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

3927

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. PRETLOW, SPANO -- read once and referred to the Committee on Cities

AN ACT to authorize the city of Yonkers, county of Westchester to discontinue the use of certain city lands as parkland and to sell and convey such lands

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

Section 1. The city of Yonkers, Westchester county, is hereby authorized to discontinue as parklands and alienate, sell and convey the lands described in section three of this act and in exchange therefor, dedicate as parklands the lands described in section four of this act, such land to be used for park purposes.

S 2. Notwithstanding the failure of the city of Yonkers to seek or receive state legislative authorization to alienate certain of the parklands described in section three of this act and used for public parking, such use is validated, ratified and confirmed.

S 3. The lands to be discontinued as parklands and alienated, sold and conveyed are described as follows:

Parcel 1. All that certain piece or parcel of land located in the city of Yonkers, Westchester County, more particularly described as follows: BEGINNING AT A POINT, SAID POINT BEING DISTANT 47.69 FEET FROM THE INTERSECTION OF THE SOUTHWESTERLY BOUNDARY OF NEW MAIN STREET AND THE NORTHEASTERLY BOUNDARY OF NEPPERHAN AVENUE; RUNNING THENCE ALONE THE NORTHERLY BOUNDARY OF NEPPERHAN AVENUE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 526.00 FEET AND AN ARC LENGTH OF 105.34 FEET TO A POINT; AND THENCE S 74°23'40" W A DISTANCE OF 138.10 FEET TO A POINT; AND RUNNING THENCE N 14°57'34" W A DISTANCE OF 58.07 FEET TO A POINT; AND RUNNING THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 105.00 FEET AND AN ARC LENGTH OF 40.40 FEET; AND RUNNING THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND AN ARC LENGTH OF 114.89 FEET TO A POINT; AND RUNNING THENCE N 36°47"49' W A DISTANCE OF 238.24 FEET TO A POINT; AND

