

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

5397--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The village of Nichols, in the county of Tioga, is hereby
2 authorized, acting by and through its board of trustees and upon such
3 terms and conditions as determined by such board, to convey an easement
4 upon the municipally owned parklands described in section four of this
5 act to United Water Owego-Nichols Inc. for public water supply purposes.
6 Upon completion of construction, the village of Nichols shall restore
7 the surface of the lands to the condition that existed prior to the
8 granting of the easement and the lands shall continue to be used for
9 park purposes.

10 S 2. The village of Nichols, in the county of Tioga, is hereby author-
11 ized, acting by and through its board of trustees and upon such terms
12 and conditions as determined by such board, to discontinue the use of
13 municipally owned parkland more particularly described in section five
14 of this act which is no longer needed for park purposes.

15 S 3. The authorizations contained in sections one and two of this act
16 shall take effect only upon the condition that the village of Nichols
17 acquire additional parklands as described in section six of this act of
18 equal or greater fair market value than the value of the property being
19 alienated by this act.

20 S 4. The easement to be conveyed by the village of Nichols authorized
21 by section one of this act is described as follows:

22 PARCEL A

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

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

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

LBD10180-04-9

1 THENCE S 69°54'20" E a distance of 528.37' to a point.
2 THENCE N 20°15'02" E a distance of 4.56' to a point.
3 THENCE S 69°54'20" E a distance of 16.00' to a point.
4 THENCE S 20°15'02" W a distance of 4.52' to a point.
5 THENCE S 69°54'20" E a distance of 249.32' to a point.
6 THENCE N 18°20'40" E a distance of 345.80' to a point.
7 THENCE N 70°03'03" W a distance of 82.01' to a point.
8 THENCE N 19°56'57" E a distance of 20.00' to a point.
9 THENCE S 70°03'03" E a distance of 101.46' to a point.
10 THENCE S 18°20'40" W a distance of 385.87' to a point, being N 53°22'
11 W a distance of 33.3' from the center of the west end of the concrete
12 deck of the bridge on River Street over the Wappasening Creek.
13 THENCE N 69°54'20" W a distance of 813.90' to the POINT OF BEGINNING.
14 CONTAINING 0.581 acre (25,295 square feet)

PARCEL B

15
16 COMMENCING at a point in River Street which is 11' northwesterly of
17 the intersection of the centerline of River Street with centerline of
18 Cady Street.
19 THENCE N 18°56'22" E a distance of 20.00' to a point.
20 THENCE S 69°54'20" E a distance of 528.37' to a point.
21 THENCE N 20°15'02" E a distance of 4.56' to a point.
22 THENCE S 69°54'20" E a distance of 2.11' to the TRUE POINT OF BEGIN-
23 NING.
24 THENCE N 33°56'00" E a distance of 381.28' to a point.
25 THENCE S 69°54'20" E a distance of 39.34' to a point.
26 THENCE S 19°56'57" W a distance of 10.00' to a point.
27 THENCE N 69°54'20" W a distance of 31.53' to a point.
28 THENCE S 33°56'00" W a distance of 371.01' to a point.
29 THENCE N 69°54'20" W a distance of 10.29' to the TRUE POINT OF BEGIN-
30 NING.

31 CONTAINING 0.094 acre (4,116 square feet)
32 TOGETHER with a 20' wide temporary construction easement over the
33 above described parcel.

34 S 5. The lands authorized by section two of this act to be discontin-
35 ued as parklands are described as follows:

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

39 THENCE S 69°54'20" E, a distance of 813.90' to a point.
40 THENCE N 18°20'40" E, a distance of 385.87' to a point.
41 THENCE N 70°03'03" W, a distance of 101.46' to a point, to the TRUE
42 POINT OF BEGINNING.

43 THENCE S 19°56'57" W, a distance of 20.00' to a point.
44 THENCE N 70°03'03" W, a distance of 40.00' to a point.
45 THENCE N 19°56'57" E, a distance of 40.00' to a point.
46 THENCE S 70°03'03" E, a distance of 40.00' to a point.
47 THENCE S 19°56'57" W, a distance of 20.00' to the TRUE POINT OF BEGIN-
48 NING.

49 CONTAINING 0.037 acre (1,600 square feet)

50 Furthermore, such easement by its terms shall provide for the forfei-
51 ture thereof to the village of Nichols upon any violation of such
52 restriction.

53 S 6. The property to be acquired for park and recreational purposes
54 pursuant to section two of this act are more particularly bound and
55 described as follows:

1 ALL THAT TRACT OR PARCEL OF LAND, situated in the Village of Nichols,
2 County of Tioga and State of New York, bounded and described as follows:
3 COMMENCING at an iron pin set located in the northeast corner of lands
4 new or formerly of Tioga Opportunities Program, Inc.; thence running
5 along the easterly boundary line of said Tioga Opportunities Program,
6 Inc., S 09° 20' 34" W, a distance of 121.00 feet, to a set iron pin;
7 thence, continuing along the same course, S 09° 20' 34" W, a distance of
8 approximately 90.00 feet, more or less, to a point in the northerly
9 property line of lands now or formerly of Jasieionis (Liber 266, Page
10 81); thence running S 76° 03' 06" E, a distance of 48.22 feet, more or
11 less, to a point, said point being the northeast corner of lands now or
12 formerly of the said Jasieionis; thence running N 80° 55' 21" E, a
13 distance of 197.6 feet to a point; thence running in a northeasterly
14 direction, a distance of 155.04 feet, to a point located in the southerly
15 boundary line of lands now or formerly of the Village of Nichols;
16 thence running N 76° 35' 53" W, a distance of 346.98 feet, more or less,
17 to the point and place of beginning.

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

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

38 CONTAINING 1.16 acre

39 S 7. In the event that the parklands to be acquired by the village of
40 Nichols pursuant to this act are not equal to or greater than the fair
41 market value of the parkland to be discontinued, the village of Nichols
42 shall dedicate the difference of the fair market value of the lands to
43 be alienated and the lands to be acquired for the acquisition of addi-
44 tional parklands and/or for capital improvements to existing park and
45 recreational facilities.

46 S 8. The discontinuance and conveyance of parkland authorized by the
47 provisions of this act shall not occur until the village of Nichols has
48 complied with any federal requirements pertaining to the alienation or
49 conversion of parklands, including satisfying the secretary of interior
50 that the alienation or conversion complies with all conditions which the
51 secretary of interior deems necessary to assure the substitution of
52 other lands shall be equivalent in fair market and recreational useful-
53 ness to the lands being alienated or converted.

54 S 9. This act shall take effect immediately.