

STATE OF NEW YORK

5783--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the town of Henrietta, county of Monroe to alienate certain lands used as parkland and to dedicate certain other lands as parklands

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 town of Henrietta, county of Monroe, acting by and through its governing body and upon such terms and conditions as determined by such board is hereby authorized to discontinue as parklands and alienate the lands described in section three of this act to Forest Creek Equity Corp. for the purpose of providing necessary land for the construction of planned residential and recreational structures.

2 § 2. The authorization provided in section one of this act shall be effective only upon the condition that: 1. Forest Creek Equity Corp. convey to the town of Henrietta, and that the town of Henrietta acquire and dedicate the lands described in section four of this act as parklands, provided that the town of Henrietta has never used such lands for public open space or park purposes; and 2. Forest Creek Equity Corp. convey by appropriate instrument to the town of Henrietta, a right-of-way easement upon the lands described in section five of this act.

3 § 3. The parklands authorized by section one of this act to be alienated are described as follows:

4 ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Henrietta, County of Monroe, and State of New York more particularly described as follows:

5 COMMENCING at a point on the westerly right of way of Kingsbarn Road and the southwesterly corner of the portion of N/F The Town of Henrietta

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

LBD09842-02-3

1 ta, Tax # 187.040-2-1.1 to be transferred being the POINT OF BEGINNING;
2 thence,
3 1. North 00° 02' 45" East a distance of 40.04 feet to a point; thence,
4 2. North 87° 42' 13" East a distance of 465.21 feet to a point;
5 thence,
6 3. North 71° 59' 10" East a distance of 133.74 feet to a point;
7 thence,
8 4. North 87° 42' 13" East a distance of 90.00 feet to a point; thence,
9 5. Southerly, along a curve to the left, having a radius of 1181.00
10 feet, an arc distance of 144.58 feet to a point; thence,
11 6. North 79° 03' 05" West a distance of 261.31 feet to a point;
12 thence,
13 7. South 87° 42' 13" West a distance of 382.75 feet to the PLACE AND
14 POINT OF BEGINNING.

15 Said parcel containing 39,996 square feet or 0.918 acres more or less.
16 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,
17 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,
18 Project No. 22-12035.

19 § 4. Prior to the discontinuance of the parklands described in section
20 three of this act, Forest Creek Equity Corp. shall convey to the town of
21 Henrietta, and the town of Henrietta shall acquire and dedicate as park-
22 lands, such land described as follows:

23 All those parcels of land in the Town of Henrietta, County of Monroe,
24 and State of New York more particularly described as follows:

25 PARCEL 1:

26 COMMENCING at a point on the westerly right of way of Erie Station
27 Road and the southeasterly property corner of Lot 101; thence, North 78°
28 13' 54" West a distance of 31.72 feet to the POINT OF BEGINNING; thence,
29 1. North 78° 13' 54" West a distance of 16.93 feet to a point; thence,
30 2. North 15° 52' 41" West a distance of 233.93 feet to a point;
31 thence,
32 3. North 41° 35' 18" West a distance of 629.73 feet to a point;
33 thence,
34 4. North 50° 33' 02" West a distance of 226.63 feet to a point;
35 thence,
36 5. North 63° 26' 06" West a distance of 90.07 feet to a point; thence,
37 6. North 03° 34' 38" East a distance of 335.61 feet to a point;
38 thence,
39 7. North 87° 42' 13" East a distance of 15.08 feet to a point; thence,
40 8. South 03° 34' 38" West a distance of 287.00 feet to a point;
41 thence,
42 9. South 63° 26' 06" East a distance of 81.83 feet to a point; thence,
43 10. South 50° 33' 02" East a distance of 229.50 feet to a point;
44 thence,
45 11. South 41° 35' 18" East a distance of 634.33 feet to a point;
46 thence,
47 12. South 15° 52' 41" East a distance of 245.21 feet to the PLACE AND
48 POINT OF BEGINNING.

49 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,
50 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,
51 Project No. 22-12035. Said parcel containing 0.522 acres of land more or
52 less.

