S T A T E O F N E W Y O R K

11221--B

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. CORWIN -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the county of Erie to transfer and convey Beeman Creek Park to the town of Clarence, county of Erie

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (a) The county of Erie acting through its legislative body, is hereby authorized to discontinue the use of Beeman Creek Park, described in section two of this act, and to enter into a contract to convey its interest in the real property to the town of Clarence, county of Erie upon terms agreed upon by the county of Erie and the town of Clarence, for use by the town of Clarence for continued park and recreational purposes provided, however, that the town of Clarence shall continue to provide access to such parklands and/or recreational facilities to all residents of the county of Erie.

(b) Any revenues received by such county from such town from the transfer of the property described in section two of this act shall be used for capital improvements of existing park and recreational facilities and/or for the acquisition of additional park and recreational facilities.

S 2. The real property authorized to be conveyed by the county of Erie pursuant to section one of this act shall be bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-six (56), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded as follows:

West by a line parallel with the west bounds of said lot and distant thirty-seven and sixty one hundredths (37.61) chains east therefrom, fifty-eight (58) chains; north by Lot Number fifty-seven (57), twenty-three and thirty hundredths (23.30) chains; east by Lot Number fifty-

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

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four (54), fifty-nine (59) chains and south by the twelfth (12th) Township, twenty-three and seventy-seven hundredths (23.77) chains.

Excepting therefrom a certain piece of land in the Lot No. 56, Township 13 and Range 6 of said Holland Land Company's Survey, which exception is bounded and described as follows:

BEGINNING at the southeast corner of Lot No. 56, which is also the southeast corner of the above described premises; thence north along the east line of Lot No. 56 and the east line of the above described premises, a distance of 600 feet; thence west and parallel to the south line of the above described premises, which is also the south line of Lot No. 56, a distance of 210 feet; thence south and parallel to the east line of Lot No. 56 and the east line of the above premises, a distance of 252.50 feet to a point; thence generally southerly in a straight line a distance of 350.51 feet and to a point in the south line of the above described premises which is 166 feet west of the point of beginning as measured along said south line of the above described premises; thence east and along the south line of the above described premises and the south line of Lot No. 56, a distance of 166 feet to the point and place of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being the southwest part of Lot No. fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point which is the southwest corner of said Lot No. 54, said point being in the center line of Lapp Road; running thence north along the west line of said Lot No. 54 a distance of 1107.76 feet to a point; running thence easterly a distance of 33 chains to a point which is the northeast corner of premises formerly owned by Samuel Kroll conveyed to him by deed recorded in Erie County Clerk's Office in Liber 239 of Deeds at page 489; running thence south along a line parallel with the west line of said Lot No. 54, a distance of 808.0 feet to a point in said line which is 300 feet north of the center line of Lapp Road, as measured along said parallel line as extended; running thence west along a line parallel with the said center line of Lapp Road, a distance of 1,493.41 feet to a point; running thence south, parallel with the west line of said Lot No. 54, a distance of 300 feet to the center line of Lapp Road; running thence west along the said center line of Lapp Road which is also the south line of said Lot No. 54, a distance of 689.95 feet to the place or point of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being the middle part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey bounded and described as follows:

COMMENCING at a point on the west line of said lot, fifteen and fifty-four hundredths (15.54) chains, south of the northwest corner of said lot and running thence east on a line parallel with the north line of said lot, forty-four and sixteen hundredths (44.16) chains to the center of the highway; thence southerly along the center of said highway to a point, twenty and two hundredths (20.02) chains south of the north line of said lot; thence west on a line parallel with the north line of said lot, thirteen and thirty-one hundredths (13.31) chains; thence south on a line parallel to the west line of said lot, twenty and forty hundredths (20.40) chains to a point, sixteen and sixty-seven hundredths (16.67) chains north of the south line of said lot; thence west on a line parallel to the south line of said lot, thirty-three (33) chains to the west line of said lot; thence north along the west line of said lot,

twenty-six and ninety-hundredths (26.90) chains to the place of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being the middle part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the west line of said lot, eight and ninety-three hundredths (8.93) chains south of the northwest corner of said lot; thence easterly forty-three and fifty-six hundredths (43.56) chains to the center of the highway to a point, nine and twenty-nine hundredths (9.29) chains south from the north line of said lot; thence southerly along the center of said highway to a point fifteen and fifty-four hundredths (15.54) chains south from the north line of said lot; thence west on a line parallel with the north line of said Lot forty-four and sixteen hundredths (44.16) chains to the west line of said lot; thence north on the said west line, six and sixty-one hundredths (6.61) chains to the place of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being the northwest part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the northwest corner of said lot; thence easterly forty-three and thirty hundredths (43.30) chains to the center of the highway at a point, one and twenty hundredths (1.20) chains south of the north line of said lot; thence southerly along the center of the highway to a point nine and twenty-nine hundredths (9.29) chains directly south from the north line of said lot; thence westerly forty and fifty-six hundredths (40.56) chains to the west line of said lot to a point eight and ninety-three hundredths (8.93) chains south of the northwest corner of said lot; thence north on the west line of said lot, eight and ninety-three hundredths (8.93) chains to the place of beginning.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded as follows:

BEGINNING at a point in the south line of said Lot Number fifty-four (54), distant thirty-three (33) chains east of the southwest corner of said Lot Number fifty-four (54); thence northerly parallel with the west line of Lot Number fifty-four (54), sixteen (16) chains sixty-seven (67) links; thence easterly parallel with the south line of Lot Number fifty-four (54), six (6) chains; thence southerly parallel with the west line of Lot Number fifty-four (54), sixteen (16) chains sixty-seven (67) links to the south line of Lot Number fifty-four (54); thence westerly along the south line of Lot Number fifty-four (54), six (6) chains to the point or place of beginning.

EXCEPTING and Reserving therefrom all that tract or parcel of land, situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 54, Township 13, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the south line of said Lot No. 54, distant 33 chains east of the southwest corner of said Lot No. 54; thence northerly and parallel with the west line of Lot No. 54 a distance of 400 feet to a point; thence easterly and parallel to the center line of Lapp Road, which center line is also the south line of said Lot No. 54, a distance 327.75 feet to a point; thence southerly and parallel to said first mentioned course a distance 400 feet to the said center line of Lapp

Road; thence westerly along the said center line of Lapp Road 327.75 feet to the place of beginning.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded as follows;

COMMENCING at a point thirty-three (33) chains east of the west line of Lot Number fifty-four (54) and sixteen (16) chains sixty-seven (67) links north of the south line of Lot Number fifty-four (54), said point of beginning being the northwest corner of lands conveyed to Joseph Karicar by deed recorded in Erie County Clerk's Office in Liber 182 of Deeds at page 375, June 26, 1857; thence northerly four (4) chains on a line parallel to the west line of Lot Number fifty-four (54); thence easterly parallel to the south line of Lot Number 54, (11) chains 53 1/2 inks to a stake; thence southerly on a line parallel to the west line of Lot Number 54, (13) chains (74) links to a stake; thence westerly on a line parallel to the south line of Lot Number 54, five (5) chains fifty-three and one half (53 1/2) links to a stake; thence northerly on a line parallel to the west line of Lot Number fifty-four (54), nine (9) chains seventy-four (74) links; thence westerly parallel to the south line of lot Number fifty-four (54), six (6) chains to the point or place of beginning.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center of the Salt Road seven and twenty-eight hundredths (7.28) chains northerly from the south bounds of said Lot Number fifty-four (54), measured along the center of said Salt Road; thence northerly along the center of the said Salt Road, fourteen and thirty-eight hundredths (14.38) chains; thence west five and ninety-four and one-half hundredths (5.94 1/2) chains; thence south thirteen and seventy-four hundredths (13.74) chains; thence east nine and forty-eight and one-half hundredths (9.48 1/2) chains to the place of beginning.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point thirty-nine (39) chains east of the west line of said lot; thence east on the south line of said lot, seventeen and forty-seven hundredths (17.47) chains; thence north on the center of the Salt Road, seven and twenty-eight hundredths (7.28) chains; thence west on a line parallel to the south line, fifteen and three hundredths (15.03) chains; thence south six and ninety-three hundredths (6.93) chains to the place of beginning.

EXCEPTING THEREFROM that part conveyed to George Fix, Jr. and Martha R. Fix his wife by deed recorded in the Erie County Clerk's Office in Liber 6987 of Deeds at page 486.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows;

BEGINNING on the south by a line parallel with the north line of said Lot Number fifty-four (54) and twenty-eight and seventy-eight hundredths (28.78) chains south therefrom fourteen and fourteen hundredths (14.14) chains; on the west by a line parallel to the west line of said lot and

distant thirty-three (33) chains east therefrom, five (5) chains; on the north by a line parallel to the north line of said lot and distant twenty-three and seventy-eight hundredths (23.78) chains south therefrom thirteen and eighty-six hundredths (13.86) chains and on the east by the center of the highway.

EXCEPTING THEREFROM, ALL THAT TRACT OR PARCEL OF LAND conveyed by two certain deeds recorded in the Erie County Clerk's Office respectively in Liber 6013 of Deeds at page 454 and Liber 6335 of Deeds at page 551.

