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

S. 7086 A. 10198

S E N A T E - A S S E M B L Y

March 11, 2010

IN SENATE -- Introduced by Sen. LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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

AN ACT in relation to authorizing the town of Lewisboro in the county of Westchester, to discontinue the use of certain park land and lease such land for use of a wireless communications facility

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

Section 1. The town of Lewisboro, located in the county of Westchester, is hereby authorized, acting by and through its town board and upon such terms and conditions as determined by such board, to discontinue the use of certain municipally owned park land, and to lease at fair market value to New York SMSA limited partnership, d/b/a Verizon Wireless, said park land as described in section two of this act for the purpose of erecting, maintaining and operating a wireless communications facility.

S 2. The park lands authorized by section one of this act are more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in the Town of Lewisboro, County of Westchester and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the division line between property belonging to the Town of Lewisboro on the east and Lot 24 on the west, as shown on a certain map entitled "Subdivision Plat Reservation Heights, etc." said map being filed in the Westchester County Clerk's Office, Division of Land Records May 26, 1982 as map number 20927, said point being distant 852.54 feet as measured in a southerly direction along said northerly boundary line of property belonging to the Town of Lewisboro from its intersection with the southerly boundary line of Old Post Road (New York State Route 35), running thence in an easterly and generally southerly direction thorough property belonging to the Town of Lewisboro, South

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

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87°00'20" East 167.67 feet, South 9°44'11" West 82.40 feet, South 65°36'30" West 110.36 feet, South 2°59'40" West 393.82 feet, South 3°50'41" West 308.98 feet, South 86°09'19" East 190.00 feet and South 3°50'41" West 252.84 feet to a point, thence in a westerly direction continuing thorough property belonging to the Town of Lewisboro along the northerly boundary line of a 100' Wide NYSEG Transmission Line Easement North 78°52'31" West 252.03 feet to a point on the westerly boundary line of property belonging to the Town of Lewisboro, thence in a northerly direction along the same, North 3°50'41" East 529.43 feet and North 2°59'40" East 525.96 feet to the point or place of beginning, containing 2.760 acres.

S 3. The discontinuance and conveyance of park land authorized by the provisions of this act shall take effect upon the condition that the town of Lewisboro substitute, and designate as park lands, lands of equivalent fair market value and recreational usefulness to the lands being alienated or converted, said equivalent land to be as described in section four of this act.

S 4. The lands to be substituted in the manner set forth in section three of this act are more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in the Town of Lewisboro, County of Westchester and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the easterly boundary line of property belonging to the Town of Lewisboro, being Sheet 20 Block 10801 Lot 85, as shown in the Town of Lewisboro Tax Maps, also known as the "Momsen Preserve", said point being distant North 6°26'50" West 47.12 feet, North 8°10'30" West 71.81 feet, North 65°04'00" East 5.56 feet, North 8°46'20" West 101.85 feet, North 8°28'30" West 103.00 feet, North 8°04'10" West 100.00 feet, North 10°15'30" West 61.52 feet and North 7°48'10" West 75.00 feet as measured in a northerly direction along said easterly boundary line of property belonging to the Town of Lewisboro from its intersection with the northerly boundary line of Old Post Road (New York State Route 35), running thence in a northerly direction continuing along said easterly boundary line of property belonging to the Town of Lewisboro, North 7°48'10" West 277.22 feet and North 7°50'10" West 782.76 feet to a point, thence in an easterly, southerly and westerly direction through other land belonging to the Town of Lewisboro, being Sheet 20 Block 10801 Lot 15 as shown on the Town of Lewisboro Tax Maps, North 81°07'50" East 123.18 feet, South 7°49'39" East 1062.27 feet and South 82°11'50" West 123.16 feet to the point or place of beginning, containing 3.000 acres.

S 5. In the event that the lease referred to in section one of this act is transferred to or assumed by another lessee, the provisions of this act shall continue to apply with respect to such other lessee as if such other lessee were named in section one of this act; and provided further that in the event that the lease provided for in section one of this act shall terminate at the end of the term therein provided or at any other time, for any other reason, the lease shall terminate and the released lands shall revert to the town of Lewisboro for public park and recreational purposes.

S 6. This act shall take effect immediately.