

4253--B

Cal. No. 672

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to authorize the county of Niagara to alienate and convey parkland to the town of Newfane

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

1 Section 1. The county of Niagara, is hereby authorized to alienate,
2 transfer and convey the parklands described in section two of this act
3 to the town of Newfane for use by the town for continued park and recre-
4 ational purposes provided, however, that the town of Newfane shall
5 continue to provide access to such parklands to all residents of the
6 county of Niagara and the town of Newfane shall not enact any fee or
7 charges, which are higher for county residents who are not town resi-
8 dents. Any revenues received from the transfer of parkland pursuant to
9 this act shall be used for capital improvements of existing park and
10 recreational facilities and/or for the acquisition of additional park
11 and recreational facilities. Should such land ever cease to be used for
12 recreational purposes, title to the land so conveyed shall revert to the
13 county of Niagara.

14 S 2. The lands referred to in section one of this act are described as
15 follows:

16 All that tract or parcel of land situate in the Town of Newfane, Coun-
17 ty of Niagara and State of New York being part of Lot 11, Township 15,
18 Range 7 of the Holland Land Company survey and also being part of the
19 premises conveyed by Frederick H. Krull to the County of Niagara by deed

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

LBD10448-05-1

1 recorded in the Niagara County Clerk's Office in Liber 640 of deeds at
2 Page 79, bounded and more particularly described as follows:

3 Beginning at a point in the north line of Ontario Street (being 33
4 feet wide) at the southwest corner of village lot 25 as shown on a map
5 prepared by J.P. Haines in 1860 and filed in the Niagara County Clerk's
6 Office under cover 300, now filed in microfilm map book 8 at page 751.

7 Thence easterly, along the north line of Ontario Street a distance of
8 200.18 feet to its intersection with the east line of Franklin Street
9 (being 66 feet wide).

10 Thence northerly, along the northerly projection of the east line of
11 Franklin Street, a distance of 5.42 feet to a point.

12 Thence easterly, at right angles to the last described line, a
13 distance of 85.69 feet to a point.

14 Thence northerly, at right angles to the last described line, a
15 distance of 15.93 feet to a point.

16 Thence easterly, at right angles to the last described line, a
17 distance of 121.02 feet to a point.

18 Thence northerly, at right angles to the last described line, a
19 distance of 122.0 feet, more or less, to a point in the low water line
20 of Lake Ontario.

21 Thence westerly, along the said low water line, a distance of 406
22 feet, more or less, to the intersection with the west line of the afore-
23 said village lot 25.

24 Thence southerly, along the west line of the aforesaid village lot 25,
25 a distance of 149.36 feet to the point or place of beginning, containing
26 1.30 acres, more or less.

27 Excluded from this transfer is the title to existing concrete piers
28 extending into Lake Ontario.

29 S 3. The lands to be transferred pursuant to this act and all struc-
30 tures and facilities situated on such land, excluding existing concrete
31 piers extending into Lake Ontario, as described in section two of this
32 act, shall be maintained, owned and operated by the town of Newfane.

33 S 4. Where availability of such public parkland and facilities are
34 limited, the use of such parklands and facilities must be determined by
35 an equitable method which provides priority use based on a reservation
36 policy for free or a nominal fee commensurate with the costs necessary
37 to maintain and operate such facilities.

38 S 5. This act shall take effect immediately.