ninety-nine years any such real property and appurtenances thereto, to any person, firm or corporation, the property acquired from such person, firm or corporation or substantially equivalent property within the urban renewal area, provided that such former owner (1) agrees to pay the said minimum price or rental and (2) matches any higher bid than said minimum price or rental, and

(d) to any person, firm or corporation designated by the agency as a qualified and eligible sponsor pursuant to the provisions of clause (1) of subsection (c) of this subdivision without public auction or sealed bids, provided that (1) the price or rental to be paid by such sponsor for such property and all other essential terms and conditions of such sale, lease or other disposition shall be included in the notice published by the agency pursuant to the said clause (1) of subsection (c) of this subdivision, (2) that such sale, lease or other disposition

be approved by the governing body after a public hearing held not less than ten days after the publication of such notice, and (3) such sale, lease or other disposition shall, in the case of projects aided by a state loan, periodic subsidy or capital grant or in which application has been made for such loan, subsidy or grant, be approved by the commissioner.

(e) for the effectuation of any of the purposes of the urban renewal program and in accordance with the urban renewal plan, a municipality may grant, sell, convey or lease, without public hearing or public letting, to a public utility subject to the jurisdiction of the public service commission, for construction and maintenance of public utility systems, and the conduct and operation thereof, for such length of time as it may deem advisable, franchises, easements or rights of ways, in, over, below, along or across any lands acquired by the municipality pursuant to this article, upon such terms and conditions, for such consideration and subject to such restrictions as in the judgment of its governing body shall seem proper, provided, the governing body shall first determine that the use and enjoyment for such purposes of such lands is not inconsistent with the purposes and provisions of the urban renewal plan.

3. Any deed, lease or instrument by which real property and appurtenances thereto, or air rights and concomitant easements or other rights of user necessary for the use and development of such air rights over streets, alleys, highways or other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities, or air rights sites and necessary sitework, the foundations and platforms constructed or to be constructed in connection therewith, or any interest therein is conveyed or disposed of pursuant to this section shall contain provisions requiring the purchaser, lessee or grantee to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the urban renewal plan as approved by the governing body and within a definite and reasonable period of time subject to the terms of the contract relating thereto between the municipality and the sponsor, and provisions insuring the use of such real property for purposes consistent with such urban renewal plan.

4. (a) Leases authorized by this section may contain provisions subordinating the fee interest of a municipality to a sponsor for purposes of pledging or assigning such fee interest to the primary leasehold mortgagee of said lease, provided that the amount to which the fee is subordinated shall not exceed the lessee's cost of completing its obligation to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the lease provisions.

(b) A municipality may execute such instruments as may be required to implement the provisions of this subdivision.

(c) Leases and such other instruments as may be required shall contain provisions stating that (1) the municipality shall assume no liability for any debt underlying the pledge or assignment of the fee interest; (2) the municipality, at its option, may satisfy any obligation for which the fee interest is assigned or pledged; and (3) no foreclosure action shall be maintained against such subordinated fee interest until the obligation of the sponsor to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property has been completed in accordance with the lease provisions.

(d) A municipality shall not subordinate its fee interest, as

authorized by this subdivision, to any leasehold mortgagee if the municipal fee interest is to be assigned or pledged to another governmental agency, public authority or public benefit corporation created and organized for the purpose of providing primary or secondary financial assistance for commercial, industrial or business development.

5. In a city having a population of one million or more, the governing body may, as part of its review of the land use impact and implications of a disposition of property for residential use proposed to be made pursuant to this section, incorporate into its approval any or all of the following: (i) the number of residential units; (ii) whether such units are home ownership units, rental units or condominium or cooperative units; (iii) the estimated initial rents or selling prices for such units; (iv) income restrictions, if any, on renters or purchasers of such units; and (v) the basis on which the consideration for the sale or lease of the property is to be determined; provided, however, that this subdivision shall not apply to the extent an approved urban renewal plan incorporates such items.

