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

5873

2009-2010 Regular Sessions

I N S E N A T E

June 15, 2009

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT in relation to authorizing the town of Malta, county of Saratoga to discontinue the use of certain lands as parklands and to sell and convey such lands, which are no longer needed for park purposes

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 but notwithstanding any provision of law to the contrary, the town of Malta, county of Saratoga is hereby authorized, acting by and through its town board and upon such terms and conditions as determined by such legislative body, to discontinue the use of the municipally owned parkland more particularly described in section three of this act, and to sell and convey such lands, including the historic residence known as the "Wiggins-Collamer House" located at 450 East High Street in the town of Malta, which are no longer needed for park purposes, upon such other terms and conditions as may be determined by such board, but at fair market value.

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

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

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Malta, County of Saratoga and State of New York, lying in the northwest corner of the intersection of East High Street and New York State Highway Route No. 9 and being more particularly bounded and described as follows: BEGINNING at an iron rod set at the intersection of East High Street and New York State Highway Route No. 9, as shown on a map entitled "Map Showing

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

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Survey of Lands of the Town of Malta, Known As: Collamer Park" Prepared by Louis J. Gnip, P.L.S. 49022, dated July 28, 1988; thence, from said point of beginning North 09°40'55" West, 8.68 feet to a point on the westerly line of New York State Highway No. 9, thence continuing along said westerly line North 11°38'48" West, 151.24 feet to a point in said westerly line of New York State Highway Route No. 9; thence South 82°04'49" West through the lands of The Town of Malta, 142.00 feet more or less to a point; thence South 07°31'01" East through the lands of The Town of Malta, 143.00 feet more or less to a point in the northerly line of East High Street; thence easterly along a curve to the right, having a radius of 979.75 feet according to said map, an arc distance of 154.16 feet, the chord of said curve bearing of North 88°16'00" East, a chord distance of 154.00 feet, to the point and place of beginning and containing in all 0.50 acre, more or less, and being a portion of the lands described in a deed recorded in book 919 at page 1033 in the office of the County Clerk for Saratoga County, New York.

S 4. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the town of Malta has complied with any federal or state requirements pertaining to the alienation or conversion of parklands, 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. In the event that the park lands to be dedicated by the town of Malta pursuant to this act are not of equal or greater fair market value and usefulness as park lands than the park lands to be discontinued, the town of Malta shall dedicate the difference of fair market value and/or usefulness of the lands to be alienated and the lands to be dedicated for the acquisition of additional park lands and/or capital improvements to existing park and recreational facilities.

S 6. This act shall take effect immediately.