53 PARCEL 2:

1 COMMENCING at a point on the westerly right of way of Kingsbarn Road
2 and the northwesterly corner of the portion of N/F The Town of Henrietta,
3 Tax # 187.040-2-1.1; thence, South 87° 42' 13" West a distance of
4 139.71 feet to the POINT OF BEGINNING; thence,

5 1. South 87° 42' 13" West a distance of 15.08 feet to a point; thence,

6 2. North 75° 48' 21" West a distance of 278.27 feet to a point;
7 thence,

8 3. North 08° 33' 20" East a distance of 571.36 feet to a point;

9 thence,

10 4. North 23° 51' 02" East a distance of 519.35 feet to a point;

11 thence,

12 5. North 09° 22' 13" East a distance of 307.10 feet to a point;

13 thence,

14 6. North 78° 16' 26" West a distance of 836.05 feet to a point;

15 thence,

16 7. North 11° 43' 34" East a distance of 15.00 feet to a point; thence,

17 8. South 78° 16' 26" East a distance of 850.45 feet to a point;

18 thence,

19 9. South 09° 22' 13" West a distance of 323.40 feet to a point;

20 thence,

21 10. South 23° 51' 02" West a distance of 519.24 feet to a point;

22 thence,

23 11. South 08° 33' 20" West a distance of 555.75 feet to a point;

24 thence,

25 12. South 75° 48' 21" East a distance of 324.32 feet to a point;

26 thence,

27 13. South 03° 34' 38" West a distance of 10.91 feet to the PLACE AND
28 POINT OF BEGINNING.

29 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,
30 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,
31 Project No. 22-12035. Said parcel containing 0.886 acres of land more or
32 less.

33 PARCEL 3:

34 COMMENCING at a point on the westerly right of way of Kingsbarn Road
35 and the northeasterly property corner of Lot 111, being the POINT OF
36 BEGINNING; thence,

37 1. North 89° 56' 13" West a distance of 145.22 feet to a point;

38 thence,

39 2. North 03° 34' 38" East a distance of 51.09 feet to a point; thence,

40 3. North 87° 42' 13" East a distance of 142.19 feet to a point;

41 thence,

42 4. South 00° 02' 45" West a distance of 56.84 feet to the PLACE AND
43 POINT OF BEGINNING.

44 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,
45 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,
46 Project No. 22-12035. Said parcel containing 0.178 acres of land more or
47 less.

48 PARCEL 4:

49 COMMENCING at a point on the westerly right of way of Kingsbarn Road
50 and the northwesterly corner of the portion of N/F The Town of Henrietta,
51 Tax # 187.040-2-1.1, being the POINT OF BEGINNING; thence,

1 1. South 87° 42' 13" West a distance of 139.71 feet to a point;
2 thence,
3 2. North 03° 34' 38" East a distance of 10.91 feet to a point; thence,
4 3. South 89° 56' 13" East a distance of 138.92 feet to a point;
5 thence,
6 4. South 00° 02' 45" West a distance of 5.13 feet to the PLACE AND
7 POINT OF BEGINNING.
8 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,
9 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,
10 Project No. 22-12035. Said parcel containing 0.026 acres of land more or
11 less.

12 PARCEL 5:

13 COMMENCING at a point on the southerly right of NYS Thruway Interstate
14 90 and the northwesterly property corner of N/F Forest Creek Equity
15 Corp., Tax # 187.040-2-4.111, being the POINT OF BEGINNING; thence,
16 1. South 78° 37' 12" East a distance of 240.00 feet to a point;
17 thence,
18 2. South 11° 22' 48" West a distance of 159.24 feet to a point;
19 thence,
20 3. North 78° 16' 26" West a distance of 279.00 feet to a point;
21 thence,
22 4. North 25° 16' 52" East a distance of 162.31 feet to the PLACE AND
23 POINT OF BEGINNING.
24 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,
25 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,
26 Project No. 22-12035. Said parcel containing 0.944 acres of land more or
27 less.
28 § 5. The right-of-way easement to be conveyed by Forest Creek Equity
29 Corp. to the town of Henrietta, pursuant to section two of this act is
30 described as follows:
31 ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Henrietta,
32 County of Monroe, and State of New York more particularly described as
33 follows:
34 COMMENCING at a point on the westerly right of way of Erie Station
35 Road and the northeasterly property corner of Lot 101 being the POINT OF
36 BEGINNING; thence,
37 1. North 89° 55' 27" West a distance of 238.41 feet to a point;
38 thence,
39 2. Northerly, along a curve to the left, having a radius of 180.00
40 feet, an arc distance of 156.24 feet to a point; thence,
41 3. North 40° 20' 38" West a distance of 241.24 feet to a point;
42 thence,
43 4. Northerly, along a curve to the left, having a radius of 180.00
44 feet, an arc distance of 126.89 feet to a point; thence,
45 5. North 00° 02' 45" East a distance of 161.19 feet to a point;
46 thence,
47 6. South 89° 56' 13" East a distance of 60.00 feet to a point; thence,
48 7. South 00° 02' 45" West a distance of 161.17 feet to a point;
49 thence,
50 8. Southerly, along a curve to the left, having a radius of 120.00
51 feet, an arc distance of 84.59 feet to a point; thence,
52 9. South 40° 20' 38" East a distance of 84.54 feet to a point; thence,
53 10. Southerly, along a curve to the left, having a radius of 30.00
54 feet, an arc distance of 46.94 feet to a point; thence,

