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

S. 7086--C A. 10198--C
Cal. No. 468

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the town of Lewisboro in the county of Westchester, to discontinue the use of certain park land

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

Section 1. Notwithstanding any provision of law to the contrary, the town of Lewisboro, located in the county of Westchester, is hereby authorized, acting by and through its town board, to discontinue permanently as park land the parcel more particularly described in section three of this act and to grant an easement to New York SMSA Limited Partnership d/b/a Verizon Wireless for the purpose of installation of utility lines and for ingress and egress over the park land, more particularly described in section four of this act. Upon completion of the installation of the utility lines, New York SMSA Limited Partnership, d/b/a Verizon Wireless, shall restore the surface of the lands, and the lands shall continue to be used for park purposes.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Lewisboro dedicate an amount equal to or greater than the fair market value of the park land being permanently discontinued in section three of this act and the

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

LBD16290-07-0

interest being alienated in section four of this act for the acquisition of additional park lands and/or capital improvements to existing park and recreational facilities.

S 3. The park lands authorized to be permanently discontinued 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 through property belonging to the Town of Lewisboro, South 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 through 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 4. The park lands referred to in section one of this act over which easements may be granted to New York SMSA Limited Partnership d/b/a Verizon Wireless for the purpose of installation of utility lines and for ingress and egress are more particularly described as follows:

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

BEGINNING at the northeasterly terminus of the park lands described in section two of this act, and extending easterly through an existing parking lot and easterly and northerly along an existing access drive to New York State Route 35, said easement to be of sufficient width so as to encompass the traveled way of the existing access drive and include sufficient additional area parallel to said access drive and adjacent to said parking lot to allow for access and the installation of utility services.

S 5. The discontinuance of park land and authorized by the provisions of this act should not occur until the town of Lewisboro has complied with any federal requirements pertaining to the alienation or conversion of park lands, 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 the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

S 6. This act shall take effect immediately.