

4285--A

2013-2014 Regular Sessions

I N   S E N A T E

March 19, 2013

---

Introduced by Sen. O'BRIEN -- 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

AN ACT authorizing the city of Rochester, county of Monroe 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 ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The city of Rochester, county of Monroe, is hereby author-  
2     ized to discontinue as parklands, alienate and convey the lands  
3     described in 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 city of Rochester acquire and  
6     dedicate as parklands the lands described in section four of this act,  
7     such 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 City of Rochester,  
11    County of Monroe, and State of New York, being part of Lot 33 of the  
12    Winton Road Tract as filed in the Monroe County Clerk's Office October  
13    20, 1910 in Liber 23 of Maps, Page 19 and more particularly bounded and  
14    described as follows:  
15    Commencing at a point in the southerly line of Tyron Park (50' Wide  
16    R.O.W.) a distance of 1621.17 feet easterly of the easterly line of  
17    North Winton Road (66.0' Wide R.O.W.), said point being also the north-  
18    west corner of lands conveyed to Brian Conheady and Elizabeth A.  
19    Conheady by a deed recorded in the Monroe County Clerk's Office on  
20    September 13, 2010 in Liber 10920 of Deeds, Page 571; thence easterly,  
21    along said southerly line of Tryon Park, 40.00 feet to a point being the  
22    northeast corner of said land conveyed to Conheady and being the point

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

LBD09752-03-3

1 and place of beginning of the parcel to be described; thence easterly,  
2 continuing along the same course on a line forming an interior angle of  
3  $90^{\circ}00'00''$  with the easterly line of said lands conveyed to Conheady and  
4 through lands conveyed to the City of Rochester by a deed recorded in  
5 the Monroe County Clerk's Office August 16, 1922 in Liber 1190 of Deeds,  
6 Page 12, a distance of 10.50 feet to a point; thence southerly, continu-  
7 ing through said lands conveyed to the City of Rochester on a line form-  
8 ing an interior angle of  $90^{\circ}00'00''$  with the previous course, a distance  
9 of 166.50 feet to a point; thence westerly, continuing through said  
10 lands conveyed to the City of Rochester and on a line forming an interi-  
11 or angle of  $90^{\circ}00'00''$  with the previous course, a distance of 10.50 feet  
12 to a point in said easterly line of lands conveyed to Conheady; thence  
13 northerly, along said easterly line of lands conveyed to Conheady and on  
14 a line forming an interior angle of  $90^{\circ}00'00''$  with the previous course,  
15 a distance of 166.50 feet to the point and place of beginning. Said  
16 lands to be conveyed being 0.040 acres of land more or less.

17 Being part of the same premises conveyed to the City of Rochester by a  
18 deed recorded in the Monroe County Clerk's Office August 16, 1922 in  
19 Liber 1190 of Deeds, Page 12.

20 S 4. The replacement lands to be acquired and dedicated by the city of  
21 Rochester, county of Monroe to use as parkland for public park purposes  
22 are described as follows:

23 All that tract or parcel of land situate in the City of Rochester,  
24 County of Monroe, and State of New York, being part of Lot 32 and 33 of  
25 the Winton Road Tract as filed in the Monroe County Clerk's Office Octo-  
26 ber 20, 1910 in Liber 23 Maps, Page 19 and being more particularly  
27 bounded and described as follows:

28 Commencing at a point in the southerly line of Tyron Park (50' Wide  
29 R.O.W.) a distance of 1621.17 feet easterly of the easterly line of  
30 North Winton Road (66.0' Wide R.O.W.), said point being also the north-  
31 west corner of lands conveyed to Brian Conheady and Elizabeth A.  
32 Conheady by a deed recorded in the Monroe County Clerk's Office on  
33 September 13, 2010 in Liber 10920 of Deeds, Page 571; thence easterly,  
34 along said southerly line of Tryon Park, 40.00 feet to a point being the  
35 northeast corner of said lands conveyed to Conheady; thence southerly,  
36 along the easterly line of said lands conveyed to Conheady and on a line  
37 forming an angle of  $90^{\circ}00'00''$  in the southwest quadrant, a distance of  
38 166.50 feet to the point and place of beginning of the parcel to be  
39 described; thence continuing southerly on the same course and on a line  
40 forming an interior angle of  $90^{\circ}00'00''$ , a distance of 33.50 feet to a  
41 point, said point being the southeast corner of said lands conveyed to  
42 Conheady; thence westerly, along the southerly line of said lands  
43 conveyed to Conheady and on a line forming an interior angle of  
44  $90^{\circ}00'00''$  with the previous course, a distance of 60.00 feet to a point,  
45 said point being the southwest corner of said lands conveyed to  
46 Conheady; thence northerly, along the westerly line of said lands  
47 conveyed to Conheady and on a line forming an interior angle of  
48  $90^{\circ}00'00''$  with the previous course, a distance of 33.50 feet to a point;  
49 thence easterly, through said lands of Conheady and on a line forming an  
50 interior angle of  $90^{\circ}00'00''$  with the previous course, a distance of  
51 60.00 feet to the point and place of beginning. Said lands to be  
52 conveyed being 0.046 acres of land more or less.

53 Being part of the same premises conveyed to Brian Conheady and Eliza-  
54 beth A. Conheady by a deed recorded in the Monroe County Clerk's Office  
55 on September 13, 2010 in Liber 10920 of Deeds, Page 571.

1 S 5. In the event that the lands to be acquired, as described in  
2 section four of this act, are not equal or greater in fair market value  
3 that the lands being alienated, as described in section three of this  
4 act, the city of Rochester shall dedicate the difference in the fair  
5 market value for the acquisition of additional parklands and/or for  
6 capital improvements to existing park and recreational facilities.  
7 S 6. If the land that is the subject of this act has received funding  
8 pursuant to the federal land and water conservation fund, the discontin-  
9 uance of parklands authorized by the provisions of this act shall not  
10 occur until the municipality has complied with the federal requirements  
11 pertaining to the conversion of parklands, including satisfying the  
12 secretary of the interior that the discontinuance will include all  
13 conditions which the secretary of the interior deems necessary to assure  
14 the substitution of other lands shall be equivalent in fair market value  
15 and recreational usefulness to the lands being discontinued.  
16 S 7. This act shall take effect immediately.