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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.