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

4024

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. RABBITT -- read once and referred to the Committee on Local Governments

AN ACT to authorize the county of Orange to discontinue the use of certain parklands

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 Orange is hereby authorized, acting by and through its county legislature and upon such terms and conditions as determined by such legislature, to discontinue the use of the parcels of park lands owned by such county more particularly described in section four of this act which are no longer needed for park purposes, and to lease such parcels at fair market value to Cellular One for a term not to exceed thirty years from the date of the unauthorized alienation.

S 2. Notwithstanding the failure of the county of Orange to seek or receive state legislative authorization to alienate those park lands described in section four of this act prior to entering into a two license agreement for the construction of a cell tower and equipment building, one dated October 15, 1996 between the county of Orange and Orange County Cellular Corp. and a license agreement dated May 4, 2000 between the county of Orange and Chill Cellular Corp. such licenses are hereby validated, legalized, ratified and confirmed.

S 3. The authorization contained in section one of this act and the validation contained in section two of this act shall take effect only upon the condition that the county of Orange dedicate additional park lands that have never been dedicated or used for open space or park purposes and have been inaccessible to the public as described in section five of this act of equal or greater fair market value than the aggregate value of the parcels being alienated, and of equal or greater usefulness as park lands than the parcels being alienated pursuant to this act.

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

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S 4. The lands authorized by section one of this act to be discontinued as park lands are as follows:

PARCEL A

All that certain piece or parcel of land being in the state of New York, County of Orange, Town of Hamptonburgh and being further described as follows.

Beginning at a point on the northerly side of a golf cart shed at the intersection with the equipment building lying within the herein described lease and running thence along the outside (northerly face) of the golf cart shed, also being the mating wall of the two structures, in a southwesterly direction 28.5 feet plus or minus to an interior corner of the golf cart shed, thence in a northwesterly direction still along the mating wall of the two structures 20.00' plus or minus to a point, thence in a northeasterly direction perpendicular to the last course 39.5 feet plus or minus to a point, thence in a southeasterly direction perpendicular to the last course 40.00 feet to a point, thence in a southwesterly direction perpendicular to the last course 11.00 feet plus or minus to northeasterly face of the golf cart shed, thence along the northeasterly face of the golf cart shed in a northwesterly direction 20.00 feet to the place and point of beginning.

Containing .02 acres of land more or less

S 5. The property to be dedicated for park and recreational purposes pursuant to section three of this act are more particularly bound and described as follows:

BEGINNING at a point in the division line between the lands of J.E.A.H. Realty Co. on the southeast and the lands of the County of Orange, Cronomer Hill Park, on the northwest, said point being South 24°29'30" East 641.50 feet from the northeasterly corner of said Cronomer Hill Park; thence, from said point of beginning and through the lands of J.E.A.H. Realty Co., the following seven (7) courses, (1) South 65°30'30" East 30.00 feet, (2) South 24°29'30" West 80.00 feet, (3) South 36°04'57" East 198.21 feet, (4) South 25°24'40" East 164.90 feet, (5) South 26°02'40" East 127.30 feet, (6) South 21°27'11" East 116.47 feet, (7) South 16°15'00" East 243.71 feet to a point on the division line between lands now or formerly of Lip-Am 300, LLC on the south and east, and the lands of J.E.A.H. Realty Co. on the north and west; thence, along the last said division line, South 82°06'00" West 100.00 feet and South 5°06'00" East 369.88 feet to a point on the division line between the lands of the County of Orange, Cronomer Hill Park, on the southwest and northwest, and the lands of J.E.A.H. Realty Co. on the northeast and southeast; thence, along the last said division line, the following eight (8) courses, (1) North 61°03'17" West 606.10 feet, (2) North 63°19'00" West 60.00 feet, (3) North 22°48'00" East 153.50 feet, (4) N19°40'00" East 118.50 feet, (5) North 20°16'00" East 272.60 feet, (6) North 23°21'30" East 271.45 feet, (7) North 22°23'00" East 108.20 feet and (8) North 24°29'30" East 60.00 feet to the point or place of beginning, said easement containing 10.14 acres of land more or less.

S 6. In the event that the park lands to be dedicated by the county of Orange pursuant to this act are not of equal or greater fair market value and usefulness as park lands than the park lands to be discontinued, the county of Orange shall dedicate the difference of fair market value and/or usefulness of the lands to be alienated and the lands to be dedicated for the acquisition of additional park lands and/or capital improvements to existing park and recreational facilities.

S 7. Should the leased lands described in section five of this act cease to be used for the purposes described in section one of this act,

the lease shall terminate and those lands shall revert to the county of Orange for public park and recreational purposes. At the time of such reversion, the removal of such cellular communications tower shall take place and the property shall be returned to its previous state, consistent with parks and recreational purposes.

S 8. The discontinuance and lease of park lands authorized by the provisions of this act shall not occur until the county of Orange 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 9. This act shall take effect immediately.