

**PROPOSAL FOR THE CITY OF NEW YORK  
TO ACQUIRE REAL PROPERTY  
AT 27 EAST 4TH STREET, MANHATTAN**

***For Preservation & Commemoration of the  
Underground Railroad History Associated  
With the Merchant’s House Museum***



***And the Protection and Enhancement of the  
Museum’s 1832 Landmark Building***

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Submitted By:

***The Old Merchants House of New York, Inc.***

Submitted To:

***The City of New York***

Date of Submission:

***May 7, 2026***

This Proposal is submitted by The Old Merchants House of New York, Inc, d/b/a Merchant’s House Museum (“Merchant’s House” or the “Museum”) in support of the request that the City of New York (the “City”) acquire, by negotiated purchase or eminent domain, certain real property at 27 East 4th Street (Block 544, Lot 2), located in Manhattan Community District 2 (the “Subject Property”).

The Subject Property is located immediately to the west of the Merchant's House, which is owned by the City and maintained under the jurisdiction of the NYC Department of Parks & Recreation ("DPR"), at 29 East 4th (Block 544, Lot 71) (the "Merchant's House Site").

As detailed below, the City's acquisition of the Subject Property will:

1) *protect the Merchant's House from the certain destruction that is threatened by the proposed development next door; and*

2) *help meet the educational and programmatic needs of the Merchant's House, which are currently limited by the boundaries of its existing site. The programmatic needs have grown exponentially in recent months with the confirmation that Merchant's House was an integral part of the early abolition movement, and, in particular, as a site of the Underground Railroad.*

First, only the City's ownership of the Subject Property, as explained more fully below, can assure the people of the City that the Merchant's House will be protected against the ravages of the threatened adjacent development. The proposed nine-story office building on the Subject Property would be as-of-right. The only restraint on development of the adjacent property is the developer's need for a Certificate of Appropriateness from the Landmarks Preservation Commission ("LPC") because the development site is located in an historic district. As documented before the LPC, should development proceed, as it likely will (in the absence of the City's acquisition of the Subject Property), the City would suffer the devastating and irreparable loss of the Merchant's House, including the remarkable intact physical remnant of the Underground Railroad that was built into the Museum's building when it was first constructed in 1832.

Second, the Merchant's House has run out of space to support its expansive educational and cultural programs, which, as noted, have increased significantly with the discovery of the Merchant's House's connection to the Underground Railroad. The City's acquisition of the Subject Property will allow the Merchant's House to repurpose and renovate the existing one-story garage on the adjoining site (located on the Subject Property to be acquired) to create a new "Underground Railroad Memorial Center and Learning Annex." This will facilitate development of expanded and new interpretive educational and cultural programming, including exhibitions, commemorative installations, and educational spaces related to the Underground Railroad history of the site. It would further provide new and enriching learning and research opportunities for students and academics alike to study the City's only intact, publicly-accessible Underground Railroad site. The Merchant's House could thus expand public access to and circulation around its museum building, and create safer and more comprehensive visitor experiences.

In addition, with the acquisition of the Subject Property, the Merchant's House will enhance the landscaped environment and increase the opportunity for passive recreation with additional outdoor seating integrating the improved landscape architecture with that of the Merchant's House Site, along with "Manuel Plaza" located at 31-35 East 4th Street -- a public park immediately to the east of the Museum. Manuel Plaza was named in honor of five persons of African descent who founded what was then called "The Land of the Blacks," the earliest Black farming community in New York City in 1643. Critically, researchers and staff at the Merchant's House and others will be able to undertake archaeological investigation of the Subject Property in a manner consistent with its historic significance. *Together, Manuel Plaza, Merchant's House and the new Underground Railroad Memorial Center and Learning Annex*

*would become the only tri-partite succession of properties dedicated to African American Heritage in New York City.*

## **I. THE OLD MERCHANTS HOUSE OF NEW YORK, INC.: STEWARD OF THE MERCHANT’S HOUSE MUSEUM ON BEHALF OF THE CITY**

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Merchant’s House is a nonprofit organization that operates the Museum and maintains its one-of-a-kind collection of original artifacts and materials dating back to 1832. As referenced above, the City owns the 1832 Museum building, which is maintained by the DPR. The Merchant’s House is a member of the Historic House Trust (“HHT”), which partners with the DPR to advocate for, promote, and provide expertise to preserve publicly-owned historic house museums throughout the City. The HHT team manages restoration projects at its partner sites, coordinates daily maintenance needs, advises on best practices in historic preservation, and works to address the evolving needs of its partners and stakeholders.

