S T A T E O F N E W Y O R K

S. 7731 A. 10962

S E N A T E - A S S E M B L Y

May 5, 2010

IN SENATE -- Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. JORDAN -- read once and referred to the Committee on Local Governments

AN ACT to amend chapter 542 of the laws of 1997 relating to authorizing the village of Round Lake in the town of Malta and county of Saratoga to discontinue the use as such of certain park lands no longer needed for park purposes and to lease the same, in relation to extending the provisions thereof and providing for the return of such lands upon the occurrence of certain conditions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 542 of the laws of 1997 relating to authorizing the village of Round Lake in the town of Malta and county of Saratoga to discontinue the use as such of certain park lands no longer needed for park purposes and to lease the same, is amended to read as follows:

Section 1. Notwithstanding any inconsistent provisions of general, special or local law, rule or regulation to the contrary, the village of Round Lake in the town of Malta and county of Saratoga, acting by and through its village board, is hereby authorized and empowered to discontinue as park land and to lease, for a term not in excess of [twenty] FORTY years, the lands hereinafter described in section two of this act, which had been acquired, reserved or designated by the village of Round Lake for park and recreational purposes and are no longer needed for said park purposes, for public utility/personal wireless facility purposes for consideration equal to the fair market value of the interest to be transferred, upon such terms and conditions as such board of trustees may fix and determine.

S 2. The lands referred to in section one of this act to be discontinued as park lands, which may be leased by the village of Round Lake pursuant to the provisions of this act, are described more fully as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD17161-01-0

PROPOSED LEASE PARCEL-PARCEL ONE

All that tract or parcel of land in the Village of Round Lake, County of Saratoga and State of New York and being more particularly bounded and described as follows:

Commencing at a point at its intersection with the property division line between lands now or formerly of Whitehead Brothers Company as described in Liber 954 of deeds at page 590 on the north and lands now or formerly of Village of Round Lake as described in Liber 873 of deeds at page 363 on the south; thence South 50°-32'-03" East, through said lands now or formerly of Village of Round Lake, 19.92 feet to the point of beginning of a proposed lease parcel; thence continuing through said lands now or formerly of Village of Round Lake the following four (4) courses and distances:

1) South 00°-00'-00" East, 50.00 feet to a point;
2) South 90°-00'-00" West, 50.00 feet to a point;
3) North 00°-00'-00" West, 50.00 feet to a point;
4) North 90°-00'-00" East, 50.00 feet to the point and place of beginning and containing 2,500 square feet or 0.06 acres, more or less.

Subject to the right of the Village of Round Lake Board of Trustees, in its sole discretion, to reasonably relocate the said boundaries to a location of no larger size that will not interfere with existing and proposed water improvements and will allow for the safe and proper construction of a communications facility.

ACCESS AND UTILITY EASEMENT-PARCEL TWO

All that tract or parcel of land in the Village of Round Lake, County of Saratoga and State of New York and being more particularly bounded and described as follows:

Beginning at a railroad spike in the center of Washington Avenue at the reputed center of Bangs Road, being the centerline of a 25 foot wide access and utility easement, and running through lands now or formerly of The Village of Round Lake the following sixteen (16) courses and distances:

1) South 83°-06'-55" West, 201.09 feet to a point;
2) South 79°-01'-50" West, 38.92 feet to a point;
3) South 69°-48'-20" West, 30.46 feet to a point;
4) South 62°-58'-23" West, 399.19 feet to a point;
5) South 55°-12'-41" West, 40.21 feet to a point;
6) South 67°-31'-24" West, 40.91 feet to a point;
7) South 60°-12'-34" West, 82.27 feet to a point;
8) North 72°-49'-46" West, 70.82 feet to a point;
9) North 70°-30'-20" West, 37.44 feet to a point;
10) North 66°-14'-33" West, 47.41 feet to a point;
11) North 76°-19'-02" West, 27.65 feet to a point;
12) South 82°-26'-32" West, 27.65 feet to a point;
13) South 71°-49'-19" West, 96.64 feet to a point;
14) South 61°-40'-39" West, 26.42 feet to a point;
15) South 41°-23'-20" West, 26.42 feet to a point;
16) South 31°-14'-40" West, 37.14 feet to the point on the easterly boundary of a proposed lease parcel and said point being 14.95 feet distant southerly along said easterly boundary from the northeast corner of said proposed lease parcel, and containing 30, 792 square feet or 0.71 acres, more or less.

Subject to the right of the Village of Round Lake Board of Trustees, in its sole discretion, to reasonably relocate the access and utility easement to a location that will not interfere with existing and proposed water improvements and will allow for the safe and proper construction of an access drive.

S 3. The net proceeds from the lease of the lands described in section two of this act shall be used by the Village of Round Lake exclusively for the purchase of additional park land [or] AND/OR the capital improvement of existing park and recreational facilities within such village.

S 4. SHOULD THE LEASED LANDS DESCRIBED IN SECTION TWO OF THIS ACT CEASE TO BE USED FOR THE PURPOSE DESCRIBED IN SECTION ONE OF THIS ACT, THE LEASE SHALL TERMINATE AND THOSE LANDS SHALL REVERT TO THE VILLAGE OF ROUND LAKE FOR PUBLIC PARK AND RECREATIONAL PURPOSES. AT THE TIME OF SUCH REVERSION, THE REMOVAL OF SUCH WIRELESS COMMUNICATIONS FACILITY SHALL TAKE PLACE AND THE PROPERTY SHALL BE RETURNED SUBSTANTIALLY TO ITS PREVIOUS STATE, CONSISTENT WITH PARKS AND RECREATIONAL PURPOSES. NOTWITHSTANDING THE PREVIOUS SENTENCE, FOUNDATIONS AND OTHER UNDERGROUND STRUCTURES LOCATED THREE FEET OR MORE BELOW GRADE SHALL REMAIN ON AND IN THE PROPERTY UPON TERMINATION OF THE LEASE.

S 5. This act shall take effect immediately.

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