

NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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*For Immediate Release*

**APPELLATE COURT VOIDS CONDEMNATION OF  
LAND IN GREENPOINT / WILLIAMSBURG  
THAT A POWER COMPANY, TRANSGAS, HAD SOUGHT FOR ITS OWN USE**

***CITY PLANS TO TURN THE PROPERTY INTO A PUBLIC PARK INSTEAD***

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New York, Nov. 17, 2006 – A midlevel appellate court has ruled in favor of the City in a land condemnation case involving TransGas Energy Services Corp.

In 2002, TransGas applied to build a 1,100-megawatt electric and steam cogeneration plant in the Greenpoint and Williamsburg areas of Brooklyn. The company's application is still pending before the New York State Board on Electric Generation Siting and the Environment. However, in an attempt to secure local land, an affiliate of TransGas LLC published notice in August 2005 announcing its intention to commence a condemnation proceeding.

The City argued against the property's condemnation, noting its desire to turn the land into a public park instead. The Appellate Division, Second Department agreed with the City's arguments and voided a legal "determination and findings" that had allowed TransGas to condemn the property (since TransGas's application before the NY State Board has not been finalized yet).

"The proposed power plant has been opposed by many in the community. The Siting Board must weigh health, environmental and energy issues before it can make a final decision," noted Corporation Counsel Michael A. Cardozo. "We are pleased with the ruling. It allows the proper procedure to unfold before any drastic measures are taken regarding the land."

The case was handled by Senior Counsel Fred Kolikoff and Deputy Chief Lisa Bova-Hiatt, in the Tax & Bankruptcy Litigation Division, and Senior Counsel William Plache, in the Environmental Law Division. The judge's decision was dated Nov. 8th and recently received by the Law Department.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed at [www.nyc.gov/law](http://www.nyc.gov/law).

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