The Merchant’s House is a designated federal, state, and city landmark. It was the first building in Manhattan designated at the very first meeting of the LPC in 1965 and is one of only 124 buildings that have interior and exterior landmark designation. It is part of the Noho Historic District Extension (2014).

The cultural and architectural significance of the Merchant’s House is undisputed in the history of the City. Built in 1832, it is the only family home preserved intact – inside and out – from the 19<sup>th</sup> century. For 90 years as a museum, the Merchant’s House has told the story of the domestic life of a wealthy merchant family, the Tredwells, who lived in the house for almost 100 years with four Irish servants from 1835 to 1933. The Tredwell home remains complete with the family’s original furnishings, personal belongings, and even their clothing, offering visitors an authentic glimpse of life during the period when New York City emerged from a mercantile seaport into a growing metropolis.

After the recent discovery of a hidden passageway comprising a site of the early Underground Railroad, the Merchant’s House today now tells an additional and equally (if not more) compelling story of 19<sup>th</sup>-century New York City -- the early years of the abolition movement and the Underground Railroad.

Extensive research that started three years ago led to a remarkable conclusion: the man who designed and built the Merchant’s House in 1832 -- Joseph Brewster -- was an ardent and dedicated abolitionist. He constructed a hidden passageway secreted beneath a built-in chest of drawers within the western wall of the Merchant’s House. It was intended to harbor freedom-seekers. The hidden passageway is the first intact Underground Railroad site discovered in Manhattan in over 160 years. Evidence suggests that the Subject Property may also have played a role in this history.

With the recent confirmation of the connection between the Merchant’s House and the Underground Railroad, the mission of the Merchant’s House has taken on a new dimension. Although New York State formally abolished slavery in 1827, the City’s booming economy remained deeply entangled with the slave South. Cotton was king and its kingdom was global. The City sat at the center of this vast economic web, and it was firmly pro-slavery. Underground Railroad sites such as Merchant’s House played a pivotal role in the tireless work to free enslaved persons of African descent.

The Merchant's House is now developing education programs and exhibitions to tell the story of the early abolition movement and the Underground Railroad in the City, one of extraordinary courage of anti-slavery activists and freedom seekers operating in a deeply hostile and dangerous environment.

## II. THREATENED DEVELOPMENT AT THE SUBJECT PROPERTY

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In January 2026, the developer that owns the Subject Property applied to the LPC for permission to demolish an existing one-story garage and replace it with a new 9-story commercial office building – one that would hulk over the historic 3½-story Merchant's House. LPC approval is required because the Subject Property is in the NoHo Historic District Extension.

Over the last 14 years, the developer has submitted multiple proposals for three different projects at the Subject Property, starting with an 8-story hotel proposed in 2012. (The City Council rejected that proposal out of concern that construction of an 8-story building on the Subject Property could cause substantial, if not catastrophic, damage to Merchant's House.) For all of those 14 years, public officials and community stakeholders, as well as New York's preservation community, have unanimously opposed the developer's plans. *Opposition is based upon documented evidence from respected engineers that the planned demolition of the existing garage structure and construction of a new, much-larger building in its place would, at a minimum, destroy the historic original 1832 plaster throughout the first three floors of the Merchant's House and, worse, destroy the building along with the rare and critical vestige of the Underground Railroad history that is an integral part of the Merchant's House.*

The proposed construction, if allowed to move forward next door, is absolutely guaranteed to cause significant damage to the Merchant's House. At particular risk, as noted, is the original 1832 plasterwork and the secret passageway built into the west party wall connected with the Subject Property. Engineering studies show that vibrations from demolition of the existing building, excavation of the new foundation, and construction of a new building would cause severe damage to the fragile 194-year-old plaster – both the ornamental details and the walls and ceilings. (The certain damage to be caused by adjacent construction on the Subject Property likely explains why the developer, despite having been directed by the LPC nearly three years ago to commission a plaster study, has never done so.) The vibrations can, and most likely will, also break the plaster “keys” between the wood lath, which generally are only 1/4” thick. Vibration can also loosen the nails that fasten the ceiling laths to the framing, causing catastrophic failure of the ceiling support system. The secret passageway used to aid freedom seekers also depends on the plaster “keys” as its walls are built into the wood lath of the rear parlor.

