

Information:

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Last Name: Anderson

Company: RSSLaw

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City: Brooklyn

State: NY

Zip Code: 11209

Email Address:

Phone:

Required copies of the records: Yes

List of specific record(s):

All communications received from elected New York State officials Governor, Assembly, and Senate regarding St. Nicholas Church and the rebuilding of the same between September 11, 2001 and November 8, 2011.

Daniel D. Duffy
FOI Administrator

April 20, 2012

Mr. Lucas Anderson
RSSS Law
305 84th Street 4C
Brooklyn, NY 11209

Re: Freedom of Information Reference No. 12772

Dear Mr. Anderson:

This is a response to your November, 2011 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code", copy enclosed) for copies of records related to communications received from elected New York State officials, Governors, and Assembly and Senate members regarding St. Nicholas Church and the rebuilding of the same between September 11, 2001 and November 8, 2011.

Material responsive to your request and available under the Code may be found on the Port Authority's website at <http://www.panynj.gov/corporate-information/foi/129772-O.pdf>. Paper copies of the available records may be requested.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Daniel D. Duffy
FOI Administrator

Enclosure



STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL
ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

FACSIMILE TRANSMISSION

TO: Hon. Harold Baer, Jr. FAX NO.: (212) 805-7901
U.S. District Judge

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FROM: Daniel Schulze, AAG

TEL. NO.: 212-416-6557 FAX NO.: 212-416-6009/6075

DATE: May 20, 2011 NUMBER OF PAGES: 4
(INCLUDING THIS PAGE)

RE: *Hellenic Eastern Orthodox Church v. Port Authority*, 11 Civ. 0985 (HB)(AJP)

COMMENTS: Please see attached.

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL (212) 416-8610/11

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May 20, 2011

BY FACSIMILE

Hon. Harold Baer, Jr.
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: *Hellenic Eastern Orthodox Church v. Port Authority*,
11 Civ. 0985 (HB)(AJP)

Dear Judge Baer:

Pursuant to the Court's instructions at the May 5, 2011 conference in this case, we submit this letter on behalf of defendants New York State Urban Development Corporation d/b/a Empire State Development ("UDC") and defendant Lower Manhattan Development Corporation ("LMDC") setting forth their understanding of the timeline of the parties' underlying negotiations regarding the potential rebuilding of the Hellenic Church.¹

Plaintiffs' complaint indicates that their claims arose in October, 2008, when the Port Authority allegedly began bargaining in bad faith and eventually walked away from an agreement it had purportedly reached with the Church. UDC and LMDC were not involved in the negotiations with the Church at that time, and had not been for well over a year, and so they can add little or nothing to what the Port Authority or the Church may report in this regard. The timeline submitted by UDC and LMDC includes important prior events to assist the Court in understanding the background of the dispute between the Port Authority and the Church.

¹ We note initially that immediately after the May 5, 2011 conference, counsel for the Port Authority had stated they would prepare a letter setting forth the timeline for our review to be submitted jointly on behalf of all defendants. Late on May 18, 2011, the Port stated to us for the first time that it would not share its letter with us unless we entered into a joint defense agreement, which UDC and LMDC are not prepared to do in this time-frame and at this stage of the litigation. Accordingly, UDC and LMDC submit this separate letter pursuant to the Court's directions to separately provide what they know of the timeline of the negotiations.



September 11, 2001 - The Hellenic Church located at 155 Cedar Street is essentially destroyed when the World Trade Center collapses after a terrorist attack.

November 2001 - LMDC is created as a subsidiary of UDC, but not controlled by UDC. LMDC is to act through its independent Board of Directors comprising both New York State and City appointees, with funding from the Federal government. As part of its mission to redevelop and revitalize Lower Manhattan in the aftermath of the September 11th tragedy, LMDC is to prepare a plan for the rebuilding in and around the World Trade Center site.

June 2004 - After extensive meetings, exhibits, analyses, and public hearings, LMDC's Board approves the initial World Trade Center Memorial and Cultural Program General Project Plan ("GPP"). The original GPP shows a location for the Church that is technically located on the 140 Liberty Street plot but is very near to its original location at 155 Cedar.

Summer 2004 - Discussions take place among the Port Authority, UDC, LMDC and their respective counsel regarding implementation of the GPP. Discussions begin between the Church, the Port Authority, UDC, LMDC and counsel regarding a potential parcel and transaction for a new Church consistent with the GPP.

