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

S. 4267--B A. 6724--B
Cal. No. 674

2011-2012 Regular Sessions

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

March 25, 2011

IN SENATE -- Introduced by Sen. O'MARA -- 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

IN ASSEMBLY -- Introduced by M. of A. FRIEND -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the county of Schuyler to convey an easement through land located in the county's Seneca Harbor Park

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

Section 1. The county of Schuyler, acting by and through its county legislature, is hereby authorized to convey by appropriate instruments to Doris and Henry F. Lembeck IV, an easement located in Seneca Harbor Park and described in section three of this act, for the purpose of enabling access to lakefront development.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the county of Schuyler acquire and dedicate as parkland the lands described in section four of this act. In the event that the land to be dedicated is less in fair market value to the easement being granted, the county shall dedicate the difference to either the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

S 3. The easement to be conveyed by the county of Schuyler pursuant to section one of this act is described as follows:

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

LBD09718-06-1

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Watkins Glen, County of Schuyler and State of New York, bounded and described as follows:

Beginning at a point at the southeasterly corner of lands now or formerly owned by County of Schuyler (L. 266, P. 210), said point also described as being the northeasterly corner of Porter Street;

Thence N87°02'02"W, along the dividing line between Porter Street on the south and the aforesaid lands of County of Schuyler on the north, a distance of 65.99 feet to a point;

Thence; N31°49'51"E, through lands of County of Schuyler, a distance of 140.32 feet to a point on the easterly boundary of lands of County of Schuyler;

Thence S03°46'57"W, along said easterly boundary of lands of County of Schuyler, a distance of 122.90 feet to the point of beginning; containing 0.093 acre or 4.054 square feet, more or less.

S 4. The land to be dedicated as parkland pursuant to section two of this act is described as follows:

ALL that tract or parcel of land situate in Town of Dix, County of Schuyler and State of New York being more particularly bounded and described as follows: Beginning at a Point located along the Southerly shore of Seneca Lake, said point being a North-easterly corner of lands now or formerly of the County of Schuyler (Liber 377 of Deeds, page 298), and a North-westerly corner of lands now or formerly of the Village of Watkins Glen (Liber 306 of Deeds, page 543); Thence

1.) South 02 degrees 36 minutes 13 seconds West along a division line between said lands of the County of Schuyler to the West and lands of the Village of Watkins Glen to the East for a distance of 11.25 feet to a point; Thence

2.) South 73 degrees 38 minutes 23 seconds West through said lands of the County of Schuyler for a distance of 13.83 feet to a point; Thence

3.) North 02 degrees 36 minutes 13 seconds East continuing through said lands of the County of Schuyler for a distance of 12.46 feet to a point located along the Southerly shore of Seneca Lake; Thence

4.) North 78 degrees 29 minutes 52 seconds East for a distance of 13.48 feet to the Point or Place of Beginning.

Containing 0.004± acres (or 155 ± square feet), all as shown on a "Map of Lands Being Conveyed Between the Village of Watkins Glen and the County of Schuyler" (10141.SM1), prepared by Thomas G. Merrill, Professional Land Surveyor, dated July 22, 2010.

ALL that tract or parcel of land situate in Town of Dix, County of Schuyler and State of New York being more particularly bounded and described as follows: Beginning at a Point located along the Southerly shore of Seneca Lake, said point being a North-easterly corner of lands now or formerly of the County of Schuyler (Liber 377 of Deeds, page 298), and a North-westerly corner of lands now or formerly of the Village of Watkins Glen (Liber 306 of Deeds, page 543); Thence

1.) North 78 degrees 36 minutes 20 seconds East for a distance of 22.18 feet to a point, said point being a North-easterly corner of Lands now or formerly of the Village of Watkins Glen (Liber 306 of Deeds, page 543), and a North-westerly corner of lands now or formerly of the Village of Watkins Glen (Liber 323 of Deeds, page 569); Thence

2.) South 21 degrees 36 minutes 20 seconds East along the division line between said lands of the Village of Watkins Glen for a distance of 8.76 feet to a point; Thence

3.) South 73 degrees 38 minutes 23 seconds West through said lands of the Village of Watkins Glen (Liber 306 of Deeds, page 543) for a

distance of 26.55 feet to a point located an Easterly line of lands now or formerly of the County of Schuyler (Liber 377 of Deeds, page 298); Thence

4.) North 02 degrees 36 minutes 20 seconds East along said Easterly line of lands of the County of Schuyler for a distance of 11.25 feet to the Point or Place of Beginning.

Containing 0.005± acres (or 237± square feet), all as shown on a "Map of Lands Being Conveyed Between the Village of Watkins Glen and the County of Schuyler" (10141.SM1), prepared by Thomas G. Merrill, Professional Land Surveyor, dated July 22, 2010.

ALL that tract or parcel of land situate in Town of Dix, County of Schuyler and State of New York being more particularly bounded and described as follows: Beginning at a Point located along the Southerly shore of Seneca Lake, said point being a North-easterly corner of lands now or formerly of the Village of Watkins Glen (Liber 306 of Deeds, page 543), and a North-westerly corner of other lands now or formerly of the Village of Watkins Glen (Liber 323 of Deeds, page 567); Thence

1.) North 78 degrees 34 minutes 12 seconds East for a distance of 88.07 feet to a point, said point; Thence

2.) North 64 degrees 00 minutes 30 seconds East for a distance of 8.23 feet to a point; Thence

3.) South 86 degrees 21 minutes 39 seconds East for a distance of 56.87 feet to a point; Thence

4.) South 66 degrees 15 minutes 31 seconds East for a distance of 57.53 feet to a point; Thence

5.) South 05 degrees 33 minutes 07 seconds East for a distance of 20.00 feet passing through a point marked by a 5/8' steel rod with a survey cap, (hereafter referred to as a survey marker), said point being a North-westerly corner of lands now or formerly of Lembeck (Liber 288 of Deeds, page 143), continuing on the same course for an additional 20.22 feet for a combined distance of 40.22 feet to a point marked by a survey marker; Thence

Through said lands of the Village of Watkins Glen (Liber 323 of Deeds, page 569) the following seven (7) courses:

6.) North 49 degrees 55 minutes 31 seconds West for a distance of 28.14 feet to a point marked by a survey marker; Thence

7.) North 59 degrees 32 minutes 27 seconds West for a distance of 24.47 feet to a point marked by a survey marker; Thence

8.) North 13 degrees 51 minutes 22 seconds West for a distance of 12.65 feet to a point marked by a survey marker; Thence

9.) North 59 degrees 28 minutes 14 seconds West for a distance of 13.30 feet to a point; Thence

10.) North 19 degrees 41 minutes 48 seconds West for a distance of 10.96 feet to a point; Thence

11.) South 82 degrees 02 minutes 26 seconds West for a distance of 129.49 feet to a point; Thence

13.) South 73 degrees 38 minutes 23 seconds West for a distance of 15.39 feet to a point in the aforementioned division line between lands of the Village of Watkins Glen and other lands of the Village of Watkins Glen; Thence

14.) North 21 degrees 36 minutes 20 seconds West along said division line for a distance of 8.76 feet to the Point or Place of Beginning.

Containing 0.066± acres (or 2869± square feet), all as shown on a "Map of Lands Being Conveyed Between the Village of Watkins Glen and the County of Schuyler" (10141.SM1), prepared by Thomas G. Merrill, Professional Land Surveyor, dated July 22, 2010.

S 5. The conveyance of the easement authorized by the provisions of this act shall not occur until the county of Schuyler has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure that the substitution of other lands be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

S 6. This act shall take effect immediately.