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

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2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

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

AN ACT to authorize the village of Nichols, in the county of Tioga, to discontinue the use of certain lands as parklands

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

Section 1. Subject to the provisions of this act and notwithstanding any provision of law to the contrary, the village of Nichols, in the county of Tioga, is hereby authorized, acting by and through its board of trustees and upon such terms and conditions as determined by such board, to discontinue the use of the municipally owned parkland more particularly described in section three of this act which is no longer needed for park purposes, and to convey an easement upon said parklands to United Water Owego-Nichols Inc. for public water supply purposes subject to the restrictions described in section four of this act.

S 2. The authorization contained in section one of this act shall take effect only upon the condition that the village of Nichols dedicate additional parklands as described in section five of this act of equal or greater fair market value than the value of the property being alienated by this act.

S 3. The lands authorized by section one of this act to be discontinued as parklands are as follows:

PARCEL A

BEGINNING at a point in River Street which is 11' northwesterly of the intersection of the centerline of River Street with centerline of Cady Street.

THENCE N 18°56'22" E a distance of 20.00' to a point.

THENCE S 69°54'20" E a distance of 528.37' to a point.

THENCE N 20°15'02" E a distance of 4.56' to a point.

THENCE S 69°54'20" E a distance of 16.00' to a point.

THENCE S 20°15'02" W a distance of 4.52' to a point.

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

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THENCE S 69°54'20" E a distance of 249.32' to a point.
THENCE N 18°20'40" E a distance of 345.80' to a point.
THENCE N 70°03'03" W a distance of 122.01' to a point.
THENCE N 19°56'57" E a distance of 40.00' to a point, being N 32°50'21" W a distance of 25.82' from the center of the 0.55' diameter steel casing of the United Water production well.
THENCE S 70°03'03" E a distance of 40.00' to a point.
THENCE S 19°56'57" W a distance of 20.00' to a point.
THENCE S 70°03'03" E a distance of 101.46' to a point.
THENCE S 18°20'40" W a distance of 385.87' to a point, being N 53°22' W a distance of 33.3' from the center of the west end of the concrete deck of the bridge on River Street over the Wappanening Creek.
THENCE N 69°54'20" W a distance of 813.90' to the POINT OF BEGINNING.

PARCEL B

COMMENCING at a point in River Street which is 11' northwesterly of the intersection of the centerline of River Street with centerline of Cady Street.
THENCE N 18°56'22" E a distance of 20.00' to a point.
THENCE S 69°54'20" E a distance of 528.37' to a point.
THENCE N 20°15'02" E a distance of 4.56' to a point.
THENCE S 69°54'20" E a distance of 2.11' to the TRUE POINT OF BEGINNING.
THENCE N 33°56'00" E a distance of 381.28' to a point.
THENCE S 69°54'20" E a distance of 39.34' to a point.
THENCE S 19°56'57" W a distance of 10.00' to a point.
THENCE N 69°54'20" W a distance of 31.53' to a point.
THENCE S 33°56'00" W a distance of 371.01' to a point.
THENCE N 69°54'20" W a distance of 10.29' to the TRUE POINT OF BEGINNING.
TOGETHER with a 20' wide temporary construction easement over the above described parcel.

S 4. The authorization contained in section one of this act shall take effect only upon the condition that the village of Nichols shall include in the terms of the easement conveyed to United Water Owego-Nichols Inc. for public water supply, a restriction prohibiting the construction or maintenance of any building, structure or fixture upon the surface of any of the lands described in section three of this act, except upon that portion thereof described as follows:

BEGINNING at a point in River Street which is 11' northwesterly of the intersection of the centerline of River Street with centerline of Cady Street.
THENCE S 69°54'20" E, a distance of 813.90' to a point.
THENCE N 18°20'40" E, a distance of 385.87' to a point.
THENCE N 70°03'03" W, a distance of 101.46' to a point, to the TRUE POINT OF BEGINNING.
THENCE S 19°56'57" W, a distance of 20.00' to a point.
THENCE N 70°03'03" W, a distance of 40.00' to a point.
THENCE N 19°56'57" E, a distance of 40.00' to a point.
THENCE S 70°03'03" E, a distance of 40.00' to a point.
THENCE S 19°56'57" W, a distance of 20.00' to the TRUE POINT OF BEGINNING.

Furthermore, such easement by its terms shall provide for the forfeiture thereof to the village of Nichols upon any violation of such restriction.

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

ALL THAT TRACT OR PARCEL OF LAND, situated in the Village of Nichols, County of Tioga and State of New York, bounded and described as follows:

COMMENCING at an iron pin set located in the northeast corner of lands new or formerly of Tioga Opportunities Program, Inc.; thence running along the easterly boundary line of said Tioga Opportunities Program, Inc., S 09° 20' 34" W, a distance of 121.00 feet, to a set iron pin; thence, continuing along the same course, S 09° 20' 34" W, a distance of approximately 90.00 feet, more or less, to a point in the northerly property line of lands now or formerly of Jasieionis (Liber 266, Page 81); thence running S 76° 03' 06" E, a distance of 48.22 feet, more or less, to a point, said point being the northeast corner of lands now or formerly of the said Jasieionis; thence running N 80° 55' 21" E, a distance of 197.6 feet to a point; thence running in a northeasterly direction, a distance of 155.04 feet, to a point located in the southerly boundary line of lands now or formerly of the Village of Nichols; thence running N 76° 35' 53" W, a distance of 346.98 feet, more or less, to the point and place of beginning.

SUBJECT to a permanent easement held by the State of New York, relative to a Flood Control Project (Map No. 61, Parcel No. 77, Book 288 at Page 235), beginning at a point in the south bounds of lands now or formerly of the Village of Nichols, recorded in the Tioga County Clerk's Office, said point being located S 76° 35' 53" E, a distance of 57 feet from an iron pin at the southeast corner of said Village property; thence S 76° 35' 53" E, a distance of 18.00 feet, to an iron set in the south line of said Village of Nichols; thence, through the property now or formerly of Ronsvalle, recorded in Book 432 of Deeds at Page 123 in the Tioga County Clerk's Office, S 09° 20' 34" E, a distance of 121.00 feet, to an iron set; thence, continuing through the property of said Ronsvalle, N 77° 01' 15" W, a distance of 18.08 feet, to a point; thence N 09° 21' 15" E, a distance of 120.26 feet, to the point or place of beginning; containing 0.05 acre of land, more or less.

BEING and intended to be a portion of the lands conveyed to Patricia H. Ronsvalle by warranty deed of Irving H. and Katherine H. Hall, which deed was dated December 24, 1986 and recorded December 29, 1986 in the Tioga County Clerk's Office in Book 432 of Deeds at Page 123. The said Irving H. Hall died January 1, 1990, thereby terminating the life interest he held in the above described premises.

S 6. In the event that the parklands to be dedicated by the village of Nichols pursuant to this act are not equal to or greater than the fair market value of the parkland to be discontinued, the village of Nichols shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 7. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the village of Nichols has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of interior that the alienation or conversion complies with all conditions which the secretary of interior deems necessary to assure the substitution of other lands shall be equivalent in fair market and recreational usefulness to the lands being alienated or converted.

S 8. This act shall take effect immediately.