S 508. State loans. 1. The commissioner may, in the name of the state, make or contract to make loans to a municipality to assist such municipality to establish and carry out one or more programs of urban renewal. No such loan shall be made where the municipality has contracted with the federal government for a capital grant prior to the thirtieth of April, nineteen hundred fifty-nine; provided, however, that such a loan may be made with respect to that part of any program which has been added, or with respect to which the federal capital grant has been increased, pursuant to a contract or contract amendment entered into with the federal government after such date. All such loan contracts shall be subject to approval by the state comptroller, and by the attorney general as to form. Any such loan shall be in such amount, not exceeding one-half of the local grants-in-aid which the municipality has agreed to make under the provisions of the contract for federal aid, as the commissioner, in his discretion, may deem necessary to assist the municipality in discharging its obligations in connection with the urban renewal program for which the loan shall be made. No municipality shall receive any such loan until (a) the urban renewal plan has been approved by the governing body, (b) the program set forth in such plan has been certified as eligible for federal assistance by the housing and home finance agency of the federal government, and (c) the governing body and the comptroller of the municipality, or in a municipality having no comptroller, the chief financial officer of such municipality, have attached their separate approvals to the loan contract. The commissioner may make temporary advances to such municipality in anticipation of any such loan, and no such temporary advance shall be deemed to constitute part of such loan unless such temporary advance has been made out of the proceeds of definitive urban renewal bonds sold by the state pursuant to section sixty of the state finance law.

2. Loans shall be made at the rate of interest paid or to be paid by the state for the funds loaned to the municipality, plus a proportionate share of the actual direct cost of the borrowing as certified by the state comptroller. Each such loan shall be repaid in equal annual installments over or within a period not to exceed twenty-five years. Each installment shall equal the amount payable by the state for moneys borrowed for the loan and shall be paid by the municipality not later than five days before each such payment by the state is required.

3. Should the municipality fail to make payment of interest or

principal upon any due date, the state comptroller may deduct and retain from any moneys otherwise payable by the state to such municipality, the amount of such interest and principal and credit such municipality with the amount of such deduction.

4. All or any part of the sum which the commissioner has contracted to lend to the municipality may, with the consent of the commissioner, be borrowed by the municipality from sources other than the state under such terms and conditions as the commissioner shall approve, but such borrowing shall not constitute a waiver or surrender of the rights of the municipality under its loan contract made with the commissioner.

S 509. Periodic subsidies. 1. The commissioner may, in the name of the state, make or contract to make periodic subsidies to a municipality to assist such municipality in carrying out one or more programs of urban renewal, subject to the limitations contained in the first paragraph of section seventy-three of the public housing law, in this section and in any other law applicable thereto. Such subsidies shall be applied by the municipality only for the purpose of paying the principal and interest on the state loan for the urban renewal program or on loans from other sources pursuant to subdivision three of this section.

2. The periodic subsidy for each program of urban renewal shall be payable to the municipality on an annual basis over the period of the state loan for the urban renewal program, commencing on the date provided for in the loan contract made with the commissioner, in a total amount determined by the commissioner but no greater than the sum due to the state for principal and interest on the state loan for such program. The amount of such payments need not be uniform and portions of the periodic subsidy payable for any one year may be paid from time to time as required.

3. Where all or any part of the sum which the commissioner has contracted to lend to the municipality is borrowed by the municipality from sources other than the state, the periodic subsidy contracted for pursuant to subdivision one of this section may be used by the municipality for the payment of such loans obtained from such sources for the program to which such periodic subsidies relate, provided the terms and conditions of such loans have been approved by the commissioner. Such periodic subsidies shall also be payable to the municipality on an annual basis over a fixed period of years not exceeding the probable life of such program, in a total amount determined by the commissioner but no greater than the sum due to such lenders for principal and interest on such loan, commencing on the date provided for in the loan contract made with the commissioner. Notwithstanding any other provision of any general or special law, the contract for such loan from sources other than the state shall provide that upon any date when an installment of principal shall become due and payable the municipality may anticipate any installment which would otherwise become due and payable thereafter.

4. The faith of the state is pledged to the payment of all periodic subsidies contracted for by the commissioner. Such periodic subsidies shall be paid upon the audit and warrant of the state comptroller upon vouchers approved by the commissioner.

