



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

COURT DISMISSES CHALLENGE TO MUSEUM OF ARTS AND DESIGN PROJECT PLANNED FOR 2 COLUMBUS CIRCLE

ALL CLAIMS BY PETITIONERS REJECTED AS NEW YORK CITY REAFFIRMS ITS COMMITMENT TO THIS IMPORTANT CULTURAL DEVELOPMENT PROJECT

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New York, April 15, 2004 – A challenge to the City's sale of 2 Columbus Circle to the Museum of Arts and Design, which plans to refurbish and renovate the building for use as a museum, was dismissed today by State Supreme Court Justice Walter Tolub. The challenge was brought by several community groups, including Landmarks West!, and a few individual residents of Manhattan's West Side.

The petitioners argued that the City's review of the potential environmental impacts of the sale of the building was inadequate because the City incorrectly determined that the building was not an historic resource, as defined by applicable environmental regulations. They also challenged the decision that the Office of the Deputy Mayor for Economic Development and Rebuilding, rather than the City Planning Commission, act as "lead agency" for the environmental review.

The Court rejected all the petitioners' claims and found that the environmental review for the project was wholly appropriate. The Court found that, among other things, the City reasonably concluded that the building was not an important historic resource, and that City agencies were entitled to rely on a conclusion by the Landmarks Preservation Commission that a building is not eligible for designation as a landmark in reaching that decision.

"Two Columbus Circle has been an orphan for the better part of its existence," the Court wrote. "The State and City, by its agencies, and the people through their Community Board and elected officials have concluded that Two Columbus Circle is not worthy of preservation in its present form. Petitioners have had ample opportunity to plead the building's importance to the community and to the constituent agencies. The court perceives no valid reason to nullify Respondents' determination."

Corporation Counsel Michael A. Cardozo of the New York City Law Department said, "We are gratified that the Court concluded that the City's actions were in all ways appropriate." He also reaffirmed the City's commitment to the Museum's efforts. "This valuable cultural project will enhance the continuing revitalization of the Columbus Circle area by locating a premier museum in what is now a vacant building," Cardozo said.

"This is great news for the future of the Museum of Arts and Design, Columbus Circle and New York City," said Andrew M. Alper, President of New York City Economic Development Corporation. "After this unwarranted delay, we can now move forward with an excellent project that will bring new life to this unique building as well as add to the new vitality of the area resulting from the now-completed Time Warner Complex."

New York City Law Department Environmental Law Division Chief Susan Kath, Senior Counsel Chris Reo and Assistant Corporation Counsel Michael Burger represented the City officials who were named as respondents.

“The Museum is very pleased with the court’s comprehensive and thoughtful analysis of the case and continues to move ahead with the redevelopment of 2 Columbus Circle as planned,” says Holly Hotchner, Director of the Museum of Arts & Design. “We look forward to creating an important cultural and educational resource for the neighborhood and the City, and to enhancing and enlivening Columbus Circle with an architecturally distinguished and welcoming museum.”

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