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

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RUNNING THENCE N 54°42'49" E A DISTANCE OF 51.69 FEET TO A POINT; AND RUNNING THENCE S 48°48'47" E A DISTANCE OF 85.36 FEET TO A POINT; AND RUNNING THENCE N 53°02'49" E A DISTANCE OF 125.51 FEET TO A POINT, SAID POINT BEING LOCATED ON THE WESTERLY BOUNDARY OF THE AFOREMENTIONED NEW MAIN STREET; AND RUNNING THENCE ALONG THE WESTERLY BOUNDARY OF NEW MAIN STREET THE FOLLOWING TWO COURSES AND DISTANCES: S 36°25'59" E A DISTANCE OF 116.29 FEET AND S 37°03'10" E A DISTANCE OF 263.94 FEET TO A POINT; THENCE RUNNING S 33°52'41" W A DISTANCE OF 54.50 TO A POINT; AND
THENCE S 58°01'41" E A DISTANCE OF 10.72 FEET TO THE POINT OF BEGINNING.
Parcel 2: All that certain piece or parcel of land located in the City of Yonkers, Westchester County, more particularly described as follows:
BEGINNING AT A POINT OF INTERSECTION FORMED BY THE NORTHEASTERLY LINE OF SOUTH BROADWAY (75 FEET WIDE) WITH THE LINE DIVIDING LOTS 66 & 72, BLOCK 490, SAID POINT BEING DISTANT THE FOLLOWING TWO (2) COURSES FOR THE TERMINUS OF A CURVE CONNECTING THE SOUTHERLY LINE OF NEPERHAN AVENUE (WIDTH VARIES) WITH SAID NORTHEASTERLY LINE OF SOUTH BROADWAY, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE:
ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,234.08 FEET, AN ARC LENGTH OF 189.11 FEET, A CENTRAL ANGLE OF 08 DEGREES-46 MINUTES-48 SECONDS, BEARING A CHORD OF SOUTH 32 DEGREES-44 MINUTES-45 SECONDS EAST, A CHORD DISTANCE OF 188.92 FEET TO A POINT OF CURVATURE, THENCE;
ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4,870.00 FEET, AN ARC LENGTH OF 188.21 FEET, A CENTRAL ANGLE OF 02 DEGREES-12 MINUTES-52 SECONDS, BEARING A CHORD OF SOUTH 35 DEGREES-59 MINUTES-21 SECONDS EAST, A CHORD DISTANCE OF 188.20 FEET TO THE POINT AND PLACE OF BEGINNING, THENCE;
ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 4,870.00 FEET, AN ARC LENGTH OF 7.93 FEET, A CENTRAL ANGLE OF 00 DEGREES-05 MINUTES-36 SECONDS, BEARING A CHORD OF NORTH 37 DEGREES-02 MINUTES-59 SECONDS WEST, A CHORD DISTANCE OF 7.93 FEET TO A POINT, THENCE;
ALONG A LINE THROUGH LOT 72, BLOCK 490, NORTH 74 DEGREES-27 MINUTES-33 SECONDS EAST, A DISTANCE OF 70.74 FEET TO A POINT OF CURVATURE, THENCE;
ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 21.50 FEET, AN ARC LENGTH OF 8.70 FEET, A CENTRAL ANGLE OF 23 DEGREES-10 MINUTES-50 SECONDS, BEARING A CHORD OF NORTH 62 DEGREES-52 MINUTES-08 SECONDS EAST, A CHORD DISTANCE OF 8.64 FEET TO A POINT, THENCE;
ALONG THE DIVIDING LINE BETWEEN LOTS 72 & 80, BLOCK 490, SOUTH 15 DEGREES-15 MINUTES-46 SECONDS EAST, A DISTANCE OF 10.27 FEET TO A POINT, THENCE;
ALONG THE DIVIDING LINE BETWEEN LOTS 66 & 72, BLOCK 490, SOUTH 75 DEGREES-19 MINUTES-07 SECONDS WEST, A DISTANCE OF 76.25 FEET TO THE POINT AND PLACE OF BEGINNING.
Parcel 3: All that certain piece or parcel of land located in the City of Yonkers, Westchester County, more particularly described as follows:
BEGINNING AT A POINT OF INTERSECTION FORMED BY THE LINE DIVIDING LOTS 20 & 72, BLOCK 490, WITH THE NORTHWESTERLY LINE OF GUION STREET (33 FEET WIDE), SAID POINT BEING MEASURED, SOUTH 04 DEGREES-15 MINUTES-55 SECONDS WEST, A DISTANCE OF 109.88 FEET FROM THE POINT OF INTERSECTION FORMED BY THE WESTERLY LINE OF NEW MAIN STREET (50 FEET WIDE) WITH SAID NORTHWESTERLY LINE OF GUION STREET, AND FROM SAID POINT OF BEGINNING, RUNNING, THENCE;
ALONG SAID NORTHWESTERLY LINE OF GUION STREET, SOUTH 04 DEGREES - 15 MINUTES - 55 SECONDS WEST, A DISTANCE OF 176.82 FEET TO A POINT, THENCE;
ALONG THE DIVIDING LINE BETWEEN LOTS 72 & 66, BLOCK 490, SOUTH 75 DEGREES - 19 MINUTES - 07 SECONDS WEST, A DISTANCE OF 69.42 FEET TO A POINT, THENCE;

ALONG THE DIVIDING LINE BETWEEN LOTS 72 & 80, BLOCK 490, THE FOLLOWING FIVE (5) COURSES:

1. NORTH 15 DEGREES - 15 MINUTES - 46 SECONDS WEST, A DISTANCE OF 138.95 FEET TO A POINT, THENCE;

2. SOUTH 74 DEGREES - 44 MINUTES - 14 SECONDS WEST, A DISTANCE OF 283.00 FEET TO A POINT, THENCE;

3. NORTH 15 DEGREES - 15 MINUTES - 46 SECONDS WEST, A DISTANCE OF 14.99 FEET TO A POINT, THENCE;

4. SOUTH 74 DEGREES - 44 MINUTES - 14 SECONDS WEST, A DISTANCE OF 55.00 FEET TO A POINT, THENCE;

5. NORTH 15 DEGREES - 15 MINUTES -46 SECONDS WEST, A DISTANCE OF 12.00 FEET TO A POINT, THENCE;

ALONG THE SOUTHEASTERLY LINE OF TERRACE PLACE (30 FEET WIDE, PRIVATE ROAD), ALONG THE DIVIDING LINE BETWEEN LOTS 3, 18, 21, 24 & 72, BLOCK 490, NORTH 74 DEGREES - 44 MINUTES - 14 SECONDS EAST, A DISTANCE OF 466.52 FEET TO THE POINT AND PLACE OF BEGINNING.

