

STATE OF NEW YORK

10129

IN ASSEMBLY

May 6, 2024

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

AN ACT in relation to authorizing the county of Monroe to alienate certain parklands by conveying appropriate instruments to EH Henrietta Solar 1 LLC and EH Henrietta Solar 2 LLC for an easement across Lehigh Valley Trail Park, for ingress and egress to and from the project site and installation of a medium voltage cable

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

1 Section 1. For the purposes of satisfying requirements for alienation
2 of parkland, the county of Monroe, acting by and through its governing
3 body, is hereby authorized to convey by appropriate instruments to EH
4 Henrietta Solar 1 LLC and EH Henrietta Solar 2 LLC, and their successors
5 and/or assigns, an easement across Lehigh Valley Trail Park, as more
6 particularly described in section three of this act, to install, oper-
7 ate, and maintain an access road for ingress and egress for pedestrians,
8 vehicles, and equipment, together with the right to install, operate,
9 and maintain a subsurface medium voltage cable. Upon completion of the
10 improvements, the land shall continue to be used for park purposes and
11 any disturbances to the surface of the land due to the subsurface medium
12 voltage cable shall be restored.

13 § 2. The authorization provided in section one of this act shall be
14 effective only upon the condition that EH Henrietta Solar 1 LLC and EH
15 Henrietta Solar 2 LLC compensate the county of Monroe the fair market
16 value of the easement and the county of Monroe dedicate the fair market
17 value of the easement toward the acquisition of new parklands and/or
18 capital improvements to existing park and recreational facilities, as
19 well as upon the condition that EH Henrietta Solar 1 LLC and EH Henriet-
20 ta Solar 2 LLC install a visual buffer between the Lehigh Valley Trail
21 Park and EH Henrietta Solar 1 LLC's solar development.

22 § 3. The easement, which constitutes an alienation, to be conveyed by
23 the county of Monroe pursuant to the provisions of this act is described
24 as follows:

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

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1 All that tract or parcel of land, situate in the town of Henrietta,
2 county of Monroe, state of New York, being part of lot 21, range 3,
3 township 12, particularly bounded and described as follows:

4 Commencing at a point in the division line between the lands of Lehr-
5 wood Estates, LLC (reputed owner), Liber 12459 at page 515 (Tax No.
6 189.02-1-5), on the west with the lands of the County Of Monroe (reputed
7 owner), Liber 7217 at page 35 (Tax No. 189.04-1-49), on the east, said
8 point also being in the southerly right-of-way of the New York State
9 Thruway Authority (I-90); thence

10 South 08°37'21" west, along said division line, a distance of 42.37
11 feet to the point of beginning; thence

12 North 87°55'42" east, through said property of the County Of Monroe, a
13 distance of 67.17 feet to a point in the division line between the lands
14 of Lehrwood Estates, LLC (reputed owner), Liber 12459 at page 515 (Tax
15 No. 189.02-1-5), on the east with said lands of the County Of Monroe
16 (reputed owner), Liber 7217 at page 35 (Tax No. 189.04-1-49), on the
17 west; thence

18 South 08°37'21" west, along said division line, a distance of 40.71
19 feet to a point; thence

20 South 87°55'42" west, through said property of the County Of Monroe, a
21 distance of 67.17 feet to a point; thence

22 North 08°37'21" east, along said first division line, a distance of
23 40.71 feet to the point of beginning. Containing 0.062 acres more or
24 less.

25 § 4. Should the lands benefited by the easement described in section
26 three of this act cease to be used for solar energy production, the
27 easement shall terminate. At the time of such termination, EH Henrietta
28 Solar 1 LLC and EH Henrietta Solar 2 LLC, or their successors and/or
29 assigns, shall remove any improvements it made and shall return the
30 property to its previous state, consistent with park and recreational
31 purposes.

32 § 5. The conveyance of the easement authorized by the provisions of
33 this act shall not occur until the county of Monroe has complied with
34 any applicable federal requirements pertaining to the alienation or
35 conversion of parklands, including satisfying the secretary of the inte-
36 rior that the alienation or conversion complies with all conditions
37 which the secretary of the interior deems necessary to ensure that the
38 substitution of other lands or monetary compensation be equivalent in
39 fair market value and recreational usefulness to the lands being alien-
40 ated or converted.

41 § 6. This act shall take effect immediately.