

S T A T E   O F   N E W   Y O R K

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S. 7086

A. 10198

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

March 11, 2010

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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:

1     Section 1. The town of Lewisboro, located in the county of Westches-  
2     ter, is hereby authorized, acting by and through its town board and upon  
3     such terms and conditions as determined by such board, to discontinue  
4     the use of certain municipally owned park land, and to lease at fair  
5     market value to New York SMSA limited partnership, d/b/a Verizon Wire-  
6     less, said park land as described in section two of this act for the  
7     purpose of erecting, maintaining and operating a wireless communications  
8     facility.  
9     S 2. The park lands authorized by section one of this act are more  
10    particularly described as follows:  
11    All that certain lot, piece or parcel of land, situate, lying and  
12    being in the Town of Lewisboro, County of Westchester and State of New  
13    York, being more particularly bounded and described as follows:  
14    BEGINNING at a point on the division line between property belonging  
15    to the Town of Lewisboro on the east and Lot 24 on the west, as shown on  
16    a certain map entitled "Subdivision Plat Reservation Heights, etc." said  
17    map being filed in the Westchester County Clerk's Office, Division of  
18    Land Records May 26, 1982 as map number 20927, said point being distant  
19    852.54 feet as measured in a southerly direction along said northerly  
20    boundary line of property belonging to the Town of Lewisboro from its  
21    intersection with the southerly boundary line of Old Post Road (New York  
22    State Route 35), running thence in an easterly and generally southerly  
23    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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1 87°00'20" East 167.67 feet, South 9°44'11" West 82.40 feet, South  
2 65°36'30" West 110.36 feet, South 2°59'40" West 393.82 feet, South  
3 3°50'41" West 308.98 feet, South 86°09'19" East 190.00 feet and South  
4 3°50'41" West 252.84 feet to a point, thence in a westerly direction  
5 continuing thorough property belonging to the Town of Lewisboro along  
6 the northerly boundary line of a 100' Wide NYSEG Transmission Line Ease-  
7 ment North 78°52'31" West 252.03 feet to a point on the westerly bounda-  
8 ry line of property belonging to the Town of Lewisboro, thence in a  
9 northerly direction along the same, North 3°50'41" East 529.43 feet and  
10 North 2°59'40" East 525.96 feet to the point or place of beginning,  
11 containing 2.760 acres.

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

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

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

23 BEGINNING at a point on the easterly boundary line of property belong-  
24 ing to the Town of Lewisboro, being Sheet 20 Block 10801 Lot 85, as  
25 shown in the Town of Lewisboro Tax Maps, also known as the "Momsen  
26 Preserve", said point being distant North 6°26'50" West 47.12 feet,  
27 North 8°10'30" West 71.81 feet, North 65°04'00" East 5.56 feet, North  
28 8°46'20" West 101.85 feet, North 8°28'30" West 103.00 feet, North  
29 8°04'10" West 100.00 feet, North 10°15'30" West 61.52 feet and North  
30 7°48'10" West 75.00 feet as measured in a northerly direction along said  
31 easterly boundary line of property belonging to the Town of Lewisboro  
32 from its intersection with the northerly boundary line of Old Post Road  
33 (New York State Route 35), running thence in a northerly direction  
34 continuing along said easterly boundary line of property belonging to  
35 the Town of Lewisboro, North 7°48'10" West 277.22 feet and North  
36 7°50'10" West 782.76 feet to a point, thence in an easterly, southerly  
37 and westerly direction through other land belonging to the Town of  
38 Lewisboro, being Sheet 20 Block 10801 Lot 15 as shown on the Town of  
39 Lewisboro Tax Maps, North 81°07'50" East 123.18 feet, South 7°49'39"  
40 East 1062.27 feet and South 82°11'50" West 123.16 feet to the point or  
41 place of beginning, containing 3.000 acres.

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

51 S 6. This act shall take effect immediately.