

June 17, 2017

Deputy Mayor Alicia Glen  
City Hall  
New York, NY 10007

Re: The Preservation of the Joseph Daniel Wilson Memorial Garden

Dear Deputy Mayor Glen:

Manhattan Community Board (CB) 10 is writing this letter in support of the preservation of the Joseph Daniel Wilson Memorial Garden (JDWMG) coordinated by Project Harmony. The garden, founded in 1985 on vacant and unkempt lots on West 122nd Street and located between Adam Clayton Powell, Jr. and Frederick Douglas Boulevards, is under threat of destruction. JDWMG is comprised of 4 lots, two of which are "permanent" garden under the Parks Department, per the 2002 Spitzer-Bloomberg agreement. The garden maintains that the issue at-hand, are the two privately owned lots, which are non-contiguous and intersecting with the park-licensed lots, thus sharing long-standing, deeply-rooted flora and fauna.

The 0.15 acre garden spans the following sites: Manhattan block 1928, lot 22 (223 West 122nd Street) - (public- NYC Parks- permanent garden), Manhattan block 1928, lot 23 (219-00 West 122 Street) - (public- NYC Parks – permanent garden), Manhattan block 1928, lot 121 (225 West 122nd Street) - (private), and Manhattan block 1928, lot 122 (West 122nd Street) - (private).

CB 10 supported the 1985 Green Thumb approval of the founding of the JDWMG. At the time there were eight area lots that were all under the Department of City-wide Administrative Services (DCAS) because taxes had not been paid on them for many years. During the Giuliani Administration, four of the lots were reclaimed by the city, transferred to the Partnership for New Homes, and made into housing. Narrowness of the lots, required that the two houses that were built be constructed on 2 lots each, leaving the remaining four narrow lots (12 feet wide each) for the garden. The four remaining alternating and non-contiguous lots were still under DCAS. The fourteen year old JDWMG was advised in 1999 that the titular owner who held title to two of the lots, was given the opportunity to buy back the unpaid taxes which had been sold into a tax lien trust and as a result reclaimed title to the lots that had been previously abandoned. JDWMG continued to garden on the lots claimed by the "titular owner", as they were advised by legal experts, that the lots belonged to the Garden by right of adverse possession.

The titular owner wants to sell the lots. The community wants them to remain a garden. JDWMG maintains that to break into the garden at two or even one point would totally destroy the entire garden. Three possible alternatives

suggested for resolution are as follows:

1. Court litigation; wherein the gardeners would claim ownership of lots by right of adverse possession, as they have "openly and notoriously" utilized the space with the owner's knowledge but without his objection for many, many years. This would be a lengthy and drawn-out process, costing the titular owner a great deal. The garden has pro bono [free] legal assistance
2. Ask the city to purchase the land by declaring eminent domain. This too is a lengthy process but will ultimately be a win/win for all involved.
3. Consider a municipal land swap for a negotiated fair market value city site located elsewhere.

Borough President Gale Brewer is very much in support of maintaining the garden, because of the tremendous and positive impact on the Harlem community. The Borough President's Urban Planning Division recommends that flexibility be stressed in any resolution developed through a collaboration of the community board and elected officials, which might consider such mechanisms as a purchase or land swap. Borough President Gale Brewer has allocated \$300,000 towards the JDWMG as a line item on the Manhattan Borough President FY18 Capital Funding Allocations-CB 10, for the purpose of site acquisition of the privately owned lots so as to preserve the garden.

The JD Wilson Garden is a lush oasis in the City which provides countless resources to the entire community and neighborhood. JDWMG features 30 year old trees, a pond, compost bins, a feral cat colony, vertical gardens, bee hives, beautiful flora and fruit trees. Its loss would be a tragedy. Neighbors from all around come to compost, participate in the CSA, benefit from the thriving bee hives and are able to purchase low-cost, organic, locally grown produce at the People's Market. Thousands of pounds of fresh organic produce are donated each year to a local family shelter and also to a local school where children participate in making their own meals. Children and adults alike participate in countless educational workshops & healthy food prep/eating demonstrations, not to mention community concerts & poetry readings, cook-outs, holiday celebrations and more. The Joseph Daniel Wilson Memorial Garden is also a tourist attraction and has been visited by both domestic and international travelers.

Project Harmony submitted a petition with hundreds of signatures; primarily of local residents, but also included residents from other parts of the city, as well as other states and countries.

The community has met extensively with CB 10; attending Parks and Recreation Committee meetings on March 8<sup>th</sup>, April 12<sup>th</sup> and a Land Use Committee meeting on May 18<sup>th</sup> as well as a specially held CB 10 Community Forum on June 5<sup>th</sup> (hosted by the Parks and Recreation and Housing Committees) to express their extreme

concerns and efforts to preserve the Mandela Garden.

The Committee voted in favor of supporting resolution to the plight of the garden and issuing a letter of support, contingent upon receipt of the remainder of a 400 signature petition which the group partially submitted. The favorable sentiment will be conveyed to the Executive Committee.

It is the recommendation of Manhattan CB10 that the Joseph Daniel Wilson Memorial Garden, a community treasure, be preserved through the most appropriate venue.

Sincerely,

Cecily Harris  
Chairperson  
Manhattan Community Board 10

Karen Horry  
Chair  
Parks and Recreation Committee  
Manhattan Community Board 10

cc: Mitchell J. Silver, FAICP, Commissioner, NYC Department of Parks &  
Recreation  
Bill Perkins, NYC Council Member  
Inez Dickens, NY State Assembly Member  
Adriano Espaillat, Congress Member  
Gale Brewer, Manhattan Borough President