S 510. State capital grants. 1. In lieu of making or contracting to make a loan or periodic subsidy, or both, pursuant to sections five hundred eight and five hundred nine of this article, the commissioner may in the name of the state,



(a) in the case of municipalities which have contracted with the federal government for a capital grant (or for a loan and grant) subsequent to the thirty-first day of December, nineteen hundred sixty, make or contract to make, within appropriations therefor, a state capital grant to such municipality to assist in carrying out one or more programs of urban renewal; provided, however, that such state capital grant may be made with respect to that part of any program which has been added, or with respect to which the federal capital grant, or loan and grant, has been increased, pursuant to a contract or contract amendment entered into with the federal government, after such date;

(b) in the case of municipalities which have not made application to or entered into a contract with the federal government for advances, loans or grant, with respect to a specific urban renewal project, make or contract to make a state capital grant, within appropriations therefor, to such municipality to assist in meeting the cost of surveys and plans for such project and the administrative and other related expenditures to be incurred in undertaking and completing such project.

All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any state capital grant contracted to be made pursuant to this section and such advances or payments shall not constitute periodic subsidies.

2. Any such state capital grant shall be in such amount, within appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the municipality in discharging its obligations in connection with the program for which the grant shall be made; provided, however, that no such grant shall exceed one-half of the net cost of such program to the municipality, exclusive of any federal aid or assistance, as such net costs shall be certified by the municipality and approved by the commissioner. If the municipality has not applied to or entered into a contract with the federal government for advances, loans or grants for a specific project, such grant shall not in any event exceed five hundred thousand dollars (\$500,000).

3. No municipality shall receive any such state capital grant until (a) the urban renewal plan has been approved by the governing body, (b) the program set forth in such plan has been certified as eligible for federal assistance by the appropriate federal agency, or the governing body has found that such federal financial assistance is not necessary for the undertaking and successful completion of the program set forth in such plan, and (c) the governing body and the comptroller, or in a municipality having no comptroller, the chief financial officer, have attached their separate approvals to the grant contract. The commissioner may make temporary advances to such municipality in anticipation of any such grant.

4. Notwithstanding anything contained in this section or in section five hundred thirteen of this article to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs, make or contract to make advances of funds to municipalities, in anticipation of any such state capital grant, to assist such municipalities in preparing preliminary economic and physical plans for relocation housing, regulated by law or contract as to rents, for persons and families to be displaced by the urban renewal program whose housing needs cannot be met by the unaided operations of private enterprise. Upon completion such plans shall be

filed with the commissioner.

No such contract or advance shall be made (a) before an urban renewal area, to whose residents such relocation housing relates, has been designated pursuant to section five hundred four of this article; (b) unless the governing body has certified that the preparation of preliminary plans for such relocation housing is necessary to the making of a finding, pursuant to section five hundred five of this article, as to the existence of a feasible method of relocation; and (c) in excess of the lowest of the following amounts:

(i) the actual cost of preparation of such preliminary plans;

(ii) one-half of one per cent of the estimated construction cost of the proposed relocation housing;

(iii) twenty-five thousand dollars;

and every such advance shall be repaid out of any state capital grant which may become payable to the municipality for the undertaking of the urban renewal project involved.

5. (a) Notwithstanding anything contained in this article to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs, make or contract to make state capital grants to municipalities to assist in financing the cost of the preparation and completion of one or more community renewal programs.

A community renewal program may include, without being limited to (1) the identification of slum areas or blighted, deteriorated, or deteriorating areas in the community, (2) the measurement of the nature and degree of blight and blighting factors within such areas, (3) determination of the financial, relocation, and other resources needed and available to renew such areas, (4) the identification of potential project areas and, where feasible, types of urban renewal action contemplated within such areas, and (5) scheduling or programming of urban renewal activities.

(b) Any such state capital grant shall be in such amount, within appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the municipality in discharging its obligations in connection with the community renewal program for which the state capital grant shall be made; provided, however, that no such state capital grant shall exceed one-half of the cost to the municipality of undertaking and completing such program, exclusive of any federal or state aid or assistance therefor, as such cost shall be certified by the municipality and approved by the commissioner.

(c) No municipality shall receive any such state capital grant until (1) the community renewal program has been approved by the governing body, (2) such program has been certified as eligible for federal assistance by the appropriate federal agency, and (3) the governing body and the comptroller, or in a municipality having no comptroller, the chief financial officer, have attached their separate approvals to the state grant contract.

(d) All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any such state capital grant contract to be made pursuant to this section.

