

6782

I N   S E N A T E

March 21, 2012

---

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

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 lot, piece or parcel of land, situate, lying and  
11     being in the Incorporated Village of Oyster Bay Cove, Town of Oyster  
12     Bay, County of Nassau and State of New York, bounded and described as  
13     follows:

14     BEGINNING at a point where the westerly right-of-way line of Sandy  
15     Hill Road intersects the northerly right-of-way line of Berry Hill Road;

16     Running thence westerly along the northerly right-of-way line of Berry  
17     Hill Road a distance of 381.77 feet to a point where the northerly  
18     right-of-way line of Berry Hill Road intersects the easterly line of  
19     property of the Oyster Bay Water District, said property being desig-  
20     nated as Lot 337 in Block H of Section 27 of the Nassau County Land and  
21     Tax Maps;

22     THENCE running westerly along the northerly right-of-way line of Berry  
23     Hill Road (the same being the southerly property line of said lot 337),  
24     the following two (2) courses and distances:

25     1. North 83 degrees-33 minutes-10 seconds West 120.00 feet;

26     2. North 72 degrees-04 minutes-40 seconds West 105.00 feet,

27     to a point where the northerly right-of-way line of Berry Hill Road  
28     intersects the westerly property line of said Lot 337.

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

LBD15120-01-2

1     THENCE running northerly along the westerly property line of said Lot  
2     337 a distance of 150.00 feet, more or less, to a point, which said  
3     point is the true POINT OF BEGINNING,

4     And from said true POINT OF BEGINNING, running thence westerly along a  
5     line being parallel to the northerly right-of-way line of Berry Hill  
6     Road a distance of 150.00 feet to a point;

7     THENCE running northerly along a line which is 90 degrees to the last  
8     mentioned line, distance of 130 feet to a point;

9     THENCE running easterly along a line which is 90 degrees to the last  
10    mentioned line and parallel to the northerly right-of-way line of Berry  
11    Hill Road a distance of 110.00 feet to a point,

12    THENCE running easterly along an extension of the northerly property  
13    line of said Lot 337 South 84 degrees-30 minutes-00 seconds East, a  
14    distance of approximately 107 feet to a point.

15    THENCE running southerly along the northwesterly and westerly property  
16    lines of said Lot 337 the following two (2) courses and distances:

17    1. South 45 degrees-30 minutes-00 seconds West 150.00 feet;

18    2. South 03 degrees-30 minutes-00 seconds West 20 feet, more or less,  
19    to the true POINT OR PLACE OF BEGINNING.

20    Said property containing an area of approximately 23,159 square feet  
21    (0.53 acres).

22    S 3. Subject to the provisions of this act, the Nassau county legisla-  
23    ture is hereby further authorized and empowered to convey to the Oyster  
24    Bay water district a non-pollution easement encompassing a radius of 200  
25    feet surrounding the well head installed on the property described in  
26    section two of this act, the area of such easement being shown upon a  
27    map entitled "OYSTER BAY WATER DISTRICT PLANT No. 8 PROPOSED WELL AND  
28    PUMP STATION" prepared by Holzmacher, McLendon & Murrell, P.C. and dated  
29    February 2007. Such land shall remain open to the general public for  
30    passive park and recreational purposes.

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

40    1) Section 65, Block 58, Lot 648

41    2) Section 63, Block 20, Lot 704

42    3) Section 65, Block 59, Lot 751

43    4) Section 63, Block 21, Lot 803

44    such parcels being those acquired by the People of the State of New  
45    York and containing therein approximately 4.13 acres±.

46    S 5. If the parcel described in section two of this act is greater in  
47    fair market value than the parcels being dedicated as parkland in  
48    section three of this act, the county of Nassau shall dedicate the  
49    difference in the fair market value of such lands for the acquisition of  
50    additional park lands and/or for capital improvements to existing park  
51    and recreational facilities.

52    S 6. If the parkland that is being discontinued has received federal  
53    funding pursuant to the Land and Water Conservation Fund, the discontin-  
54    uance and conveyance of park land authorized by the provisions of this  
55    act shall not occur until the county of Nassau has complied with any  
56    state requirements pursuant to state issued grants for effected park

1 property and federal requirements pertaining to conversion of park  
2 lands, including satisfying the secretary of the interior that the  
3 alienation or conversion complies with all conditions which the secre-  
4 tary of the interior deems necessary to assure the substitution of other  
5 lands shall be equivalent in fair market value and recreational useful-  
6 ness to the lands being alienated or converted.

7 S 7. This act shall take effect immediately.