

4025

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

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

AN ACT to authorize the county of Orange to discontinue the use of certain 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 county of Orange
2 is hereby authorized, acting by and through its county legislature and
3 upon such terms and conditions as determined by such legislature, to
4 discontinue the use of the parcels of park lands owned by such county
5 more particularly described in section four of this act which are no
6 longer needed for park purposes, and to lease such parcels at fair
7 market value to Cellular One.
8 S 2. Notwithstanding the failure of the county of Orange to seek or
9 receive state legislative authorization to alienate those park lands
10 described in section four of this act prior to entering into a two
11 license agreement for the construction of a cell tower and equipment
12 building, one dated October 15, 1996 between the county of Orange and
13 Orange County Cellular Corp. and a license agreement dated May 4, 2000
14 between the county of Orange and Chill Cellular Corp. such licenses are
15 hereby validated, legalized, ratified and confirmed.
16 S 3. The authorization contained in section one of this act and the
17 validation contained in section two of this act shall take effect only
18 upon the condition that the county of Orange dedicate additional park
19 lands that have never been dedicated or used for open space or park
20 purposes and have been inaccessible to the public as described in
21 section five of this act of equal or greater fair market value than the
22 aggregate value of the parcels being alienated, and of equal or greater
23 usefulness as park lands than the parcels being alienated pursuant to
24 this act.

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

LBD06381-01-9

1 S 4. The lands authorized by section one of this act to be discontin-
2 ued as park lands are as follows:

3 PARCEL A

4 All that certain piece or parcel of land being in the state of New
5 York, County of Orange, Town of Hamptonburgh and being further described
6 as follows:

7 Beginning at a point on the northerly side of a golf cart shed at the
8 intersection with the equipment building lying within the herein
9 described lease and running thence along the outside (northerly face) of
10 the golf cart shed, also being the mating wall of the two structures, in
11 a southwesterly direction 28.5 feet plus or minus to an interior corner
12 of the golf cart shed, thence in a northwesterly direction still along
13 the mating wall of the two structures 20.00' plus or minus to a point,
14 thence in a northeasterly direction perpendicular to the last course
15 39.5 feet plus or minus to a point, thence in a southeasterly direction
16 perpendicular to the last course 40.00 feet to a point, thence in a
17 southwesterly direction perpendicular to the last course 11.00 feet plus
18 or minus to northeasterly face of the golf cart shed, thence along the
19 northeasterly face of the golf cart shed in a northwesterly direction
20 20.00 feet to the place and point of beginning, said parcel containing
21 .02 acres of land more or less

22 S 5. The property to be dedicated for park and recreational purposes
23 pursuant to section three of this act are more particularly bound and
24 described as follows:

25 BEGINNING at a point in the division line between the lands of
26 J.E.A.H. Realty Co. on the southeast and the lands of the County of
27 Orange, Cronomer Hill Park, on the northwest, said point being South
28 24°29'30" East 641.50 feet from the northeasterly corner of said Cronom-
29 er Hill Park; thence, from said point of beginning and through the lands
30 of J.E.A.H. Realty Co., the following seven (7) courses, (1) South
31 65°30'30" East 30.00 feet, (2) South 24°29'30" West 80.00 feet, (3)
32 South 36°04'57" East 198.21 feet, (4) South 25°24'40" East 164.90 feet,
33 (5) South 26°02'40" East 127.30 feet, (6) South 21°27'11" East 116.47
34 feet, (7) South 16°15'00" East 243.71 feet to a point on the division
35 line between lands now or formerly of Lip-Am 300, LLC on the south and
36 east, and the lands of J.E.A.H. Realty Co. on the north and west;
37 thence, along the last said division line, South 82°06'00" West 100.00
38 feet and South 5°06'00" East 369.88 feet to a point on the division line
39 between the lands of the County of Orange, Cronomer Hill Park, on the
40 southwest and northwest, and the lands of J.E.A.H. Realty Co. on the
41 northeast and southeast; thence, along the last said division line, the
42 following eight (8) courses, (1) North 61°03'17" West 606.10 feet, (2)
43 North 63°19'00" West 60.00 feet, (3) North 22°48'00" East 153.50 feet,
44 (4) N19°40'00" East 118.50 feet, (5) North 20°16'00" East 272.60 feet,
45 (6) North 23°21'30" East 271.45 feet, (7) North 22°23'00" East 108.20
46 feet and (8) North 24°29'30" East 60.00 feet to the point or place of
47 beginning, said easement containing 10.14 acres of land more or less.

48 S 6. In the event that the park lands to be dedicated by the county of
49 Orange pursuant to this act are not of equal or greater fair market
50 value and usefulness as park lands than the park lands to be discontin-
51 ued, the county of Orange shall dedicate the difference of fair market
52 value and/or usefulness of the lands to be alienated and the lands to be
53 dedicated for the acquisition of additional park lands and/or capital
54 improvements to existing park and recreational facilities.

55 S 7. Should the leased lands described in section five of this act
56 cease to be used for the purposes described in section one of this act,

1 the lease shall terminate and those lands shall revert to the county of
2 Orange for public park and recreational purposes. At the time of such
3 reversion, the property shall be returned to its previous state,
4 consistent with parks and recreational purposes.

5 S 8. The discontinuance and lease of park lands authorized by the
6 provisions of this act shall not occur until the county of Orange has
7 complied with any federal requirements pertaining to the alienation or
8 conversion of park lands, including satisfying the secretary of the
9 interior that the alienation or conversion complies with all conditions
10 which the secretary of the interior deems necessary to assure the
11 substitution of other lands shall be equivalent in fair market value and
12 recreational usefulness to the lands being alienated or converted.

13 S 9. This act shall take effect immediately.