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**HEADLINE:** LOLLIPOP GROUP'S LICKED - JUDGE RIPS 2 COLUMBUS CIRCLE SALE FOES

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### **BODY:**

TWO new court rulings might be the death blow to preservation activists' increasingly personal campaign against the imminent sale of 2 Columbus Circle, the "Lollipop" building, to the Museum of Arts & Design.

On the eve of the holiday weekend, a state Supreme Court judge threw out two more cases filed by preservationist group **Landmark West**.

One said the Lollipop is a "public place" like a park, and thus requires state legislative approval to be sold.

The other charged that Landmarks Preservation Commission Chairman Robert Tierney, museum Director Holly Hotchner and museum Project Director Laurie Beckelman had personally engaged in a "conspiracy" not to hold a public hearing on the building.

The museum, represented by CB Richard Ellis' Lewis Buffalino, has a contract to buy the Lollipop from the city for \$17 million, but the blizzard of lawsuits has held up the deal.

Hotchner said, "Obviously we're delighted that the lawsuits did not have legs behind them" and expressed confidence the sale will soon close.

The rulings were a momentous legal victory for the city and the museum, who have previously licked the activists in three other courts.

In one case, **Landmark West**

accused the city of dodging the law when it decided to sell to the museum, despite overwhelming votes by Manhattan community board members and elected officials and by the City Council. An appeals court unanimously upheld the city.

In another, the plaintiffs claimed a public hearing held before the community boards' vote was invalid because it took place in August, when New Yorkers "traditionally" take vacations.

Last week, Judge Michael Stallman advised **Landmark West** to "forebear from further litigation and extravagant rhetoric."

But the group's executive director, Kate Wood, told us: "We plan to appeal and will continue to seek damages

against those responsible for causing the destruction of 2 Columbus Circle by subverting the proper governmental functioning of the Landmarks Commission."

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In one of those small deals that boost spirits downtown, communications firm The Horn Group is leaving behind 2,500 square feet at 680 Fifth Ave. for 10,105 feet, the entire 29th floor, at the Rudin family's 55 Broad St., the New York Information Technology Center.

Horn provides communications, public relations and interactive services to software and technology companies. Rudin Management President Bill Rudin said it was "exciting" that Horn, founded in California, "is taking advantage of opportunities downtown."

In fact, the firm will benefit from the five-year occupancy tax waiver and sales tax breaks on construction signed last week by Gov. Pataki at a ceremony at 55 Broad, where asking rents are in the mid to high \$20s.

Meanwhile, across the street, boutique financial services firm W.J. Bonfanti, Inc., is enlarging its foothold downtown with an 8,000-square-foot lease at 60 Broad St.

The firm is moving from 1,000 feet at Swig Equities' 44 Wall St. Studley's Evan Margolin represented Bonfanti.

And speaking of Swig Equities, Kent Swig's company just closed on the \$200 million-plus purchase of 25 Broad St., a landmarked 540,000 square-foot rental apartment building deemed ripe for condo conversion.

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For nearly 20 years, Hearst Corp. sat on vacant land on the east side of Eighth Avenue between 54th and 55th streets, next to an office building it also owns at 250 W. 55th St.

It was one of those odd Midtown anomalies, that is, a precious but unused envelope of air over an empty lot, even as new towers rose nearby.

But now that the media company's spectacular new headquarters tower designed by Sir Norman Foster is nearing completion two blocks north, it has put both the lot and the office building up for sale.

Hearst has tapped CB Richard Ellis' Darcy Stacom and William Shanahan to field offers for the property, which comes with a batch of pre-purchased air rights from nearby sites. (The brokers declined to comment.)

By taking advantage of additional air rights available under special theater-district zoning, sources confirmed, a buyer could put up a project of 500,000 square feet on the 25,000-square-foot site.

Flexible zoning on Eighth Avenue allows for office, hotel, residential or mixed use. Hearst's decision to sell was first reported in REFI.

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