6. (a) Notwithstanding anything to the contrary contained in this section or elsewhere in this chapter, or in any general, special or local law, except as hereinafter provided, the commissioner may, in the

name of the state, include in determining the net cost of an urban renewal project for the purpose of computing the amount of state financial assistance to a municipality, those expenditures made by a private voluntary hospital and/or by a private college or private university, within, adjacent to, or in the immediate vicinity of such project which are recognized as non-cash grant-in-aid credits under the provisions of section one hundred twelve of title one of the federal housing act of nineteen hundred forty-nine, as amended and supplemented; provided, however, that such computation shall not apply to any urban renewal project for which a contract has been executed with the federal government for a capital grant (or for a loan and grant) prior to the first day of July, nineteen hundred sixty-six.

(b) Not more than fifteen per centum of the amount appropriated by the state or otherwise available to the commissioner in any year for urban renewal assistance to municipalities and agencies pursuant to this section and section five hundred fifty-seven of this chapter shall be available for the purposes of paragraph (a) of this subdivision.

(c) In no instance shall the amount of state assistance to a municipality under this subdivision exceed the net project cost, excluding the amount of the non-cash grant-in-aid credits for expenditures made by a private voluntary hospital and/or by a private college or private university allowed in accordance with the provisions of section one hundred twelve of title I of the federal housing act of nineteen hundred forty-nine as amended and supplemented, less any federal capital grant, or loan and grant, for such project; nor shall the aggregate amount of state assistance for any such urban renewal project, including section one hundred twelve grant-in-aid credits as provided by this subdivision, exceed one-half of the total local grant-in-aid requirements necessary to complete such project.

(d) No such section one hundred twelve non-cash grant-in-aid credits shall be included in determining the net cost of an urban renewal project for the purpose of computing the amount of state financial assistance to a municipality unless such expenditures were made in conformity with a plan or undertaking for the clearance, replanning and reconstruction or rehabilitation of a substandard or insanitary area or areas.

(e) Such plan or undertaking, for the clearance, replanning and reconstruction or rehabilitation of a substandard insanitary area adjacent to or in the immediate vicinity of an urban renewal project shall conform to the comprehensive community plan for the development of the community as a whole. Every such plan or undertaking shall be submitted to the commission, if any, for approval. The commission after considering the plan or undertaking may: issue a report of unqualified approval; or issue a report of conditional or qualified approval; or issue a report disapproving same. The plan or undertaking shall be submitted, together with the report of the commission, to the local legislative body for its approval. If the commission shall have issued a report of unqualified approval, the plan or undertaking may be approved in accordance with the report of the commission by a majority vote of the local legislative body. If the commission shall have issued a report disapproving same, or shall have issued a report of conditional or unqualified approval, or shall have failed to make its report within four weeks of the submission of the plan or undertaking to the commission, the local legislative body may, nevertheless, approve the plan or undertaking but only by a three-fourths vote.

S 511. Authority of municipality; other terms of contract. 1. Any municipality is authorized to enter into agreement with the state to receive such loans, periodic subsidies and state capital grants to assist such municipality to establish and carry out one or more programs of urban renewal.

2. In the case of a loan, the loan contract shall provide that upon any date when an installment of principal shall become due and payable the municipality may anticipate any installment which would otherwise become due and payable thereafter.

3. In every contract for a loan and periodic subsidy or for a capital grant by the state, the acts constituting a substantial breach of the provisions set forth therein shall be defined in such terms as the commissioner shall deem to be in the public interest and as are consistent with the provisions of this article and the purposes of the program for which such aid is sought. In any loan contract, the commissioner shall retain the right, among other rights and remedies, in the event of such substantial breach, to declare any unpaid balance to be due forthwith and to reduce or terminate any periodic subsidies payable under the contract.

4. Every such contract may contain such other terms, covenants and conditions as shall be agreed upon and as are consistent with the provisions of this article and the purposes of the urban renewal program.

S 512. Approval of program by commissioner. No contract for a state loan and periodic subsidy or for a state capital grant shall be executed until the program for which such aid is sought has been approved by the commissioner.

