

Carter Ledyard Files Eminent Domain Proceeding to Acquire Additional Properties in Connection With Phase 2 of the Hudson Park & Boulevard Project

March 06, 2023

Carter Ledyard recently filed a proceeding in New York County Supreme Court to acquire properties by eminent domain for Phase 2, Stage 2 of the Hudson Park & Boulevard Project on behalf of the City of New York and Hudson Yards Development Corporation ("HYDC"). The Stage 2 proceeding (brought pursuant to the New York Eminent Domain Procedure Law) seeks to acquire fee interests in four parcels of property that are necessary to further implement Phase 2 of the Hudson Park & Boulevard, which will extend Hudson Boulevard north to 38th Street and Bella Abzug Park north to 39th Street. Upon completion, the Hudson Park & Boulevard Project will result in an approximately four-acre system of broad tree-lined parks and open space running between 10th and 11th Avenues from West 33rd to West 39th Streets. Carter Ledyard partners John Casolaro and Mike Bauscher, and counsel Lee Ohliger, represent the City and HYDC as co-counsel with the City's Law Department.

Carter Ledyard's condemnation group has been acting as Special Condemnation Counsel to the City and HYDC in connection with the Hudson Yards Redevelopment Project since 2005. The project has included the acquisition, in 10 stages, and valuation of approximately 30 properties, and acquisition and valuation of several dozen above- and below-grade easements needed for subway running tunnels, a new subway station, vent shafts, station entrances, and facilities/vent buildings needed for the extension. The project also requires the taking, in multiple stages, and valuation of full and partial fee and easement interests for the construction of street and parkland uses. Over the course of almost two decades, Carter Ledyard has assisted with (a) planning for public hearings, (b) defending the City against multiple challenges to the Project based on various constitutional claims, (c) obtaining the outright dismissal of several claims related to the acquisition of deep subsurface easements, and (d) negotiating settlements of various fee and fixture claims, including agreements with owners in lieu of condemnation. We have also represented the City in connection with multiple valuation trials related to the project, including an unusual bifurcated trial to determinate the proper zoning to apply in the valuation of properties acquired for the Project.

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