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

2699

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

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

AN ACT to authorize the town of New Windsor, in the county of Orange, to discontinue use of and convey certain park lands

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

Section 1. Notwithstanding any provision of law to the contrary, the town of New Windsor, in the county of Orange, is hereby authorized, acting by and through its town board, upon such other terms and conditions as may be determined by such board, but at fair market value, to discontinue the use of the municipally owned park land more particularly described in section three of this act, and to sell and convey such lands, which are no longer needed for park purposes.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of New Windsor dedicates an amount equal to or greater than the fair market value of the property being alienated in section three of this act for the acquisition of additional park lands and/or for capital improvements to existing park and recreational facilities.

S 3. The parcel authorized to be conveyed by section one of this act is described as follows:

ALL that certain parcel or tract of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point marked by a concrete monument in the ground on the southeasterly line of Cherry Avenue, the said point being a distance of 225 feet, measured along said line of Cherry Avenue on a course North 44° 20' East from the northerly line of Bradford Avenue; running thence North 13° 48' West 374.1 feet to a point; thence North 3° 25' West 323.2 feet to a point; thence North 56° East 99.0 feet to a point; thence North 42° 30' East 260.04 feet to a point in the southwesterly line of

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

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Walsh Road at the most northerly corner of certain lands of J. Skipski; thence along the said line of Walsh Road in a northwesterly and northerly direction; crossing Quassaick Creek (sometimes called Chambers Creek) to a point in range with the northerly bank of Quassaick Creek and in the southerly line of lands of New York and Erie Railroad Co.; thence westwardly along the southerly line of said railroad land on a curve to the right one hundred feet more or less to a point which is 49-1/2 feet southerly from the center line of said railroad; thence still along the southerly line of said railroad land 49-1/2 feet southerly from and parallel with the center line of said railroad westerly to the point of the northeast corner of lands of Cameron Nunnally; thence along his easterly line, South 13° 18' West 232.96 feet; thence along said Nunnally's southerly line, South 81° 28' West 200 feet to a point in the easterly line of lands now or formerly of Argenio; thence along said Argenio's line, South 13° 18' West 26.87± feet to a pipe; thence easterly along the northerly line of a proposed 40' wide roadway South 87° 30' East 409.0' to a monument; thence North 66° 23' East 98.0 feet to a point; thence South 10° 57' East 85.0 feet to a point; thence North 87° 30' West 523.52± feet to a point in the easterly line of lands now or formerly of Argenio; thence along said line South 20° 10' West 950.0 feet and South 17° 28' West 962.0 feet to a pipe; thence South 43° 57' East 326.7 feet to a point; thence South 46° 23' East 88.0 feet to a point; thence North 48° 13' East 146.0 feet to a point (marked by a monument on the edge of the line); thence North 44° 20' E 149.0± feet to a point in the northerly line of Foley Avenue; thence along Foley Avenue North 45° 40' West 1.46± feet to a point; thence leaving the line of Foley Avenue North 44° 20' East 356.0 feet; thence North 45° 40' West 46.54 feet; thence North 44° 20' East 194.0 feet; thence North 45° 40' West 90.0 feet to a point in the southeasterly line of Cherry Avenue; thence along said line North 44° 20' East 225 feet; thence leaving said line South 45° 40' East 216.54 feet to a point in the northwesterly line of Myrtle Avenue; thence along said line North 44° 20' East 125.0 feet to the southwesterly line of Bradford Avenue; thence along the said line North 45° 40' West 216.54 feet to a point in the southeasterly line of Cherry Avenue; thence along said line North 44° 20' East 40.0 feet to the northeasterly line of Bradford Avenue; thence along said line South 45° 40' East 216.54 feet to the northwesterly line of Myrtle Avenue; thence along said line North 44° 20' East 75.0 feet; thence leaving said line North 45° 40' West 108.27 feet; thence North 44° 20' East 150.0 feet to a point; thence North 45° 40' West 108.27 feet to the monument marking the point and place of beginning.

SUBJECT, HOWEVER, to the right-of-way granted to Cameron Nunnally in a deed dated March 28, 1944 and recorded in the Orange County Clerk's Office November 22, 1944 in Liber 946 of Deeds, page 58, and to public utility easements of record.

RESERVING unto the Little Falls Paper Company, Inc. all its interest and rights in and to the waters of Quassaick Creek, Orange Lake and/or the outlet thereof, no part of which is hereby conveyed.

BEING and intended to be (1) that part of parcel #1 described in a deed dated May 3, 1922, made by Roy W. Spencer and Dewitt E. McKinstry, as Exrs., etc., and recorded July 8, 1922 in the Orange County Clerk's Office in Liber 623 of Deeds at page 63, which lies west and south of Walsh Road, and all of parcel #3 described in said deed excepting the part of said third parcel which was conveyed to Cameron Nunnally by deed recorded in Liber 946, cp, 58; (2) all of that parcel described in a deed dated November 3, 1922, made by LeGrand W. Pellett and Clara A.

Pellett, recorded November 8, 1922 in the said Clerk's Office in Liber 626 of Deeds at page 373; (3) all of the land described in a deed dated November 30, 1922, made by John J. Clanoy and recorded December 13, 1922 in said Clerk's Office in Liber 627 of Deeds at page 440; (4) all of the lands described in a deed dated April 16, 1924, made by William J. Wygant, Referee, and recorded April 24, 1924 in said Clerk's Office in Liber 642 of Deeds at page 311; excepting that part thereof conveyed to James Weygant by deed dated May 14, 1926 and recorded in Liber 664 of Deeds at page 455; (5) all that parcel of land described in a deed dated May 11, 1926, made by Giovanni & Angelo Buongiorno and recorded May 24, 1926 in Liber 664 of Deeds at page 473; (6) all of the lands described in a Deed dated May 14, 1926 made by Louis K. Thompson and Theresa Thompson and recorded June 19, 1926 in the Orange County Clerk's Office in Liber 665 of Deeds at page 296, excepting that portion thereof conveyed to Louis K. Thompson by deed dated May 21, 1926 and recorded in Liber 666 of Deeds at page 37.

S 4. The discontinuance and conveyance of park land authorized by the provisions of this act shall not occur until the town of New Windsor has complied with any federal requirements pertaining to the alienation or conversion of park lands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure that the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

S 5. This act shall take effect immediately.