According to preservation architect Michael Devonshire, who has overseen all restoration work at the Merchant's House since 1990, “Ceiling plaster is much more vulnerable. The plasterers were working above their heads, thus pressure to form the plaster ‘keys’ between lath boards was much less, resulting in weak or deficient keying. Ceilings invariably fail first in historic buildings.” The proposed building is not only taller than the previous design, but also adds more bulk. *All of which heightens the risk of irreparable damage and the real possibility of collapse! Indeed, structural engineer Michael Schuller of Atkinson Nolan has confirmed that, because construction of the passageway comprising the Underground Railroad site required*

*Brewster to cut through the framing of Merchant's House along its western wall, the structural integrity of the entire building is particularly vulnerable to proposed adjacent construction. Thus, the threatened development next door places the very survival of the Merchant's House at stake.*

The Old Merchants House of New York proposes that the City acquire the Subject Property by negotiated purchase or, if necessary, by exercising the City's Power of Eminent Domain that will serve three distinct, substantial, and constitutionally cognizable public purposes:

- *To protect the Merchant's House from the grave risk of severe structural damage and other destruction posed by the threatened demolition activity and proposed new construction on the immediately adjacent Subject Property, which is presently the focus of a Certificate of Appropriateness application pending before the LPC. To allow the construction to move forward would threaten the public's ability to access the only Underground Railroad site open to them. And if construction were to be allowed, and completed, the safety of the public would continue to be at risk.*
- *To preserve, commemorate, and make publicly accessible the profound Underground Railroad history associated with the Merchant's House, including creation of the "Underground Railroad Memorial Center and Learning Annex" at the Subject Property; and*
- *To expand and enhance the site on which the Merchant's House stands, repurposing and renovating the existing one-story garage building on the Subject Property to be used as an adjunct to the Merchant's House, thereby improving the City's ability to fulfill its public functions of historic preservation, cultural education, and community enrichment.*

### III. DESCRIPTION OF PROPERTIES

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#### A. The Subject Property (Privately Owned Parcel to Be Acquired)

Property Address / Location	<i>27 East 4th Street, Borough of Manhattan</i>
Current Owner of Record	<i>KALODOP II PARK CORP.</i>
Block & Lot	<i>Block 544, Lot 2</i>
Lot Area (sq. ft. / acres)	<i>3,456 sq ft</i>
Current Zoning Classification	<i>M1-5/R7X SNX</i>
Current Landmark Status	<i>NoHo Historic District Extension (May 13, 2008)</i>
Tentative Taxable Billable Assessed Value	<i>\$458,100</i>
Tentative Market Value (NYC DOF) ( <i>Market Value TBD Based Upon FMV Appraisal</i> )	<i>\$1,095,000</i>
Current Use of Property	<i>One-story parking garage built 1931</i>
Council District 2	<i>Council Member Harvey Epstein</i>

#### Subject Property



## B. The City-Owned Property and Merchant's House Museum Building

<b>Property Address / Location</b>	<i>29 East 4th Street, Borough of Manhattan</i>
<b>Tax Map Parcel / Block &amp; Lot</b>	<i>Block 544, Lot 71</i>
<b>Landmark Designation Name</b>	<i>Old Merchants House</i>
<b>Year of Landmark Designation</b>	<i>10/14/1965 (Individual Landmark 12/22/1981 (Interior Landmark)</i>
<b>Year of Original Construction</b>	<i>1832</i>
<b>Original and Historic Use</b>	<i>Town House Residence</i>
<b>Current Municipal Use</b>	<i>Museum</i>
<b>Administering Department</b>	<i>Department of Parks &amp; Recreation</i>

### Merchant's House



## Underground Railroad Passageway Beneath the Floorboards and Within the Western Wall of the Merchant's House



### IV. LEGAL AUTHORITY FOR THE PROPOSED ACQUISITION BY EMINENT DOMAIN

#### A. The City's Power of Eminent Domain

The City has comprehensive and well-established legal authority to acquire the Subject Property by eminent domain, should that be necessary. This authority derives from multiple, mutually reinforcing sources of law:

1. **Constitutional Authority.** Both the Fifth Amendment to the United States Constitution and Article I, Section 7 of the New York State Constitution authorize the taking of private property for public use upon payment of just compensation. Here, acquisition of the Subject Property would achieve multiple objectives, including, among other things:
  - (i) assuring preservation of the Merchant's House, including its history as an Underground Railroad site;
  - (ii) ensuring that the public will have uninterrupted access to Merchant's House. At present, *the Museum, if adjacent construction were to proceed, would have to close during the expected two-year construction project at the Subject Property*; the City's

acquisition of the Subject Property and its replacement with the new “Underground Railroad Memorial Center and Learning Annex” would allow the Museum to remain open to the public; and

(iii) expanding and enhancing the Merchant’s House, by allowing museum staff to relocate offices to the proposed new expanded Merchant’s House facility at a portion of the Subject Property, thereby opening up period space in Merchant’s House for interpretation. Such purposes easily meet constitutional standards for use of the State’s eminent domain power.

2. **State Statutory Authority.** New York General Municipal Law §74 authorizes municipal corporations to acquire real property by condemnation for their corporate uses and purposes. The New York Eminent Domain Procedure Law (EDPL) provides a comprehensive procedural framework—including public hearing, determination and findings, offer, petition, and compensation proceedings—governing the City's exercise of this power.
3. **New York City Charter Authority.** New York City Charter §381 independently authorizes the City to acquire real property by condemnation for any public or municipal use or purpose or for the promotion of public enjoyment. Charter §197-c requires the acquisition to be reviewed and approved through the Uniform Land Use Review Procedure (ULURP). Charter §394 designates the Corporation Counsel as the officer responsible for conducting condemnation proceedings.
4. **New York City Administrative Code Authority.** Administrative Code Title 5, Chapter 3, Subchapter 1 (§§5-301 through 5-340) establishes the City-specific consolidated condemnation procedure applicable to capital project condemnation proceedings, including the required mayoral authorization, preparation and filing of acquisition maps, and the process for compensation adjudication.

The City, following the prescribed procedural requirements under the EDPL, the NYC Charter, and the NYC Administrative Code—including conducting the required EDPL public hearing, completing the ULURP process, making a good faith offer of just compensation, obtaining Mayoral authorization, and filing the condemnation petition with the State Supreme Court—inarguably has the power to acquire the Subject Property via the proposed condemnation for the protection of the Merchant’s House, enhancement of the Underground Railroad legacy, and enlargement of the Merchant’s House Site. These purposes all make the proposed acquisition by the City through its power of Eminent Domain legally sustainable and resistant to challenge. The public-use requirement is plainly satisfied; and the City's condemnation authority is firmly grounded in applicable constitutional, state, and local law.

## **B. Public Use Standard Satisfied**

The proposed acquisition clearly satisfies the public use requirement. Each of the three public purposes articulated in Section II of this Proposal — protection of the Merchant’s House building, preservation of Underground Railroad heritage, and site expansion and enhancement to meet the Museum’s programmatic needs— independently constitutes a recognized and cognizable public use under applicable constitutional and statutory standards. The convergence of all three purposes in this acquisition makes the public use basis especially compelling.

## **V. STATEMENT OF PUBLIC PURPOSE AND NECESSITY**

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The acquisition of the Subject Property serves three independently sufficient and mutually reinforcing public purposes, each of which is described below in detail. The following statement of public purpose satisfies the requirements of New York Eminent Domain Procedure Law Section 204:

### **A. Public Purpose No. 1: Protection of the Designated Museum Building from Risk of Damage or Destruction**

The City owns and maintains Merchant’s House Museum building situated on the parcel immediately adjacent to the Subject Property. That building, designated a landmark pursuant to the City’s Landmarks Law, is a structure of singular architectural, historical, and cultural significance. The protection of this publicly-owned landmark from foreseeable harm constitutes a compelling public purpose of the highest order.

The Subject Property is presently privately owned and subject to private development rights. Under current zoning, and restrained only by the required approval of LPC, the Subject Property could be the site of demolition of any existing structure and the construction of a new building of substantial mass and scale. Such construction activity, in immediate proximity to the Merchant’s House has been shown to pose serious and well-documented risks including but not limited to:

- Vibration damage to the Merchant’s House foundation, masonry, structural members, and historic fabric caused by demolition equipment, pile driving, and heavy construction machinery;
- Severe damage to the fragile 194-year-old plaster – both the ornamental details and the walls and ceilings – as well as the Underground Railroad passageway;
- Excavation-related ground movement, soil settlement, and subsidence that could undermine the Merchant’s House foundation and compromise its structural integrity;
- Water infiltration and drainage disruption resulting from adjacent site disturbance;
- Accidental structural damage during demolition of any building on the Subject Property, given the proximity to the shared property line; and
- Long-term adverse effects on the Merchant’s House structural integrity and historic character from the physical and environmental changes introduced by a new large-scale adjacent structure.

