

PART 752
RULES AND REGULATIONS GOVERNING LEASES, LICENSES, CONCESSION
AGREEMENTS AND OTHER AGREEMENTS
(Statutory authority: L. 1998, ch. 592)

752.1 Applicability

- (A) Leases, licenses, concessions or other agreements for facilities or properties under the jurisdiction of the Hudson River Park Trust that are either (i) for a term in excess of ten years or (ii) provide for a total capital expenditure in excess of one million dollars over the proposed term of the agreement are subject to one or more provisions of this Part.
- (B) Leases, licenses, concessions or other agreements for facilities or properties under the jurisdiction of the Hudson River Park Trust not meeting either of the thresholds set forth in subdivision (A) above, at the discretion of the Hudson River Park Trust, may be subject to the provisions of this Part.
- (C) The Hudson River Park Trust shall not be required to consider any proposed lease, license, concession or other agreement for the use of property or facilities under the jurisdiction of the Hudson River Park Trust which, in the opinion of the Hudson River Park Trust, would not be appropriate for the property or facility sought, or would interfere with the public's use and enjoyment of the Hudson River Park, or would violate any provision of the Hudson River Park Act.

752.2 Maximum Lease Term

Unless otherwise authorized by law, the term of any lease, license, concession or other agreement for the use of property or facilities under the jurisdiction of the Hudson River Park Trust shall not exceed thirty years in duration.

752.3 Leases In Excess of Ten Years

- (B) The Hudson River Park Trust may enter into leases, licenses, concession agreements or other agreements for property or facilities under its jurisdiction if, in its discretion, such agreement is in the best interest of the park and is necessary to assure adequate protection against loss of investment by the lessee, licensee, concessionaire, or other party to such agreement in connection with its development, renovation, improvement, or furnishing and equipping of the subject property or facility.
- (C) Prior to entering into a lease, license, concession agreement or other agreement for park property or facility with a term in excess of ten years, the Hudson River Park Trust shall:
 - (i) hold a public hearing allowing not less than 30 days advance public notice. The public notice shall contain specifics as to the location of the proposed park

property or facility, the identity of the proposed lessee, licensee, concessionaire or other party to the proposed agreement, and the nature and duration of the proposed agreement;

- (ii) solicit and consider the views of Manhattan community boards one, two and four, the planning commission of the city of New York, the advisory council, elected officials representing communities neighboring the Park, and interested groups and individuals, allowing not less than 60 days following the notice of the proposed lease, license, concession agreement or other agreement for the submission of such views; and
- (iii) publish notice of the hearing and the terms of proposed lease, license, concession agreement or other agreement in the city record and state register.

752.4 Leases Requiring Total Capital Investments in Excess of One Million Dollars

- (A) The Hudson River Park Trust shall issue a bid prospectus for any proposed lease, license, concession agreement or other agreement for the use of property or facilities within the jurisdiction of the Hudson River Park Trust where the proposed agreement would provide for a total capital investment in the park of no less than one million dollars over the proposed term of the agreement.
- (B) Specific terms and conditions, including prerequisites and procedures for bidding or the submission of proposals, the nature of the capital improvements or equipment to be provided by the successful bidder, shall be set forth in a public request for each such proposed agreement. A copy of each such prospectus shall be provided to Manhattan community boards one, two, and four.
- (C) The criteria that will be considered in evaluating bids or proposals and their relative importance are within the broad discretion of the Hudson River Park Trust and may include the best interests of the public and the Hudson River Park, potential revenue to the Hudson River Park Trust, as well as the technical experience and qualifications of the entities submitting bids or proposals. The Hudson River Park Trust is not obligated to select any bid or proposal, and may at any point pursue the solicitation of new bids or proposals, or terminate the process entirely.
- (D) Following the completion of the abovementioned provisions, the Hudson River Park Trust may proceed to process the agreement.

752.5 Rental Policy Governing Leases, Licenses, Concession Agreements or Other Agreements

- (A) It shall be the policy of the Hudson River Park Trust that a fair rental value shall be charged for any proposed lease, license, concession agreement or other agreement for the use of property or facilities, or any portion thereof, within the jurisdiction of the Hudson River Park Trust.
- (B) In setting such rental, the Hudson River Park Trust may take into account the value of any maintenance, improvements, custodial services, security, public use benefit, park programming or other in-kind considerations that may be provided by the lessee, licensee, concessionaire or other proposed party to such an agreement.
- (C) Notwithstanding any provision of this Part, the Hudson River Park Trust may, at its discretion, negotiate a reduced rental value to be charged for any proposed lease, license, concession agreement or other agreement for the use of property or facilities, or any portion thereof, within the jurisdiction of the Hudson River Park Trust where the lessee, licensee, concessionaire or other proposed party is a tax exempt organization under Section 501(c)(3) or other provisions of the Internal Revenue Code, provided that the nature of the proposed agreement is related to the tax-exempt, non-profit purposes of such organization and is in the best interests of the park and in furtherance of the mission of the Hudson River Park Trust to provide free or nominal programming and opportunities to the public.

752.6 Appropriation of Monies from Leases, Licenses, Concession Agreements or Other Agreements

All rents, fees and other revenues paid or to be paid to the Hudson River Park Trust in accordance with any lease, license, concession agreement or other agreement for the use of property or facilities within the jurisdiction of the Hudson River Park Trust, made by the Hudson River Park Trust or any predecessor, shall be used solely for constructing, improving, operating and maintaining the Park including, but not limited to, capital improvements which facilitate Park uses and Park/commercial uses.