1 11. North 50° 00' 58" East a distance of 134.81 feet to a point;
2 thence,
3 12. Northerly, along a curve to the left, having a radius of 120.00
4 feet, an arc distance of 46.32 feet to a point; thence,
5 13. North 27° 54' 05" East a distance of 275.15 feet to a point;
6 thence,
7 14. Northerly, along a curve to the left, having a radius of 30.00
8 feet, an arc distance of 48.09 feet to a point; thence,
9 15. North 63° 56' 25" West a distance of 43.48 feet to a point;
10 thence,
11 16. North 26° 03' 35" East a distance of 60.00 feet to a point;
12 thence,
13 17. South 63° 56' 25" East a distance of 47.34 feet to a point;
14 thence,
15 18. Southerly, along a curve to the left, having a radius of 30.00
16 feet, an arc distance of 46.16 feet to a point; thence,
17 19. South 62° 05' 55" East a distance of 60.00 feet to a point;
18 thence,
19 20. South 27° 54' 05" West a distance of 395.21 feet to a point;
20 thence,
21 21. Southerly, along a curve to the right, having a radius of 180.00
22 feet, an arc distance of 69.48 feet to a point; thence,
23 22. South 50° 00' 58" West a distance of 134.05 feet to a point;
24 thence,
25 23. Southerly, along a curve to the left, having a radius of 30.00
26 feet, an arc distance of 47.31 feet to a point; thence,
27 24. South 40° 20' 38" East a distance of 36.70 feet to a point;
28 thence,
29 25. Southerly, along a curve to the left, having a radius of 120.00
30 feet, an arc distance of 104.16 feet to a point; thence,
31 26. South 89° 55' 27" East a distance of 238.59 feet to a point;
32 thence,
33 27. Easterly, along a curve to the left, having a radius of 30.00
34 feet, an arc distance of 47.08 feet to a point; thence,
35 28. South 00° 00' 46" West a distance of 120.00 feet to a point;
36 thence,
37 29. Northerly, along a curve to the left, having a radius of 30.00
38 feet, an arc distance of 47.17 feet to the PLACE AND POINT OF BEGINNING.
39 All as shown on plan prepared by D.S.B. Engineers & Architects, P.C.,
40 entitled "Plat Plan Phase 1", The Fairways at Riverton Subdivision,
41 Project No. 22-12035. Said parcel containing 2.230 acres of land more or
42 less.

43 § 6. In the event that the parklands described in section four of this
44 act to be acquired and dedicated by the town of Henrietta pursuant to
45 this act are not equal to or greater than the parklands described in
46 section three of this act being alienated, the town of Henrietta shall
47 dedicate the difference of the fair market value of the lands to be
48 alienated and the lands to be dedicated for the acquisition of addi-
49 tional parklands and/or capital improvements to existing park and recre-
50 ational facilities.

51 § 7. In the event that the town of Henrietta received any funding
52 support or assistance from the federal government for the purchase,
53 maintenance or improvement of the parklands set forth in section three
54 of this act, the discontinuance and alienation of such parklands author-
55 ized by the provisions of section three of this act shall not occur
56 until the town of Henrietta has complied with any federal requirements

1 pertaining to the alienation or conversion of such parklands, including
2 satisfying the secretary of the interior that the alienation or conver-
3 sion complies with all conditions which the secretary of the interior
4 deems necessary to assure the substitution of other lands shall be
5 equivalent in fair market value and usefulness to the lands being alien-
6 ated or converted.

7 § 8. This act shall take effect immediately.