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Volume 76, Number 9 | July 19 - 25, 2006

Judge slam dunks Basketball City, orders it to vacate pier

By Albert Amateau

Basketball City's desperate grip on Pier 63 ended this week when a federal Bankruptcy Court judge ordered the sports facility to surrender the pier at W. 23rd St. to the Hudson River Park Trust on Sept. 1.

Judge Burton R. Lifland gave Basketball City an extra 10 days beyond the deadline to remove its six basketball courts, locker rooms, offices and the inflatable bubble that encloses the facility on the roof of Pier 63.

"This is a simple matter of the debtor seeking to cling to the premises," Lifland said at the July 18 hearing. He added that there was no evidence that Basketball City was in the kind of financial trouble that Bankruptcy Court is intended to resolve.

The judge also denied a request by Daniel Alterman, attorney for Friends of Hudson River Park and Chelsea Waterside Park Association, to intervene on the side of the Trust. Alterman has said that Basketball City's continued presence on Pier 63 was a roadblock to completion of the park.

"This is a two-party dispute on a narrow issue of law," said Lifland, adding that statements by elected officials, civic groups and others pro or con were irrelevant.

Basketball City filed for reorganization under Chapter 11 of the federal Bankruptcy Act on June 7 just before the Trust could deliver a court-ordered eviction. A bankruptcy petition automatically stays most procedures against a debtor and its possessions.

The Trust, the city-state agency building the 5-mile riverfront park between Chambers and 59th Sts., has been seeking to repossess the pier at 23rd St. since September 2004 when Basketball City's lease expired. The Trust won its eviction suit in State Supreme Court and Basketball City lost in appeals in the

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Appellate Division and the Court of Appeals.

In a Bankruptcy Court petition, Basketball City asked for a “soft exit” and to stay on the pier until Nov. 30 of this year.

Since July 2003, the Police Department’s Mounted Unit has been a subtenant of Basketball City, occupying the ground level of the pier. The city has reluctantly agreed to move the Mounted Unit from Pier 63 to a temporary location on the auto tow pound on Pier 76 at W. 35th St. by the end of December 2006.

Greg Messer, the attorney who argued for the Trust on Tuesday, said it was necessary for Basketball City to leave in order to begin work to transform Pier 63 into a park pier. Some of the work, however, could take place while the Mounted Unit was still on the pier, he said.

Basketball City has been negotiating with the city for space on Pier 36 on the East River, a deal that is still pending. The company also operates Basketball City in Boston.

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The Villager is published by
 Community Media LLC.
 145 Sixth Avenue, New York, NY 10013
 Phone: (212) 229-1890 Fax: (212) 229-2790
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