

MEMORANDUM OF UNDERSTANDING
AMONG
BROOKLYN PUBLIC LIBRARY AND THE CITY OF NEW YORK
REGARDING FUNDING FOR THE BROOKLYN PUBLIC LIBRARY'S POTENTIAL DISPOSITIONS

THIS MEMORANDUM OF UNDERSTANDING ("MOU") dated the 21 day of May, 2013, among the Brooklyn Public Library ("BPL") and The City of New York ("City"), acting by and through its Office of Management and Budget ("OMB"), sets forth the mutual understanding of the parties for the purposes of potential site dispositions ("Potential Dispositions").

WHEREAS, BPL is in discussions with the City regarding the potential disposition of certain City-owned properties; and


WHEREAS, BPL and the City believe it would be in their mutual best interest to determine a general framework for the funding associated with the Potential Dispositions, and wish to memorialize their understanding in this MOU;

NOW, THEREFORE, the Parties hereby agree as follows:


1. BPL will consult with and obtain approval from OMB and other necessary Agencies as required prior to any actual dispositions.
2. BPL will follow City rules and regulations with respect to the disposition of all City-owned real property. Prior to any disposition of any such property, the City and BPL will have obtained all necessary consents and legal opinions confirming the legality of such disposition.
3. Proceeds from the dispositions of the various properties will be distributed in the following order of priority:
 - a) first, to BPL to reimburse BPL for direct expenses incurred by BPL and/or its agent directly related to the dispositions (such as reasonable legal fees), provided that such expenses have been approved in advance by OMB.
 - b) second, to the City, which will in turn include in the Executive Capital Budget for BPL an amount equal to 100% of the amount so received by the City. At its discretion, OMB may authorize an advance of capital funding to BPL in anticipation of any particular disposition. In that event, such funding shall be designated in writing as a capital funding advance on the disposition proceeds. After the disposition occurs, the City may deduct that designated advance from the disposition proceeds contributed to BPL.
4. OMB will establish a separate budget line within the Executive Capital Budget for BPL for any capital funding that is provided as part of this MOU.
5. The parties agree that the Potential Dispositions are designed to help reduce BPL's deferred capital maintenance costs and operating costs related to BPL's real estate needs.
6. The specific sites to be disposed of will be memorialized in separate MOUs.

IN WITNESS WHEREOF, the parties hereto have duly executed this MOU as of the day and year first written above.

BROOKLYN PUBLIC LIBRARY

By: 
Name: Linda E. Johnson
Title: President and CEO

THE CITY OF NEW YORK
OFFICE OF MANAGEMENT AND BUDGET

By: 
Name: Mark Page
Title: Director