AND EXCEPTING THEREFROM, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point which is the southeast corner of the lands conveyed to Robert M. Huebert and Mary A. Huebert, his wife, by deed recorded in the Erie County Clerk's Office in Liber 3891 of Deeds at page 20, on the 13th day of May, 1946; running thence westerly along the south line of the lands so conveyed as aforesaid a distance of two hundred fifty-seven and eighty-four hundredths (257.84) feet to a point; running thence northerly, parallel with the center line of Salt Road a distance of one hundred thirty-eight and five tenths (138.5) feet to the southwest corner of lands conveyed by Robert M. Huebert and Mary A., his wife, to Joseph G. Schwartzkopf, and Marylou, his wife, by deed recorded in the Erie County Clerk's Office, in Liber 6335 of Deeds at page 551, on the 11th day of September, 1958; thence easterly parallel with the first described course herein a distance of two hundred fifty-seven and eighty-four hundredths (257.84) feet to said center line of Salt Road; thence southerly along the said center line of Salt Road a distance of one hundred fifty-eight and six tenths (158.6) feet to the point of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being part of Lot Number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the center line of Salt Road, distant one thousand five hundred sixty-nine and forty-eight hundredths (1569.48) feet southerly from the north line of said Lot Number fifty-four (54), as measured along the center line of Salt Road, which point of beginning is the northeast corner of land now or formerly owned by Godfried Aderman; running thence westerly on a line parallel with the north line of said Lot Number fifty-four (54), a distance of nine hundred one and forty hundredths (901.40) feet to a point; thence northerly on a line parallel with the west line of said lot, two hundred forty-eight and sixteen hundredths (248.16) feet to a point; thence easterly eight hundred fifty-one (851) feet to a point in the center line of Salt Road, distant two hundred sixty-one (261) feet northerly from the point of beginning; thence southerly along the center line of Salt Road, two hundred sixty-one (261) feet to the point or place of beginning.

EXCEPTING THEREFROM, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Clarence, County of Erie and State of New York, being part of Lot number fifty-four (54), Township thirteen (13), Range six (6) of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the southeast corner of lands conveyed to Lawrence Duewiger and Dorothy T. Duewiger, his wife, by a certain deed recorded in Erie County Clerk's Office in Liber 6985 of Deeds at page 57; running thence westerly along the southerly line of lands so conveyed as aforesaid a distance of two hundred fifty-seven and eighty-four hundredths

(257.84) feet; running thence northwesterly parallel with the center line of Salt Road a distance of two hundred sixty-one (261) feet to the north line of the lands conveyed as aforesaid; running thence easterly along the north line of said lands, a distance of two hundred fifty-seven and eighty-four hundredths (257.84) feet to the center line of Salt Road; running thence southerly along the said center line of Salt Road two hundred sixty-one (261) feet to the point of beginning.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 54, Township 13, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at a point in the center line of Salt Road, 1444 feet northerly from the south line of said Lot No. 54, as measured along the center line of Salt Road; thence westerly on a line parallel with the south line of said lot, 1090 feet to a point; thence northerly on a line parallel with the west line of said Lot No. 54, a distance of 445.50 feet to a point; thence easterly 970 feet to a point in the center line of Salt Road, distant 456.72 feet northerly from the point of beginning; thence southerly along the center line of Salt Road, 456.72 feet to the point or place of beginning.

Excepting therefrom, all that tract or parcel of land situate in the Town of Clarence, County of Erie and State of New York, being part of Lot No. 54, township 13, Range 6 of the Holland Land Company's Survey, bounded and described as follows: Commencing at the southeast corner of lands conveyed to Norman Wiltberger, by deed recorded in the Erie County Clerk's Office in Liber 6050 of Deeds at page 278, on September 4, 1956; running thence westerly along the lands so conveyed as aforesaid a distance of 257.45 feet to a point; running thence northerly parallel with the center line of Salt Road, a distance of 457.85 feet to the north line of the lands so conveyed to Norman Wiltberger as aforesaid; running thence easterly along the said north line of Wiltberger's lands, a distance of 257.84 feet to the center line of Salt Road; running thence southerly along the center line of Salt Road, a distance of 456.72 feet to the point or place of beginning (391 acres).

Reference is also made to map entitled Beeman Creek Park filed in the Erie County Clerk's Office as Map Number 299 in Highway File Box No. 17 on April 12, 1966.

S 3. The land to be transferred pursuant to this act, and all structures and facilities situated on such land, shall be maintained, owned and operated by the town of Clarence.

S 4. The use of such parkland and facilities shall be available to the general public. Where the availability of such facilities are limited, the use of such facilities must be determined by an equitable method which provides priority use to the general public based on a reservation policy for free or nominal charge.

S 5. This act shall take effect immediately.