Parcel 4: All that certain piece or parcel of land located in the City of Yonkers, Westchester County, more particularly described as follows:

BEGINNING AT A POINT AT THE NORTHWESTERLY CORNER OF SECTION 1 BLOCK 486 LOT 1 OF THE OFFICIAL TAX MAP OF THE CITY OF YONKERS AS THE SAID TAX MAP WAS ON DECEMBER 16, 1936, SAID POINT BEING NORTH 57° 57' 50" EAST, A DISTANCE OF 230.04 FEET AS MEASURED ALONG THE SOUTHEASTERLY LINE OF PALISADE AVENUE (FORMERLY KNOWN AS FACTORY STREET) AS ESTABLISHED BY "MAP OF SURVEY OF PROPERTY NO. 8 PALISADE AVENUE AND SE COR. OF NEW MAIN STREET AND THRU TO JAMES STREET-YONKERS, NY" PREPARED BY CHAS. J. DEARING, DATED OCTOBER 27, 1937, LAST UPDATED AUGUST 29, 1938 ON FILE AT THE OFFICE OF THE TITLE GUARANTEE AND TRUST COMPANY AS TITLE NOS. 6-001012, 6-002540, 6-002693 AND 6-002941, FROM ITS INTERSECTION WITH THE NORTHEASTERLY LINE OF NEW MAIN STREET (FORMERLY KNOWN AS MECHANIC STREET) AS ESTABLISHED BY "SURVEY OF PROPERTY SITUATED IN THE CITY OF YONKERS" PREPARED BY CHAS. J. DEARING, DATED NOVEMBER 12, 1948 ON FILE AT THE OFFICE OF THE TITLE GUARANTEE AND TRUST COMPANY AS TITLE NO. 6-024537 AND "MAP OF SURVEY OF PROPERTY NOS. 117 TO 125 AND NO. 131 NEW MAIN STREET - YONKERS, NY" PREPARED BY JOHN E. WARNECK, DATED DECEMBER 4, 1948 ON FILE AT THE OFFICE OF THE TITLE GUARANTEE AND TRUST COMPANY AS TITLE NO. 6-024537, TO THE INTERSECTION OF THE AFOREMENTIONED SOUTHEASTERLY LINE OF PALISADE AVENUE WITH THE SOUTHWESTERLY LINE OF JAMES STREET, THENCE CROSSING PART WAY ACROSS JAMES STREET NORTH 57°16'09" EAST, A DISTANCE OF 34.84 FEET, THENCE ALONG A LINE PARALLEL WITH THE PRESENT NORTHEASTERLY LINE OF JAMES STREET, SOUTH 35°45'08" EAST, A DISTANCE OF 129.96 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY LINE OF ENGINE PLACE WITH THE NORTHEASTERLY LINE OF JAMES STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF YONKERS AS SAID TAX MAP WAS ON DECEMBER 16, 1936, CONTINUING FROM SAID POINT OF BEGINNING:

ALONG THE AFOREMENTIONED SOUTHEASTERLY LINE OF ENGINE PLACE,

THENCE NORTH 70°56'38" EAST, A DISTANCE OF 157.00 FEET,

THENCE SOUTH 19°03'22" EAST, A DISTANCE OF 81.00 FEET TO THE NORTHWESTERLY LINE OF JOHN STREET,

ALONG THE AFOREMENTIONED NORTHWESTERLY LINE OF JOHN STREET,

THENCE SOUTH 70°56'38" WEST, A DISTANCE OF 132.70 FEET TO THE AFOREMENTIONED NORTHEASTERLY LINE OF JAMES STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF YONKERS AS SAID TAX MAP WAS ON DECEMBER 16, 1936,

ALONG THE AFOREMENTIONED NORTHEASTERLY LINE OF JAMES STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF YONKERS AS SAID TAX MAP WAS ON DECEMBER 16, 1936,

THENCE NORTH 35°45'08" WEST, A DISTANCE OF 84.57 FEET TO THE POINT OR PLACE OF BEGINNING.
Containing in all 2.93 acres more or less.
Subject to easements, covenants and restriction of record.

