

S. 4045

A. 6332

2011-2012 Regular Sessions

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

March 15, 2011

IN SENATE -- Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

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

AN ACT to authorize the town of East Greenbush, county of Rensselaer, to lease certain parklands

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

1 Section 1. Subject to the provisions of this act, the town of East
2 Greenbush, county of Rensselaer, is hereby authorized, acting by and
3 through its town board, to lease to the Miracle League, Inc. ("League")
4 for a term not to exceed thirty years, the municipally owned parkland
5 more particularly described in section three of this act, consisting of
6 a public sports facility with athletic fields, concession facilities and
7 related facilities.
8 S 2. The lease authorized by section one of this act shall be subject
9 to the following terms and conditions:
10 (a) The lease shall be non-exclusive and revocable-at-will by the town
11 of East Greenbush.
12 (b) The League shall use the premises for its intended purpose, namely
13 to engage in and promote recreational sports activities for those
14 persons with special-needs whom require the unique nature of the field
15 in order to participate to the fullest extent possible in the types of
16 sports activities for which the field was constructed and the use for
17 which it is intended.
18 (c) It is understood that the use of this facility by the League is
19 non-exclusive and the premises shall be open and accessible to the
20 general public at large whom are desirous of utilizing the field and its
21 appurtenances for its intended purpose, specifically to engage in sports

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

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1 and recreational activities for persons with special-needs. In the event
2 a scheduling conflict should arise over the use of the field, such
3 conflict shall be resolved in a fair and equitable manner by the town of
4 East Greenbush public works department so as to maximize the use of the
5 facility and permit all whom desire the use of the facility such oppor-
6 tunity.

7 (d) In consideration of the lease authorized by this act, the League
8 shall maintain the field including the structural integrity and surface
9 of the field in accordance with all recommendations of the manufacturer
10 and installer, including all coverings and/or surface protectants to
11 protect the field when not in use, toward maximizing the life and
12 longevity of the field surface and the appurtenant structures thereto.
13 The field shall be fenced and secured at all times when not in use and
14 the town of East Greenbush and any emergency agencies (police, rescue
15 and fire) shall be provided with access thereto.

16 (e) The League shall purchase, provide and have in full force and
17 effect a policy of liability insurance in an amount of not less than two
18 million dollars (\$2,000,000.00) naming the town of East Greenbush as an
19 additional insured thereon. A certificate evidencing the insurance and
20 effective date of said coverage shall be furnished to the town of East
21 Greenbush for review and approval by its counsel prior to the commence-
22 ment by the League of the activities contemplated by the lease author-
23 ized by this act.

24 S 3. The lands referred to in section one of this act are located,
25 bounded and described as follows:

26 All that piece or parcel of land with the buildings and improvements
27 thereon erected, situate, lying and being in the Town of East Greenbush,
28 County of Rensselaer, State of New York and being a portion of Lot No. 2
29 as shown on a "Two Lot Subdivision Map - Portion of Lands Now or Former-
30 ly of Hazel D. Reichard & Donald P. Leffler to be conveyed to the Town
31 of East Greenbush" prepared by Gurley Engineering, Surveying and Mapping
32 Group, P.C. dated September 2nd, 2003 and last revised September 18th,
33 2003, filed in the Rensselaer County Clerk's Office on September 18th,
34 2003 in Drawer 2003 as Map No. 100, more particularly bounded and
35 described as follows:

36 Beginning at a point in the division line of the lands N/F of George
37 C. & Barbara M. Sager (Book 1644, Pg. 133 - Tax Map No. 167-4-6.1) on
38 the west and the parcel herein described on the east, said point of
39 beginning being South 26 deg. 17 min. 43 sec. West 229.56 feet from a
40 capped iron rod found in the intersection of the west line of the above
41 mentioned Lot No. 2 at the south corner of the lands N/F of Robert H. &
42 Cathyanne Kielb (Book 1374, pg. 787 - Tax Map No. 156-3-27.19); thence
43 through the lands of the Town of East Greenbush (Lot No. 2) the follow-
44 ing six (6) courses and distances:

45 1) South 62 deg. 08 min. 41 sec. East 146.65 feet to a dock spike set
46 in the northwest corner of the "Jamie M. Adams Field" marked by an
47 asphalt pavement corner;

48 2) South 64 deg. 12 min. 51 sec. East 62.23 feet to an iron rod set in
49 the northeast corner of the said asphalt pavement;

50 3) South 63 deg. 26 min. 31 sec. East 109.19 feet to a point in the
51 west line of Angelini Way (a non-dedicated Road of the Town of East
52 Greenbush);

