

Staff Summary

Subject GRANT OF A PERMANENT EASEMENT TO THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION WITHIN THE BN YARD IN CONNECTION WITH THE TIBBETTS BROOK DAYLIGHTING PROJECT	Date JANUARY 28, 2026
Department REAL ESTATE	Vendor Name
Department Head Name DAVID FLORIO	Contract Number
Department Head Signature	Contract Manager Name
Project Manager Name JASON ORTIZ	Table of Contents Ref. #

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	MNR Committee	01/26/25		X		1	Legal		
2	Finance Committee	01/26/26	X			2	Chief Administrative Officer		
3	Board	01/28/26	X			3	Chief Financial Officer		

AGENCY: MTA Metro-North Railroad ("MNR")

GRANTEE: New York City Department of Environmental Protection ("NYC DEP")

LOCATION: Burlington Northern Yard ("BN") – Beginning at West 230th Street and the Major Deegan Expressway extending to the outfall located at the Harlem River, South of 225th Street

PREMISES: The permanent easement consists of 28,632 square feet of property within five (5) blocks, and lots described below. ("Easement Area")

Parcel 1 – Block 3245 Lot 12 – 143,074 sq. ft. – Easement will occupy approximately 149 sq. ft.

Parcel 2 – Block 3238 Lot 50 – 60,264 sq. ft. – Easement will occupy approximately 600 sq. ft.

Parcel 3 – Block 3238 Lot 52 – 31,440 sq. ft. – Easement will occupy approximately 8,965 sq. ft.

Parcel 4 – Block 3238 Lot 126 – 16,655 sq. ft – Easement will occupy approximately 4,995 sq. ft.

Parcel 5 – Block 3264 Lot 20 – 46,900 sq. ft. – Easement will occupy approximately 13,923 sq. ft.

USE: NYC DEP shall use the property for a drainage structure in support of the NYCDEP's Tibbetts Brook Daylighting Project, including installing, constructing, operating, maintaining, repairing, reconstructing, replacing and inspecting the closed conduit

ACTION REQUESTED: Authorization to grant a permanent easement

TERM: Permanent

COMPENSATION: None

COMMENTS:

NYC DEP is requesting to be granted a permanent easement for approximately 28,632 sq. ft. of MNR property which will be used for the Tibbetts Brook Daylighting Project to install a combination of open channel and closed conduit to transport

FINANCE COMMITTEE MEETING

GRANT OF A PERMANENT EASEMENT TO THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION WITHIN THE BN YARD IN CONNECTION WITH THE TIBBETTS BROOK DAYLIGHTING PROJECT (Cont'd)

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and redirect the base water flow from Tibbetts Brook out of the Broadway sewer across a 1.56-mile span between Van Cortlandt Lake and the Harlem River. The permanent easement will begin at West 230th Street and traverse a portion of MNR's BN Yard adjacent to the Major Deegan Expressway extending to the outfall located at the Harlem River, South 225th Street.

An appraisal of the Easement Area was commissioned and completed on October 13, 2025, and the permanent easement was valued at \$1,280,000. Pursuant to Section 2897(6)(d) of the Public Authorities Law, an Explanatory Statement for the disposal by negotiation of real property owned by MNR was submitted to the appropriate New York State officials on October 25, 2025. As part of the project, NYC DEP will provide BN Yard with major rail infrastructure upgrades including track replacement, grade improvements, switch relocations, and stormwater improvements.

MTA Real Estate Department's Real Property Disposition Guidelines allow for the disposition of property using the lease/sale negotiation method under those circumstances permitted by Public Authorities Law Section 2897, which include where the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any other public entity. MTA Legal will draft the easement agreement, approve as to form. The permanent easement will state that The City of New York is a municipal corporation authorized to expend funds for any loss, claim, action or judgement and will defend, settle and, without limitation, satisfy any judgement against it in connection with all claims and/or litigation filed against it by all entities and individuals for injuries and/or property damage arising from the closed conduit, the Easement Area and/or breach of the easement agreement. NYC DEP will cause its contractor to provide appropriate insurance coverage and indemnification for the above use.

Based on the foregoing, MTA Real Estate hereby requests authorization to enter into an easement agreement on behalf of MNR with NYC DEP under the above-described terms and conditions.