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

11561

I N A S S E M B L Y

June 24, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Montesano) -- read once and referred to the Committee on Local Governments

AN ACT authorizing the county of Nassau to transfer ownership of certain parklands to the Oyster Bay water district

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, the county of Nassau is hereby authorized and empowered to discontinue as county parkland and convey the property described in section two of this act, which was heretofore used by such county for park and/or recreational purposes and is within the Tiffany Preserve, upon terms to be fixed and determined by such county and approved by its legislature, to the Oyster Bay water district.

S 2. The lands referred to in section one of this act are located, bounded and described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in the incorporated village of Oyster Bay Cove, town of Oyster Bay, county of Nassau and state of New York, bounded and described as follows:

BEGINNING at a point where the westerly right-of-way line of Sandy Hill Road intersects the northerly right-of-way line of Berry Hill Road;

Running thence westerly along the northerly right-of-way line of Berry Hill Road a distance of 381.77 feet to a point where the northerly right-of-way line of Berry Hill Road intersects the easterly line of property of the Oyster Bay Water District, said property being designated as Lot 337 in Block H of Section 27 of the Nassau County Land and Tax Maps;

THENCE running westerly along the northerly right-of-way line of Berry Hill Road (the same being the southerly property line of said lot 337), the following two (2) courses and distances:

1. North 83 degrees - 33 minutes - 10 seconds West 120.00 feet;

2. North 72 degrees - 04 minutes - 40 seconds West 105.00 feet,

to a point where the northerly right-of-way line of Berry Hill Road intersects the westerly property line of said Lot 337.

THENCE running northerly along the westerly property line of said Lot 337 a distance of 150.00 feet, more or less, to a point, which said point is the true POINT OF BEGINNING,

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

LBD17878-01-0

And from said true POINT OF BEGINNING, running thence westerly along a line being parallel to the northerly right-of-way line of Berry Hill Road a distance of 150.00 feet to a point;

THENCE running northerly along a line which is 90 degrees to the last mentioned line, distance of 130 feet to a point;

THENCE running easterly along a line which is 90 degrees to the last mentioned line and parallel to the northerly right-of-way line of Berry Hill Road a distance of 110.00 feet to a point,

THENCE running easterly along an extension of the northerly property line of said Lot 337 South 84 degrees - 30 minutes - 00 seconds East, a distance of approximately 107 feet to a point.

THENCE running southerly along the northwesterly and westerly property lines of said Lot 337 the following two (2) courses and distances:

1. South 45 degrees - 30 minutes - 00 seconds West 150.00 feet;

2. South 03 degrees - 30 minutes - 00 seconds West 20 feet, more or less, to the true POINT OR PLACE OF BEGINNING.

Said property containing an area of approximately 23,159 square feet (0.53 acres).

S 3. Subject to the provisions of this act, the Nassau county legislature is hereby further authorized and empowered to convey to the Oyster Bay water district a non-pollution easement encompassing a radius of 200 feet surrounding the property described in section two of this act, the area of such easement being shown upon a map entitled "OYSTER BAY WATER DISTRICT PLANT No. 8 PROPOSED WELL AND PUMP STATION" prepared by Holzmacher, McLendon & Murrell, P.C. and dated February 2007. Such land shall remain open to the general public for passive park and recreational purposes.

S 4. The authorization provided in section one of this act shall be effective only upon the condition that on or before the alienation and conveyance of lands described in section two of this act and/or the conveyance of the easement described in section three of this act, the county shall designate lands previously acquired for "open space purposes" as such term is defined by Nassau county local law 10-2006, Title 57 of the Nassau county miscellaneous laws, as park property to be placed in the county's park trust, such property being bound and described as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the incorporated village of Oyster Bay Cove, town of Oyster Bay, county of Nassau and state of New York, known and described as follows:

BEGINNING at a point, said point being the following courses and distances from a point on the Northerly side of Shutter Lane distant 1308.60 feet Westerly along the Northerly side of Shutter Lane from the corner formed by the intersection of the Westerly side of Oyster Bay Cove Road and the Northerly side of Shutter Lane (a private Right of Way);

(1) North 46 degrees 09 minutes 00 seconds West for a distance of 485.98 feet;

From said point, RUNNING THENCE South 31 degrees 42 minutes 40 seconds West for a distance of 142.30 feet;

THENCE South 43 degrees 02 minutes 20 seconds West for a distance of 156.92 feet;

THENCE South 76 degrees 20 minutes 30 seconds West for a distance of 225.87 feet;

THENCE North 09 degrees 10 minutes 30 seconds East for a distance of 844.97 feet;

THENCE South 68 degrees 42 minutes 00 seconds East for a distance of 170.75 feet;
THENCE South 79 degrees 28 minutes 00 seconds East for a distance of 47.30 feet;
THENCE North 84 degrees 52 minutes 00 seconds East for a distance of 42.50 feet;
THENCE North 65 degrees 42 minutes 00 seconds East for a distance of 38.50 feet;
THENCE North 50 degrees 20 minutes 00 seconds East for a distance of 135.77 feet;
THENCE North 39 degrees 57 minutes 00 seconds East for a distance of 67.00 feet;
THENCE South 45 degrees 18 minutes 50 seconds East for a distance of 213.26 feet;
THENCE South 37 degrees 59 minutes 15 seconds West for a distance of 148.00 feet;
THENCE South 68 degrees 59 minutes 20 seconds East for a distance of 159.89 feet;
THENCE South 41 degrees 00 minutes 00 seconds East for a distance of 120.00 feet;
THENCE SOUTH 69 degrees 10 minutes 22 seconds West for a distance of 77.79 feet;
THENCE North 69 degrees 51 minutes 45 seconds West for a distance of 109.41 feet;
THENCE North 46 degrees 09 minutes 00 seconds West for a distance of 20.70 feet;
THENCE South 59 degrees 19 minutes 40 seconds West for a distance of 38.86 feet;
THENCE South 41 degrees 50 minutes 54 seconds West for a distance of 162.64 feet;
THENCE North 30 degrees 11 minutes 15 seconds West for a distance of 184.91 feet;
THENCE South 16 degrees 56 minutes 01 seconds West for a distance of 231.98 feet;
THENCE South 46 degrees 09 minutes 00 seconds East 56.07 feet to the point of place of the BEGINNING. Said property containing an area of approximately 7.98 acres.

S 5. If the parcel described in section two of this act is greater in fair market value than the parcel being dedicated as parkland in section three of this act, the county of Nassau shall dedicate the difference in the fair market value of such lands for the acquisition of additional park lands and/or for capital improvements to existing park and recreational facilities.

S 6. If the parkland that is being discontinued has received federal funding pursuant to the land and water conservation fund, the discontinuance and conveyance of park land authorized by the provisions of this act shall not occur until the county of Nassau has complied with any state requirements pursuant to state issued grants for effected park property and federal requirements pertaining to 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 7. This act shall take effect immediately.