

**LANDMARK WEST!**

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**From:** "LANDMARK WEST!" <landmarkwest@landmarkwest.org>  
**Sent:** Friday, March 18, 2005 1:40 PM  
**Subject:** 2 Columbus Circle Back in Court

**2 Columbus Circle Back in Court: Property Owners Sue City to Protect Ignored Landmark**

We promised that you would hear from us saying that the fight to save **2 Columbus Circle** would go on!

It's back to court we go. On Wednesday, property owners outraged by the **Bloomberg Administration's appalling disregard for due process** joined LANDMARK WEST! in a lawsuit filed against the City for violating a slew of city and state regulations in its agreement to sell 2 Columbus Circle to the Museum of Arts and Design (MAD).

Let's get one thing straight. No one dislikes lawsuits more than preservationists do. Yet, when NYC Landmarks Preservation Commission Chairman Robert B. Tierney obstinately refuses to schedule a public hearing for a building with virtually unprecedented support from architectural experts and every major preservation organization in the city, state and nation, something must be up. When the City bends over backwards to subsidize a deal with a design institution that plans to destroy a major work by one of the 20<sup>th</sup> century's most important architects, Edward Durell Stone, the writing is on the wall.

See below for the full scoop. Then ask yourself, **Why, why, why would the City go to such lengths to seal the fate of 2 Columbus Circle – and cut New Yorkers such a raw deal in the process?**

Only **Mayor Bloomberg** knows the answer for sure. **ASK HIM!** And while you're at it, **ask Landmarks Chair Robert B. Tierney** why he allows the Landmarks Commission, the only city agency empowered to designate and protect our city's most important buildings, to be held captive by the City's real estate shenanigans. (See below for contact information.)

The Facts (trust us, if you care about fairness and public process, it's worth the read):

Back in 1980, the Gulf & Western Foundation donated 2 Columbus Circle to the City expressly to serve as the City's "principal public facility for visitors' services and cultural affairs and for no other purpose." Ignoring this deed restriction, in August 2004 the Manhattan Borough Board approved a "sweetheart deal" to sell 2 Columbus Circle to the Museum of Arts and Design (MAD) at a **below-market price of \$17,050,000**, even though the City reportedly received, but refused to disclose, higher bids for the property from other cultural institutions.

Section 384 of the New York City Charter generally requires open competitive bidding for the sale of City property. To avoid this requirement, the City used Section 384(b)(4) of the Charter to sell 2 Columbus Circle via the Economic Development Corporation, which issued a Request for Proposals (RFP) in 2000. Contrary to the RFP, the City agreed to accept only \$2 million rather than the full purchase price at closing, and then extended credit to MAD in the form of non-interest-bearing and below-market loans, in violation of the New York State Constitution (Art. VIII, §1). If the sale occurs, **MAD's \$2 million down payment will be fully subsidized by an appropriation in the City's FY2005 budget.**

Furthermore, the City Charter expressly states that Section 384(b)(4) may not be used for the sale of "inalienable property," i.e., City-owned property that, like 2 Columbus Circle, has been designated for

public use. New York's public trust doctrine holds that such property may only be conveyed with authorization by the state legislature, which the City has not sought or obtained.

Therefore, the City approved the sale of 2 Columbus Circle to MAD **in violation of the New York State Constitution, the New York City Charter, the General Municipal Law and New York's public trust doctrine.**

Write to (with a cc. to [landmarkwest@landmarkwest.org](mailto:landmarkwest@landmarkwest.org)):

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To send him an email, go to the following website and paste in your message:

<http://www.nyc.gov/html/mail/html/mayor.html>

Robert B. Tierney

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