S 513. Findings by the commissioner. 1. No loan, subsidy or grant shall be made by the state for an urban renewal program unless the commissioner shall find that:

(a) the municipality or agency, as the case may be, has entered into a contract to receive capital grants, or loans and grants, from the federal government under which the municipality is obligated to make local grants-in-aid, or the governing body has found that such federal financial assistance is not necessary for the undertaking and successful completion of the program;

(b) in the case of a state loan, the state loan for which application is made will not exceed one-half of such local grants-in-aid;

(c) in the case of a state capital grant, the state capital grant for which application is made will not exceed one-half of the municipality's share of the net project cost, or, if the municipality has not applied to or entered into a contract with the federal government for advances, loans or grants for a specific project, such grant shall not in any event exceed five hundred thousand dollars (\$500,000);

(d) adequate provision has been made in a relocation program to provide housing for the persons and families to be displaced by the urban renewal program;

(e) such program is in conformity with a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of substandard and insanitary areas and for recreational and other facilities incidental or appurtenant thereto, and

(f) the estimated funds available to the municipality or agency, as the case may be, including any federal loans and grants for the urban renewal program, the local grants-in-aid and the state loan or capital

grant will be sufficient to cover all probable costs of the program.

2. Such findings shall be conclusive evidence of the facts therein contained except upon proof of fraud or willful misfeasance by the commissioner.

S 514. Filing of proposed plans. The municipality or agency, as the case may be, shall file with the commissioner a copy of each proposed urban renewal program embodying the plans, layout, estimated cost and proposed method of financing. Any change made in the urban renewal program shall be filed with the commissioner. From time to time prior to completion, and with reasonable promptness after each urban renewal program shall have been completed, upon request of the commissioner, the municipality or agency shall file with the commissioner a detailed statement of the cost thereof.

Upon receipt of a copy of a proposed urban renewal program, or any proposed change therein, the commissioner may transmit his criticism and suggestions to the municipality or agency, as the case may be. No change in an urban renewal program assisted by state loans, periodic subsidies or capital grants may be made by a municipality or agency without the approval of the commissioner.

S 515. Periodic reports. The municipality or agency, as the case may be, shall file with the commissioner periodic reports covering its operations and activities in connection with one or more programs of urban renewal, in such form and from time to time as the commissioner shall prescribe.

S 516. Intervention by commissioner. In any action or proceeding affecting any urban renewal program, the commissioner shall be given prompt notice thereof, and he shall take such steps in such action or proceeding as may be necessary or desirable to protect the public interest. If, in the opinion of the commissioner, it is necessary or desirable in the public interest that he intervene in any such action or proceeding he shall be permitted to do so as a matter of right. Whenever in connection with an urban renewal program, under any instrument or law, a notice in writing is required to be served upon the municipality before the institution of any action or proceeding, a copy of such notice shall be served upon the commissioner at least five days before commencement of the action or proceeding.

S 517. Disqualification of commissioner, officers and employees. Neither the commissioner, nor any officer or employee in the division of housing shall acquire or hold any interest, direct or indirect, in such state-aided urban renewal program or in any property then or thereafter included or planned to be included in such state-aided urban renewal program, nor shall he retain any interest, direct or indirect, in any property acquired prior to his appointment or employment which is later included, or to his knowledge planned to be included, in such state-aided urban renewal program, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with such state-aided urban renewal program. If the commissioner, or any officer or employee in the division of housing, owns or controls an interest, direct or indirect, in any property included in any such state-aided urban renewal program, or in any contract or proposed contract for materials or services to be furnished or used in connection with such state-aided

urban renewal program, he shall disclose such interest and the date of acquisition thereof in writing to the governor and the commissioner, and such disclosure shall be entered in a special record of the division of housing kept for such purpose.

S 518. Rules and regulations of commissioner. The commissioner shall have the power to make, promulgate, modify, amend and repeal rules and regulations to effectuate his powers and duties under this article. No such rule or regulation shall be effective until it is filed in the office of the department of state.

S 519. Division of housing as agent of smaller municipalities. For all of the purposes of section one hundred one-b of the housing act of nineteen hundred forty-nine and all federal laws amendatory and supplementary thereto, the division of housing of the state of New York is hereby designated as the local agency established by the state and operating on a state-wide basis in behalf of smaller municipalities undertaking or proposing to undertake a federal program of urban renewal. Designation of the division of housing as such agency shall be subject to approval by resolution or ordinance of the governing body of the municipality in whose behalf the designation is made. The term "smaller municipalities" as used in this section shall be deemed to apply to cities and villages with a population of less than twenty-five thousand and to towns with a population, excluding the incorporated areas thereof, of less than thirty thousand.

