

STATE OF NEW YORK

10377

IN ASSEMBLY

May 4, 2020

Introduced by M. of A. GARBARINO -- read once and referred to the
Committee on Local Governments

AN ACT to authorize the village of Patchogue, town of Brookhaven, county
of Suffolk, to alienate and discontinue the use of certain parklands

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subject to the provisions of this act, the village of Patc-
2 hogue, located in the town of Brookhaven, in the county of Suffolk,
3 acting by and through its governing body, and upon such terms and condi-
4 tions as determined by such body, is hereby authorized to discontinue as
5 parklands and to lease at fair market value to Wireless Towers LLC for a
6 term of thirty years the lands more particularly described in section
7 three of this act for the placement and operation of a wireless communi-
8 cation tower.

9 § 2. The authorization provided in section one of this act shall be
10 effective only upon the condition that the village of Patchogue dedi-
11 cates an amount equal to or greater than the fair market value of the
12 parklands being discontinued towards the acquisition of new parklands
13 and/or towards capital improvements to existing parkland and recreation-
14 al facilities.

15 § 3. The lands authorized by section one of this act to be discontin-
16 ued as parklands and leased are described as follows:

17 All that certain plot, piece or parcel of land, with the buildings and
18 improvements thereon erected, situate, lying and being in the village of
19 Patchogue in the town of Brookhaven and the county of Suffolk in the
20 state of New York being more particularly described as follows:

21 Beginning at a point being 514.60 feet southerly from the corner
22 formed by the southerly side of Park Street and the westerly side of Bay
23 Ave.

24 Running thence south 05 degrees 51 minutes 29 seconds east 5.05 feet;

25 Running thence south 75 degrees 46 minutes 30 seconds west 187.11
26 feet;

27 Running thence south 56 degrees 30 minutes 25 seconds west 5.01 feet;

28 Running thence north 56 degrees 30 minutes 25 seconds east 15.15 feet;

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

LBD16305-01-0

1 Running thence north 75 degrees 46 minutes 30 seconds east 187.85
2 feet;

3 To the point of beginning.

4 The Parcel Contains 1.57 acres more or less of land.

5 § 4. Should the lands described in section three of this act cease to
6 be used for the purposes described in section one of this act, the lease
7 shall terminate and those lands shall revert to the village of Patchogue
8 for public park and recreational purposes. At the time of such rever-
9 sion, the removal of such wireless communication tower shall take place
10 and the property shall be returned to its previous state, consistent
11 with park and recreational purposes.

12 § 5. In the event that the village of Patchogue received any funding
13 support or assistance from the federal government for the purchase,
14 maintenance or improvement of the parklands set forth in section three
15 of this act, the discontinuance and alienation of such parkland author-
16 ized by the provisions of this act shall not occur until the village of
17 Patchogue has complied with any federal requirements pertaining to the
18 alienation or conversion of parkland, including satisfying the secretary
19 of the interior that the alienation or conversion complies with all
20 conditions which the secretary of the interior deems necessary to assure
21 the substitution of other lands shall be equivalent in fair market value
22 and usefulness to the lands being alienated or converted.

23 § 6. This act shall take effect immediately.