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I N   S E N A T E

May 31, 2012

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

AN ACT authorizing the town of Amherst, county of Erie to alienate and  
convey certain parcels of land used as parkland and to acquire other  
parcels of land to replace such parkland

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

1     Section 1. The town of Amherst, county of Erie, is hereby authorized  
2     to discontinue as parklands, alienate and convey the lands described in  
3     section three of this act.

4     S 2. The authorization contained in section one of this act shall only  
5     be effective on the condition that the town of Amherst acquire and dedi-  
6     cate as parklands the lands described in section four of this act, such  
7     land to be used for park purposes.

8     S 3. The lands to be discontinued as parklands and alienated and  
9     conveyed are described as follows:

10    ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst,  
11    County of Erie and State of New York, being part of Lot Number 20, Town-  
12    ship 12, Range 7 of the Holland Land Company's Survey and being Subdivi-  
13    sion Lots Numbers 46 to 60 inclusive in Block "J" as shown on map filed  
14    in Erie County Clerk's Office under Cover Number 419 and more partic-  
15    ularly described as follows:

16    BEGINNING at the northwest corner of the intersection of the westerly  
17    line of Bailey Avenue, C.R. 152 a 66 ft. wide right-of-way with the  
18    northerly line of Oxford Street formerly Marilla Street a 50 ft. wide  
19    right-of-way.

20    THENCE northerly along the westerly line of Bailey Avenue a 66 ft.  
21    wide right-of-way a distance of 450.0 feet to a point;

22    THENCE westerly and at a right angle to the westerly line of Bailey  
23    Avenue also being parallel to the northerly line of Oxford Street a  
24    distance of 112.0 feet to a point;

25    THENCE southerly and at a right angle to the last described course  
26    also being parallel to the westerly line of Bailey Avenue a distance of  
27    450.0 feet to a point;

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

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1       THENCE easterly and at a right angle to the last described course also  
2 being along the northerly line of Oxford Street a 50 ft. wide right-of-  
3 way a distance of 112.0 ft. to the point or place of beginning.

4       EXCEPTING THEREFROM lands appropriated by the State of New York for  
5 highway purposes by Notice of Appropriation dated March 23, 1999 and  
6 recorded March 23, 1999 in Liber 10948 of Deeds at page 8294, being  
7 Parcel 9, Map 9, Project C.T. 152, Bailey Avenue.

8       Having an area of 1.17 acres more or less

9       S 4. The replacement lands to be acquired and dedicated by the town of  
10 Amherst, county of Erie to use as parkland for public park purposes are  
11 described as follows:

12       ALL THAT TRACT OR PARCEL OF LAND situate in the town of Amherst, coun-  
13 ty of Erie and state of New York, being part of Lot No. 13, Township 12,  
14 Range 7 of the Holland Lane Company's Survey, bounded and described as  
15 follows:

16       BEGINNING at a point in the south line of lands conveyed to Vincent N.  
17 Bridenbaker and Jean E. Brindenbaker, his wife, by deed recorded in Erie  
18 County Clerk's Office in Liber 4018 of Deeds at page 487 at a point  
19 therein 205.72 feet east of the west line of Lot No. 13, said point of  
20 beginning being also the northeast corner of lands conveyed to Anderson  
21 Williams and Roberta M. Williams, his wife, by deed recorded in Erie  
22 County Clerk's Office in Liber 7510 of Deeds at Page 397;

23       THENCE easterly along the south line of lands so conveyed to Vincent  
24 N. Brindenbaker and wife by deed aforesaid 445.56 feet to the east line  
25 of lands conveyed to George Binner and Emma Binner, his wife, by deed  
26 recorded in Erie County Clerk's Office in Liber 986 of Deeds at Page  
27 562;

28       THENCE southerly along the east line of lands so conveyed to George  
29 Binner and wife 69.74 feet to the north line of lands conveyed to  
30 Vincent Fetto by deed recorded in Erie County Clerk's Office in Liber  
31 6111 of deeds at Page 543;

32       THENCE westerly along the north line of lands so conveyed to Vincent  
33 Fetto 445.46 feet to the southeast corner of lands conveyed to Anderson  
34 Williams and wife by deed aforesaid; and

35       THENCE northerly along the east line of lands so conveyed to Anderson  
36 Williams and wife by deed aforesaid 65.43 feet to the point of begin-  
37 ning; and is further described on Erie County Tax Maps as Section, Block  
38 and Lot No. 68.130-4-24.

39       Having an area of 28,254.89 square feet or .66 acres more or less

40       S 5. In the event that the lands to be acquired, as described in  
41 section four of this act, are not equal or greater in fair market value  
42 than the lands being alienated, as described in section three of this  
43 act, the town of Amherst shall dedicate the difference in the fair  
44 market value for the acquisition of additional parklands and/or for  
45 capital improvements to existing park and recreational facilities.

46       S 6. If the land that is the subject of this legislation has received  
47 funding pursuant to the federal land and water conservation fund, the  
48 discontinuance of parklands authorized by the provisions of this legis-  
49 lation shall not occur until the municipality has complied with the  
50 federal requirements pertaining to the conversion of parklands, includ-  
51 ing satisfying the secretary of the interior that the discontinuance  
52 will include all conditions which the secretary of the interior deems  
53 necessary to assure the substitution of other lands shall be equivalent  
54 in fair market value and recreational usefulness to the lands being  
55 discontinued.

56       S 7. This act shall take effect immediately.