These risks are not speculative. Engineers, preservation professionals, and construction experts have all attested to the threat that is posed to the Merchant's House historic masonry structures of the age and construction type of the building, which will be particularly susceptible to damage from adjacent proposed demolition and construction.

The acquisition of the Subject Property will eliminate this threat permanently, ensuring that the immediately adjacent land remains under municipal control and that no development activity threatening the Merchant's House can occur without the City's knowledge, planning, and safeguards.

## **B. Public Purpose No. 2: Preservation, Commemoration and Interpretation of Underground Railroad History**

It has recently been determined that the Merchant's House served as a documented site of the early Underground Railroad, the clandestine network of people, routes, and safe houses that assisted enslaved African Americans escape to freedom in the antebellum era. This discovery is of profound historical, cultural, and civic significance. The preservation and public commemoration of Underground Railroad sites have been recognized at the federal, state, and local level as a public purpose of the highest importance. For all the reasons stated above regarding the threat of destruction to the building, it behooves the City to take all possible action to ensure against the destruction of Merchant's House for the preservation of this critical vestige of the Underground Railroad's history.

The acquisition of the Subject Property will enable the City and others to undertake a comprehensive historical investigation of both parcels, to preserve any physical evidence of Underground Railroad activity that may be present on the Subject Property, and to develop an integrated interpretive and commemorative program spanning both sites. The public interest in honoring, preserving, and educating the public about this chapter of American history — one of the most morally consequential and historically significant — is manifest.

Federal recognition of the significance of Underground Railroad preservation is reflected in the National Underground Railroad Network to Freedom Act of 1998, which established the National Park Service's Network to Freedom program. State-level historic preservation programs similarly recognize Underground Railroad sites as priorities for preservation funding and recognition.

## **C. Public Purpose No. 3: Expansion and Enhancement of the Municipal Landmark Site**

The acquisition of the Subject Property will enable the Merchant's House to expand and substantially enhance the site on which the Merchant's House is situated, which has long been an unfulfilled programmatic need of the Museum. It becomes even more significant with the discovery of the building's connection to the Underground Railroad. The existing site is constrained by its current boundaries, which limit its ability to fulfill its public functions with respect to the Museum. Acquisition of the Subject Property would enable the Merchant's House to repurpose and renovate the existing one-story garage building and thereby:

- Expand public access to and circulation around the Merchant's House building, enabling safer and more comprehensive visitor experiences, especially for disabled visitors who are not currently able to access the Museum.
- Provide state-of-the-art spaces to care for the Museum's collection. Such spaces would allow the public access to historic textiles, see conservators in action, and hold educational workshops on museum techniques and best practices.
- Open additional floorspace in the Museum to the public. The 3<sup>rd</sup> floor children's bedrooms, which are currently staff offices, would recreate the experience of children in 19<sup>th</sup> century New York. The collections storage on the 4th floor servants quarters would move to the one-story building, opening the space to interpretation of the lives of Irish servants.
- Accommodate school groups visiting the Merchant's House.
- Develop new interpretive programming, including exhibitions, commemorative installations, and educational spaces related to the Underground Railroad history of the site;
- Enhance the landscaped environment and increased opportunity for passive recreation with additional outdoor seating integrating the improved landscape architecture with that of the Merchant's House Site along with Manuel Plaza, a public park immediately to the east of the Museum that was named in honor of five African-born slaves who received land in the neighborhood from the Dutch West India Company;
- Undertake archaeological investigation of the Subject Property in a manner consistent with its historic significance; and
- Develop ancillary facilities such as bathrooms, educational, and community spaces to support the cultural and educational programming of the Merchant's House by repurposing and renovating the one-story garage building at the Subject Property.

The expansion of municipally-owned public cultural institutions and the enhancement of designated landmark sites serve recognized public purposes that are well established in eminent domain law and public policy.