August 2004 - The first draft term sheets regarding the rebuilding of the Church are exchanged.

August 31, 2004 - LMDC acquires title to the 130 Liberty Street plot from Deutsche Bank, and begins work on a plan for the deconstruction of the building so the parcel can be redeveloped in accordance with the GPP.

Late October 2004 - LMDC, UDC, and the Port Authority enter into a letter agreement under which the Port Authority indemnifies UDC and LMDC in connection with LMDC's steps to acquire the land at 155 Cedar Street and 140 Liberty Street. LMDC later sets aside funds for this purpose, and acquires the 140 Liberty Street parcel in February 2006. The property at 155 Cedar has not been acquired by LMDC to date.

2005-06 - Discussions are pursued off and on among the Church, Port Authority and LMDC, but no agreement on terms is reached and no agreement is authorized or signed by UDC or LMDC.

November 2006 - LMDC issues a proposed amendment to the GPP with a new site plan that identifies a new location for the ramp to the Vehicular Security Center and places the church on the eastern end of Liberty Street (technically the northeast quadrant of the 130 Liberty Street plot). The new location for the Church is for purposes of accommodating the new ramp location.

December 2006 - The Church, Port Authority, UDC, LMDC and their counsel meet to discuss a new location for the Church consistent with the proposed amendments to the GPP. This is believed to be the last meeting attended by representatives of either UDC or LMDC concerning the proposed rebuilding of the Church. It is the belief of UDC and LMDC that subsequent meetings and negotiations were conducted by and between the Church and the Port Authority, but UDC and LMDC did not participate.

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February 2007 - LMDC's Board adopts the proposed amendments to the GPP, including the site plan showing the church at the eastern end of Liberty Street on part of the 130 Liberty plot. There have to date been no further amendments of the GPP.

November 2007 - The Port Authority copies LMDC on an e-mail sent to representatives of the Church attaching a proposed term sheet regarding rebuilding of the Church at the 130 Liberty site proposed in the GPP. The Church copies its response to LMDC, which states that Port's term sheet is not a meaningful proposal and does not advance the transaction, and that the Church will not schedule any further meetings with the Port until it sees a proposal more to its liking.

July 2008 - The Port Authority submits another proposed term sheet to the Church regarding the rebuilding of the Church at 130 Liberty, and also requests comments from LMDC. The Port Authority and LMDC subsequently discuss LMDC's approval process, and LMDC makes some comments to the Port Authority in this regard regarding items in its term sheet. There are media reports of a tentative agreement between the Port Authority and the Church around this time. UDC and LMDC are not aware of any such agreement, and were not parties to it if it exists.

March 10, 2009 - The Port Authority includes LMDC on an e-mail distribution to representatives of the Church attaching a revised proposed term sheet and a proposed Site and Access Construction Agreement regarding the rebuilding of the Church at 130 Liberty. UDC and LMDC do not know what the Church's response to the Port Authority's March 10, 2009 proposal was, and received no correspondence from the Church in this regard. They note that the Church alleges in its complaint that it made a counterproposal to the Port Authority at this time altering "the logistics, timing and mechanics of the deal."

March 19, 2009 - The New York Times publishes an article stating that the negotiations between the Church and the Port Authority regarding the proposed rebuilding of the Church at 130 Liberty have ended. The article quotes a spokesman for the Port Authority as stating that the Church is free to rebuild at 155 Cedar and the Port will compensate the Church for the loss of the underground space that the Port will use for the Vehicular Security Center it is constructing.

Today - Titles to 130 Liberty and 140 Liberty are held by LMDC. The GPP contemplates that these properties will eventually be exchanged for land on the original World Trade Center site, which is owned by the Port Authority. Title to 155 Cedar is still held by the Church. The Port Authority is constructing the Vehicular Security Center, which will eventually include space underground on 130 Liberty, 140 Liberty and 155 Cedar. LMDC's GPP still contemplates that the Church will be rebuilt on the northeast quadrant of the 130 Liberty Street plot.

UDC and LMDC do not believe that any agreement was ever reached between the Church and the Port Authority to rebuild the Church at any location in the area covered by the GPP, and are not parties to any such agreement if it exists.

Respectfully,



Daniel Schulze

Assistant Attorney General

cc. All Counsel (by facsimile)