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I N   S E N A T E

March 21, 2012

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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the county of Nassau to transfer ownership of certain parklands to the Oyster Bay Water District

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 county of Nassau  
2     is hereby authorized and empowered to discontinue as county parkland and  
3     convey the property described in section two of this act, which was  
4     heretofore used by such county for park and/or recreational purposes and  
5     is within the Tiffany Creek Preserve, upon terms to be fixed and deter-  
6     mined by such county and approved by its legislature, to the Oyster Bay  
7     water district.
- 8     S 2. The lands referred to in section one of this act are located,  
9     bounded and described as follows:
- 10    All that certain plot, piece or parcel of land situate lying and being  
11    at the Incorporated Village of Oyster Bay Cove, Town of Oyster Bay,  
12    County of Nassau and State of New York, being bounded and described as  
13    follows:
- 14    BEGINNING at the northwesterly most corner of the existing Oyster Bay  
15    Water District Plant 8. Said point of beginning being further described  
16    as being the following six (6) bearings and distances from the inter-  
17    section of the northerly side of Berry Hill Road with the westerly side  
18    of Sandy Hill Road:
- 19    1. North 76° 35' 10" West 128.29 feet;  
20    2. North 77° 50' 30" West 154.69 feet;  
21    3. North 83° 33' 10" West 98.79 feet;  
22    4. North 01° 01' 44" West 253.57 feet;  
23    5. North 34° 30' 00" West 75.00 feet;  
24    6. North 84° 30' 00" West 55.00 feet to the point or place of begin-  
25    ning.

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

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1       THENCE southerly by and with the westerly side of the existing Oyster  
2 Bay Water District Plant 8, the following two (2) bearings and  
3 distances:

4       1. South 45° 30' 00" West 150.00 feet;

5       2. South 03° 30' 00" West 20.28 feet;

6       THENCE through property of the County of Nassau the following four (4)  
7 bearings and distances:

8       1. North 72° 04' 40" West 150.29 feet;

9       2. North 17° 55' 20" East 130.00 feet;

10      3. South 72° 04' 40" East 112.10 feet;

11      4. South 84° 30' 00" East 105.04 feet to the point or place of begin-  
12 ning.

13       Said property containing an area of approximately 23,136.62 square  
14 feet (0.53 acres).

15       S 3. Subject to the provisions of this act, the Nassau county legisla-  
16 ture is hereby further authorized and empowered to convey to the Oyster  
17 Bay Water District a non-pollution easement encompassing a radius of 200  
18 feet surrounding the well head to be installed on the property described  
19 in section two of this act, the area of such easement being shown upon a  
20 map entitled "OYSTER BAY WATER DISTRICT PLANT 8 EXPANSION" prepared by  
21 Holzmacher, McLendon & Murrell, P.C. and dated September 22, 2009 and  
22 last revised March 8, 2012. Such land shall remain open to the general  
23 public for passive park and recreational purposes.

24       S 4. The authorization provided in section one of this act shall be  
25 effective only upon the condition that on or before the alienation and  
26 conveyance of lands described in section two of this act and/or the  
27 conveyance of the easement described in section three of this act, the  
28 county shall acquire additional lands of equal or greater fair market  
29 value than the lands being alienated, as described in section two of  
30 this act. Such lands to be acquired, which shall be dedicated as park-  
31 land, are designated by the following designations on the Nassau County  
32 Land and Tax Map:

33       1) Section 65, Block 58, Lot 648

34       2) Section 63, Block 20, Lot 704

35       3) Section 65, Block 59, Lot 751

36       4) Section 63, Block 21, Lot 803

37       such parcels being those acquired by the People of the State of New York  
38 and containing therein approximately 4.13 acres +/-.

39       S 5. If the parcel described in section two of this act is greater in  
40 fair market value than the parcels being dedicated as parkland in  
41 section four of this act, the county of Nassau shall dedicate the  
42 difference in the fair market value of such lands for the acquisition of  
43 additional park lands and/or for capital improvements to existing park  
44 and recreational facilities.

45       S 6. If the parkland that is being discontinued has received federal  
46 funding pursuant to the Land and Water Conservation Fund, the discontin-  
47 uance and conveyance of park land authorized by the provisions of this  
48 act shall not occur until the county of Nassau has complied with any  
49 state requirements pursuant to state issued grants for effected park  
50 property and federal requirements pertaining to conversion of park  
51 lands, including satisfying the secretary of the interior that the  
52 alienation or conversion complies with all conditions which the secre-  
53 tary of the interior deems necessary to assure the substitution of other  
54 lands shall be equivalent in fair market value and recreational useful-  
55 ness to the lands being alienated or converted.

56       S 7. This act shall take effect immediately.