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Press Release

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*For Immediate Release*

**CITY PREVAILS IN EFFORTS TO MOVE FORWARD  
WITH REVITALIZATION OF 2 COLUMBUS CIRCLE**

***APPELLATE COURT UNANIMOUSLY AFFIRMS LOWER COURT RULING***

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New York, Jan. 4, 2006 - The Appellate Division, First Department of the New York State Supreme Court yesterday unanimously (5-0) affirmed the decision of Supreme Court Justice Michael Stallman and thereby rejected efforts that sought to halt the Oct. 19, 2005, sale of 2 Columbus Circle from the City of New York to the Museum of Arts and Design.

The Museum of Arts and Design, which currently resides in smaller quarters on West 53rd Street, plans to renovate and modify the building, which has been vacant since 1998. When complete, the renovations will allow the Museum to display its permanent collection, open a restaurant and establish a Center for the Study of Contemporary Craft.

"This decision confirms that the consideration given to the building at 2 Columbus Circle by the New York City Landmarks Preservation Commission was entirely proper. After an extensive period of public and judicial review, we look forward to seeing the Museum of Arts and Design move in, and the completion of the Columbus Circle renovation," noted Susan Choi-Hausman, a Senior Counsel in the New York City Law Department's Appeals Division and the lead appeals lawyer on the case.

This lawsuit was one of five lawsuits challenging the sale, all of them unsuccessful. In this suit, the petitioner, a community advocacy group called Landmarks West!, sought to prohibit Robert Tierney, the Chair of the City's Landmarks Preservation Commission (LPC), from participating in any possible future proceedings related to the possible landmark designation of the building.

In yesterday's decision, the First Department vindicated the LPC's decade-old determination that the building does not warrant a public hearing on landmark designation, and held LPC Chair Robert Tierney's actions were entirely appropriate. In his decision dismissing all claims brought in that suit, Justice Stallman had concluded that Landmark West's! claims were based on "speculation, assumptions, and other conclusory language" that failed to set forth any such claim. The Appellate Division affirmed, holding that any claim challenging the review given the building by the Landmarks Preservation Commission had already been rejected in another challenge that had been brought by Landmark West!. In that prior case, the Appellate Division had ruled that the Landmarks Preservation Commission was not obligated to hold a public hearing before deciding not to calendar a request for the property's designation as a landmark. The Court also rejected the plaintiff's remaining claims in this case on appeal.

The redevelopment of the building at 2 Columbus Circle is a key component of the revitalization and redevelopment of Columbus Circle. In conjunction with the completion of the AOL-Time-Warner Center; a redesign and landscaping of the Circle itself; an improved traffic plan for vehicles and pedestrians; and the rehabilitation of the subway station, the new design will complete this critical piece of the Circle,

restore activity to this long-dormant site, and invigorate an oft-avoided streetscape with a vibrant cultural use.

In addition to Susan Choi-Hausman's work at the appellate level, Environmental Law Division attorneys Christopher Reo and Michael Burger handled the case in the lower court, and Joseph Gunn of the Economic Development Division handled the transaction. New York City's Landmarks Preservation Commission and Economic Development Corp. also both worked on the case.

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 through the City government home page at [www.nyc.gov](http://www.nyc.gov) or via direct link at [www.nyc.gov/html/law/home.html](http://www.nyc.gov/html/law/home.html).

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