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

S. 4862 A. 7840

2009-2010 Regular Sessions

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

April 27, 2009

IN SENATE -- Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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

AN ACT in relation to authorizing the town of Smithtown in the county of Suffolk, 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:

Section 1. a. Subject to the provisions of this act and notwithstanding any provision of law to the contrary, the town of Smithtown, located in the county of Suffolk, is hereby authorized, acting by and through its town board and upon such terms and conditions as determined by such board, to discontinue the use of certain municipally owned park land, and to lease at fair market value, for a term not to exceed twenty-five years, said park land as described in section two of this act for the purpose of erecting, maintaining and operating a wireless communications facility.

b. All proceeds from such lease shall be used for the acquisition of additional park lands and/or for capital improvements to existing park and recreation facilities.

S 2. The park lands authorized by section one of this act are more particularly described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN SMITHTOWN IN THE TOWN OF SMITHTOWN, COUNTY OF SUFFOLK AND THE STATE OF NEW YORK KNOWN AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT BEING THE FOLLOWING (1) COURSE AND DISTANCE FROM THE NORTH WESTERLY CORNER OF SAID PROPERTY RUNNING SOUTH 74 DEGREES 06

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

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MINUTES 47 SECONDS EAST 1,716.80' TO THE POINT OR PLACE OF BEGINNING AT THE NORTH WESTERLY CORNER OF LEASE AREA
RUNNING THENCE NORTH 85 DEGREES 49 MINUTES 15 SECONDS EAST 55.00 FEET
RUNNING THENCE SOUTH 04 DEGREES 10 MINUTES 45 SECONDS EAST 55.00 FEET
RUNNING THENCE SOUTH 85 DEGREES 49 MINUTES 15 SECONDS WEST 55.00 FEET
RUNNING THENCE NORTH 04 DEGREES 10 MINUTES 45 SECONDS WEST 55.00 FEET TO THE POINT OR PLACE OF BEGINNING

S 3. Should the leased lands described in section two 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 town of Smithtown for public park and recreational purposes. At the time of such reversion, the removal of such wireless communications facility shall take place and the property shall be returned to its previous state, consistent with parks and recreational purposes.

S 4. This act shall take effect immediately.