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

7903--A

Cal. No. 926

I N S E N A T E

May 20, 2010

Introduced by Sen. VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to authorize the town of Canandaigua, county of Ontario to discontinue the use of certain town lands as parkland

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

Section 1. The town of Canandaigua, Ontario county is hereby authorized to permanently discontinue as parklands and convert the use of lands described in section three of this act to general town purposes including, but not limited to, the erection and maintenance of a water pump station, right of way and roadway.

S 2. The authorization provided for in section one of this act shall take effect only on the condition that the town of Canandaigua acquire and dedicate as parklands new land of equal or greater fair market value as described in section four of this act.

S 3. The lands to be discontinued as parklands and converted to general town purposes are described as follows:

All that tract or parcel of land located in the Town of Canandaigua, County of Ontario, and being more particularly described as follows:

BEGINNING at a point in the north line of Buffalo street extension said point being located 254.85 feet westerly from the west line of the city of Canandaigua;

Thence South 62 48'44"West in the north line of Buffalo street extension a distance of 116.70 feet to a point;

Thence in the west line of Outhouse road the following calls:

North 27 24'00"West a distance of 300.00 feet to a point

Along a curve to the left with an arc radius of 500.00 feet a distance of 335.00 feet to a point

Along a curve to the right with an arc radius of 750.00 feet a distance of 502.50 feet to a point

North 27 24'00"West a distance of 610.98 feet to a point

Along a curve to the right with an arc radius of 2331.52 feet a distance of 985.56 feet to an iron pin

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

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North 03 11'30"West a distance of 234.57 feet to a point in the south line of County road 30

Thence in the south line of County road 30 the following calls:

South 78 37'43"East a distance of 51.66 feet to a point

North 79 24'24"East a distance of 100.84 feet to a point

North 86 48'29"East a distance of 228.45 feet to a point

Thence South 27 24'01"East in the west line of lands of the city of Canandaigua as filed in the Ontario county clerk's office in liber 881 of deeds at page 909 a distance of 561.90 feet to a point;

Thence through lands of Outhouse Park the following calls:

South 85 22'21"West a distance of 505.88 feet to a point

South 10 57'43"East a distance of 141.98 feet to a point

South 20 31'32"East a distance of 295.83 feet to a point

South 30 15'01"East a distance of 889.50 feet to a point

South 51 43'30"East a distance of 260.34 feet to a point

South 60 38'33"East a distance of 236.49 feet to a point

South 27 31'25"East a distance of 583.50 feet to the POINT AND PLACE OF BEGINNING, CONTAINING 12.957 acres more or less.

S 4. The replacement lands to be acquired and dedicated by the town of Canandaigua to use as parkland for public park purposes are located in the town of Canandaigua, county of Ontario are particularly described as follows:

All that tract or parcel of land located in the town of Canandaigua, County of Ontario, and being more particularly described as follows:

BEGINNING at an iron pin in the west line of Outhouse road, said pin being located 981.62 feet southerly from the south line of County road 30

Thence in the west line of Outhouse road along a curve to the left with an arc radius of 2331.52 a distance of 51.74 feet to a point

Thence through lands of the town of Canandaigua the following calls:

Along a curve to the right with an arc radius of 460.00 feet a distance of 319.40 feet to a point

South 33 40' 13" West a distance of 206.43 feet to a point

Along a curve to the right with an arc radius of 1460.00 feet a distance of 455.26 feet to a point

South 51 32' 10" West a distance of 463.54 feet to a point

North 27 13' 57" West a distance of 621.55 feet to a point

Thence North 62 10' 28" East in the north line of lands of the town of Canandaigua a distance of 1270.70 feet to the POINT AND PLACE OF BEGINNING, CONTAINING 12.975 acres, more or less.

S 5. In the event that the replacement lands to be dedicated in section four of this act are not of equal or greater fair market value to the lands to be alienated in section three of this act, the town of Canandaigua shall acquire and dedicate additional lands for parkland and/or make capital improvements to its existing park and recreational facilities, as necessary, to equal the difference of such fair market value.

S 6. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the town of Canandaigua has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the Secretary of the Interior that the conversion complies with all conditions which the Secretary of the Interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

S 7. This act shall take effect immediately.