

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

**COMMITTEE ON OPERATIONS
MINUTES**

Thursday, April 24, 2008

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Access to the Region's Core Project – Protective Acquisition of Property at 431 West 33 rd Street and Dyer Avenue in New York City for a Fan Plant and Construction Access Shaft	2

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY**MINUTES OF
COMMITTEE ON OPERATIONS
225 Park Avenue South
New York, NY
Thursday, April 24, 2008****PRESENT:**

Hon. Anthony R. Coscia, Chair
Hon. Henry R. Silverman, Vice-Chair
Hon. Virginia S. Bauer
Hon. Christine A. Ferer
Hon. David S. Steiner
Committee Members

Darrell B. Buchbinder, General Counsel
Karen E. Eastman, Secretary

Michael G. Fabiano, Deputy Chief Financial Officer/Comptroller
Michael B. Francois, Director, Development
Linda C. Handel, Assistant Secretary
Louis J. LaCapra, Chief Administrative Officer
Susan Bass Levin, First Deputy Executive Director
Sanjay Mody, Advisor to the Chairman
Frederick Rapagna, Property Acquisitions Manager, Development
Howard Sackel, Contract Staff, Engineering
Sheree Van Duyn, Manager, Policies and Protocol, Office of the Secretary

Guest:

Sonia Frontera, Authorities Unit, Office of the Governor of New Jersey

The Committee meeting was called to order in executive session by the Chair at 11:58 a.m. and ended at 12:12 p.m. The Committee also met in public session prior to executive session.

Action on Minutes

The Secretary reported that the Minutes of the meeting of February 21, 2008 had been signed and distributed to the Commissioners.

Whereupon, the Committee approved the Minutes of the meeting of February 21, 2008.

ACCESS TO THE REGION'S CORE PROJECT – PROTECTIVE ACQUISITION OF PROPERTY AT 431 WEST 33RD STREET AND DYER AVENUE IN NEW YORK CITY FOR A FAN PLANT AND CONSTRUCTION ACCESS SHAFT

It was recommended that the Committee on Operations authorize the Executive Director to acquire Block 731, Lot 22 (the Property), adjacent to Port Authority property at 431 West 33rd Street and Dyer Avenue, in New York City, from SCW West LLC (SCW), for the development of the Access to the Region's Core (ARC) project.

In October 2006, the Board authorized the Executive Director to take action in connection with the identification of real property needed for the ARC project through the Port Authority's Pre-development Site Acquisition Program. At that time, the Board also authorized the Committee on Operations to approve the final terms of purchase of any such property.

On March 28, 2008, the Federal Transit Administration (FTA) approved New Jersey Transit Corporation's request for a Class Two Categorical Exclusion, pursuant to 23 C.F.R. Section 771.117(d)(12), for acquisition of the Property in advance of the Record of Decision, subject to FTA approval of the purchase price for the Property, in view of the Property's importance as the site of a fan plant and construction access shaft for the ARC project. The Property is approximately 7,400 square feet in area and was purchased in November 2007 by SCW. A purchase of the Property at this time would avoid the commencement of improvements to the Property or construction activities by SCW and the potential increase in acquisition costs arising from an involuntary acquisition of the Property in the future.

Pursuant to the foregoing report, the following resolution was adopted by the Committee in executive session with Commissioners Bauer, Coscia, Ferer, Silverman and Steiner voting in favor; none against:

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to acquire Block 731, Lot 22, adjacent to Port Authority property at 431 West 33rd Street and Dyer Avenue, in New York City, from SCW West LLC, consistent with the report to the Committee on Operations; and it is further

RESOLVED, that the Executive Director be and he hereby is authorized, for and on behalf of the Port Authority, to take any and all action to effectuate the foregoing, including the execution of agreements, contracts and other documents, together with amendments and supplements thereof, or amendments and supplements to existing agreements, contracts and other documents, and to take action in accordance with the terms of such agreements, contracts and other documents, as may be necessary in connection therewith; and it is further

RESOLVED, that the form of all agreements, contracts and other documents in connection with the foregoing shall be subject to the approval of General Counsel or his authorized representative.

Whereupon, the meeting was adjourned.

Secretary