S 4. The replacement lands to be dedicated by the city of Yonkers to use as parkland for public park purposes are located in the city of Yonkers, Westchester county comprise a total of 8.25 acres more or less and particularly described as follows:

Parcel 1. All that certain piece or parcel of land located in the City of Yonkers, Westchester County, at 101 Odell Avenue, Block 3515, Lot 100 and being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Odell Avenue a distance of 1,244.40 feet northerly as measured along the northerly and easterly sides of Odell Avenue from the intersection of the northerly side of Odell Avenue with the westerly side of North Broadway

THENCE from said point of beginning the following two (2) courses and distances along the easterly and northerly side of Odell Avenue:

1. North 00 degrees 15 minutes 30 seconds East a distance of 100.00 feet to a point;
2. South 89 degrees 34 minutes 00 seconds West a distance of 50.00 feet to a point on the easterly side of the Croton Aqueduct;

Thence the following two (2) courses and distances along the easterly side of the Croton Aqueduct:

1. North 00 degrees 26 minutes 00 seconds West a distance of 427.16 feet to a point;
2. Along the arc of curve to the right having a radius of 460.00 feet an arc length of 91.51 feet to a point on the southerly side of land now or formerly of the County of Westchester;

thence along the southerly side of land now or formerly of the County of Westchester South 73 degrees 05 minutes 00 seconds East a distance of 399.63 feet to a point; thence South 29 degrees 31 minutes 20 seconds West a distance of 454.11 feet to a point; thence South 11 degrees 41 minutes 57 seconds West a distance of 96.72 feet to a point; thence South 92 degrees 56 minutes 51 seconds West a distance of 94.37 feet to the easterly side of Odell Avenue and the point of beginning.
Described parcel contains an area of 143,165.01 square feet or 3.3 acres more or less.

Parcel 2: All that certain piece or parcel of land located in the City of Yonkers, Westchester County, located at 1061 North Broadway, Block 3515, Lot 115 and being more particularly bounded and described as follows:

BEGINNING at a point where the westerly side of North Broadway (Rt. 9) intersects the northerly side of Odell Avenue;

THENCE from said point of beginning the following six (6) courses and distances along the northerly and easterly side of Odell Avenue:

1. South 87 degrees 31 minutes 00 seconds West a distance of 170.59 feet to a point;
2. Along the arc of a curve to the right having a radius of 75.00 feet an arc length of 46.05 feet to a point;
3. North 57 degrees 18 minutes 00 seconds West a distance of 197.22 feet to a point;
4. Along the arc of a curve to the right having a radius of 75.00 feet an arc length of 88.75 feet to a point;
5. North 10 degrees 29 minutes 52 seconds East a distance of 340.46 feet to a point;

6. North 00 degrees 15 minutes 30 seconds East a distance of 401.33 feet to a point;

thence North 82 degrees 56 minutes 51 seconds East a distance of 94.37 feet to a point; thence South 16 degrees 26 minutes 04 seconds East a distance of 319.07 feet to a point;

thence South 00 degrees 25 minutes 39 seconds East a distance of 350.00 feet to a point; thence South 68 degrees 44 minutes 52 seconds East a distance of 256.00 feet to a point on the westerly side of North Broadway;

thence along the westerly side of North Broadway South 21 degrees 05 minutes 18 seconds West a distance of 200.00 feet to the northerly side of Odell Avenue and the point of beginning.

Described parcel contains an area of 215,463.48 square feet or 4.95 acres more or less.

S 5. In the event that the replacement city parklands to be dedicated in section four of this act are not equal to twice the size of the lands to be alienated in section three of this act, or are not equal to or greater than the fair market value of the lands to be alienated in section three of this act, the city of Yonkers shall dedicate additional city-owned lands for parkland and/or cause funds to be made available for capital improvements to its existing park and recreational facilities, as necessary, to equal such fair market value.

S 6. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the city of Yonkers 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.