S 520. Construction. This article shall be construed liberally to effect the purposes hereof and the enumeration of specific powers in this act shall not operate to restrict the meaning of any general grant of power contained in this chapter or to exclude other powers comprehended in such general grant. In construing this chapter consideration shall be given to its purposes and intent, among others, of consolidating, clarifying and simplifying the respective provisions of the chapters repealed as hereinafter specified in section five hundred twenty-five hereof and of authorizing municipalities to undertake one or more programs of urban renewal with respect to the clearance, replanning, reconstruction, rehabilitation, redevelopment, conservation, restoration or improvement of substandard, insanitary, slum, blighted, deteriorated or deteriorating residential, non-residential, improved or vacant areas, or the remedying of unsuitable topographical, subsoil or other physical conditions which tend to impede the development of such areas, for residential, commercial, industrial, community, public and other uses and to apply for and accept federal or state loans, subsidies or grants in connection therewith. Insofar as the provisions of this article are inconsistent with the provisions of any other general, special or local law, the provisions of this article shall be controlling.

S 521. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 522. Pending actions or proceedings. This act or anything contained therein shall not affect or abate any acts, actions, proceedings, civil or criminal, pending at the time this act shall take effect brought by, for or against, the state, the division of housing or any municipality or in pursuance of the provisions of the laws repealed by this act, but all such acts, actions or proceedings may be continued, prosecuted, conducted and completed as if such laws were not repealed but continued to be fully effective.

S 523. Saving clause. 1. Any urban renewal program commenced or undertaken prior to the effective date of this article, in accordance with and pursuant to, any provision of the general municipal law, or other law in force immediately prior to the effective date of this article, shall in no manner be impaired or affected by the enactment of this article or the repeal of the applicable sections of the general municipal law. As to such urban renewal programs so commenced or undertaken, the provisions of any such law may be deemed continued thereunder until the completion of such program or programs. Nothing herein contained, however, shall prevent a municipality, having so commenced or undertaken an urban renewal program prior to the effective date of this article, from exercising any of the rights or powers granted in this article in conjunction with or substitution of the rights and powers of such municipality under any law in force immediately prior to the effective date of this article, until the completion of such program.

2. Any provision in any law, rule, regulation, resolution, contract or other document relating to any right, power or duty of the state or of a municipality and which applied at the time the state or municipality exercised such power or right or performed such duty shall continue to apply notwithstanding any provision to the contrary of this article.

3. An act of the legislature of the year nineteen hundred sixty-one which in form amends or repeals or purports to amend or repeal any provision or provisions of section seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n, or seventy-two-o of the general municipal law as in force at the time this act shall take effect shall be deemed and construed as an amendment or repeal, as the case may be, of the corresponding provision or provisions of such sections or law, as contained in this article.

4. An act of the legislature of the year nineteen hundred sixty-one, which adds or purports to add a new section, subdivision or other provision of law to sections seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n or seventy-two-o of the general municipal law as in force at the time this act shall take effect shall be deemed and construed as having been added to this act and shall be given full effect according to its context as if the same had been added expressly and in terms to this act and shall be deemed and construed to have been inserted in this act in the appropriate position in regard to and as modifying the effect of the corresponding provision or provisions of this article.

5. Reference in any general, special or local law, county, city or village charter or other special form of government, ordinance, resolution, rule, regulation or document or in any act of the legislature of the year nineteen hundred sixty-one to sections seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n or seventy-two-o of the general municipal law as in force at the time this act shall take effect shall be deemed and construed to refer to the

corresponding provision of this article and shall be given full effect according to its terms as thereof specifically referring to such corresponding section or other provision of this article.

S 524. Validation. All proceedings, acts and things undertaken, performed or done by any municipality or the state division of housing pursuant to sections seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n and seventy-two-o of the general municipal law or done with reference thereto are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any want of statutory authority or any defect or irregularity in such acts or proceedings.

S 525. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed, except as provided in section five hundred twenty-two.