53 4) South 00 deg. 26 min. 57 sec. West 50.09 feet along the said west
54 line of Angelini Way to a point;

55 5) along the arc of a curve to the right with a radius of 581.49 feet,
56 a central angle of 25 deg. 56 min. 22 sec. for an arc distance of 263.26

1 feet and a chord bearing of South 13 deg. 45 min. 40 sec. West 261.01
2 feet to a point;

3 6) North 69 deg. 52 min. 48 sec. West 398.81 feet to a point in the
4 east line of the above mentioned lands N/F of George C. & Barbara M.
5 Sager; thence along the division line of the lands of Sager on the west
6 and the parcel herein described on the east, North 26 deg. 17 min. 43
7 sec. East 346.71 feet to the point of beginning.

8 Containing in all 2.76 acres of land be the same, more or less.

9 Also leasing (non-exclusively) a parking lot & roadway bounded and
10 described as follows:

11 Beginning at the northwest corner of the above described premises;
12 thence along the division line of the said lands n/f of George C. &
13 Barbara M. Sager (Book 1644, page 133-Tax Map No. 167-4-6.1) on the west
14 and the parcel herein described on the east, North 26 deg. 17 min. 43
15 sec. East 125.57 feet to a point; thence through the lands of The Town
16 of East Greenbush the following four (4) courses and distances:

17 1) South 63 deg. 03 min. 37 sec. East 259.22 feet to a point in the
18 west line of Angelini Way (a 60 ft. wide town right-of-way);

19 2) North 01 deg. 32 min. 44 sec. East 115.88 feet along the said west
20 line to a point;

21 3) thence along the arc of a curve to the right with a radius of
22 408.45 feet, a central angle of 18 deg. 17 min. 06 sec., an arc length
23 of 130.35 feet and a chord bearing of North 12 deg. 50 min. 42 sec.
24 East 129.80 feet to a point;

25 4) North 28 deg. 15 min. 21 sec. East 51.74 feet to a point in the
26 southwesterly right-of-way line at the Luther-Couse Road (NYS Route
27 151); said point being South 60 deg. 31 min. 19 sec. East 48.19 feet
28 from a capped iron rod found in the northeast corner of the lands n/f of
29 Robert H. & Cathyanne Kielb (Book 1374, page 787); thence along the said
30 southwesterly right-of-way line South 60 deg. 31 min. 19 sec. East 60.01
31 feet to a point; thence along the right-of-way line of Angelini Way the
32 following six (6) courses and distances:

33 1) South 28 deg. 15 min. 21 sec. West 48.54 feet to a point;

34 2) along the arc of a curve to the left with a radius of 356.80 feet,
35 a central angle of 17 deg. 06 min. 57 sec., an arc length of 106.59 feet
36 and a chord bearing of South 12 deg. 20 min. 34 sec. West 106.19 feet to
37 a point;

38 3) South 01 deg. 03 min. 40 sec. West 257.70 feet to a point;

39 4) South 89 deg. 09 min. 14 sec. East 3.61 feet to a point;

40 5) South 01 deg. 17 min. 57 sec. West 44.38 feet to a point;

41 6) North 89 deg. 33 min. 01 sec. West 64.61 feet to a point; thence
42 along the above described lands to be leased to "The East Greenbush
43 Miracle League" the following four (4) courses and distances:

44 1) North 00 deg. 26 min. 57 sec. East 50.09 feet to a point;

45 2) North 63 deg. 26 min. 31 sec. West 109.19 feet to an iron rod set;

46 3) North 64 deg. 12 min. 51 sec. West 62.23 feet to a dock spike set;

47 4) North 62 deg. 08 min. 41 sec. West 146.65 feet to the point of
48 beginning.

49 Containing in all 1.50 acres of land be the same, more or less.

50 S 4. Should the interests described in section three of this act cease
51 to be operated as a public sports facility, such interests shall revert
52 to the town of East Greenbush, county of Rensselaer, for public park and
53 recreational purposes.

54 S 5. If the parkland that is the subject of this act has received
55 funding pursuant to the federal land and water conservation fund, the
56 discontinuance of parkland authorized by the provisions of this act

1 shall not occur until the municipality has complied with the federal
2 requirements pertaining to the conversion of parklands, including satis-
3 fying the secretary of the interior that the discontinuance will include
4 all conditions which the secretary of the interior deems necessary to
5 assure the substitution of other lands shall be equivalent in fair
6 market value and recreational usefulness to the lands being discontin-
7 ued.

8 S 6. This act shall take effect immediately.