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

8370

2009-2010 Regular Sessions

I N A S S E M B L Y

May 15, 2009

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

AN ACT to authorize the Union-Endicott central school district, in the county of Broome, to discontinue the use of certain lands as 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 Union-Endicott central school district, in the county of Broome, is hereby authorized, acting by and through its board of education and upon such terms and conditions as determined by such board, to discontinue the use of the school district owned parkland more particularly described in section three of this act which is no longer needed for park purposes, and to utilize said parklands for school district purposes.

S 2. The authorization contained in section one of this act shall take effect only upon the condition that the Union-Endicott central school district dedicate additional parklands of equal or greater fair market value than the value of the property being alienated by this act.

S 3. The lands authorized by section one of this act to be discontinued as parklands are as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Endicott, County of Broome, State of New York, bounded and described as follows:

BEGINNING at a 5/8 inch rebar with plastic yellow cap tagged "Paul B. Koerts, L.S.No. 49580" set (hereafter referred to as pin set) at the northeasterly corner of lands owned by Danny R. Planavsky as recorded in the Broome County Clerk's Office in Liber 1747 of deeds, at page 698, being the following three courses from a point at the intersection of the southerly street boundary of Hannah Street and the easterly street boundary of Loder Avenue at the northwesterly corner of lands owned by the Union Endicott Central School District;

1) S 2°46'53"E along said easterly street boundary of Loder Avenue a distance of 311.48 feet, to an angle point;

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

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2) S 0°17'55"W along said easterly street boundary of Loder Avenue a distance of 195.97 feet, to a number 6 rebar found at the northwesterly corner of lands owned by said Planavsky;

3) S 89°09'02"E along the northerly boundary of lands owned by said Planavsky a distance of 319.84 feet, to said point of beginning.

THENCE N 89°09'02"W along said northerly boundary of lands owned by Planavsky a distance of 23.43 feet to point;

THENCE through the lands owned by the Union Endicott Central School District the following fifteen courses:

1) N 12°01'47" E a distance of 168.20 feet, to a point of curvature;

2) Along a tangent curve to the right with a radius of 26.00 feet, an arc distance of 34.09 feet, subtended by a chord bearing N 49°35'13" E, a distance of 31.70 feet, to a point of tangency;

3) N 87°08'38" E a distance of 77.99 feet, to a point of curvature;

4) Along a tangent curve to the left with a radius of 53.00 feet, an arc distance of 76.35 feet, subtended by a chord bearing N 45°52'27" E, a distance of 69.92 feet, to a point of tangency;

5) N 4°36'15" E a distance of 23.79 feet, to a point of curvature;

6) Along a tangent curve to the right with a radius of 32.00 feet, an arc distance of 35.09 feet, subtended by a chord bearing N 36°01'07" E, a distance of 33.36 feet, to a point of tangency;

7) N 67°20'00" E a distance of 58.70 feet, to an angle point;

8) S 59°05'28" W a distance of 7.46 feet, to a point of curvature;

9) Along a tangent curve to the left with a radius of 49.00 feet, an arc distance of 52.17 feet, subtended by a chord bearing S 27°43'47" W, a distance of 49.74 feet, to a point of tangency;

10) S 2°46'13" E a distance of 3.84 feet, to a point of curvature;

11) Along a tangent curve to the right with a radius of 116.00 feet, an arc distance of 37.97 feet, subtended by a chord bearing S 6°36'23" W, a distance of 37.80 feet, to a point of tangency;

12) S 15°59'00" W a distance of 114.70 feet, to a point of curvature;

13) Along a tangent curve to the right with a radius of 70.00 feet, an arc distance of 57.70 feet, subtended by a chord bearing S 39°35'45" W, a distance of 56.08 feet, to a point;

14) S 29°09'00"E a distance of 43.46 feet, to an angle point;

15) S 11°53'40"W a distance of 130.67 feet to a point in the northerly boundary of lands owned by Bemsley L. & Judith I Hottenstein (Liber 1837, page 91);

THENCE N 78°04'36" W along said northerly boundary of lands owned by said Hottenstein a distance of 132.72 feet, to a pin set in the easterly boundary of lands owned by the State of New York Office of Mental Retar-dation (Liber 1066, page 577);

THENCE N 2°23'39" W along said easterly boundary of lands owned by the State of New York Office of Mental Retardation and continuing along the easterly boundary of lands owned by said Danny R. Planavsky (Liber 1747, page 698), respectively, a distance of 70.00 feet, to the point of beginning.

CONTAINING 1.126 acres (49,031 square feet) of land as surveyed by Paul B. Koerts Professional Land Surveyor on February 13, 2009 and revised on April 27, 2009. All bearings are referenced to true north at 76°35' meridian of west longitude (NAD 1983).

S 4. The property to be dedicated for park and recreational purposes pursuant to section two of this act is more particularly bound and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Endicott, County of Broome, State of New York, bounded and described as follows:

BEGINNING at a 5/8 inch rebar with plastic yellow cap tagged "Paul B. Koerts, L.S. No. 49580" set (hereafter referred to as pin set) at the southeasterly corner, at the southerly end of the street boundary of Andrews Avenue, at the southwesterly corner of lands owned by Roland & Lori Teed as recorded in the Broome County Clerk's Office in Liber 2151 of deeds, at page 97, and at the northwesterly corner of premises herein described;

THENCE N 87°11'45"E along the southerly boundary of lands owned by said Teed a distance of 95.00 feet, to a pin set at the northwesterly corner of lands owned by Anthony J. Scarano (Liber 1909, page 333);

THENCE S 2°48'15"E along the westerly boundary of lands owned by said Scarano a distance of 261.99 feet, to a 5/8 inch iron pin found at the southwesterly corner of lands owned by said Scarano;

THENCE through lands owned by the Union Endicott Central School District the following four courses:

1) S 87°11'45" W a distance of 128.00 feet, to a point;

2) N 2°48'15" W a distance of 194.60 feet, to a point;

3) Northeasterly along a non-tangent curve to the left with a radius of 85.00 feet, an arc distance of 51.77 feet, subtended by a chord bearing N 28°58'50" E, a distance of 50.97 feet, to a point of tangency;

4) N 11°32'00" E a distance of 24.84 feet, to the point of beginning.

CONTAINING 0.737 acres (32099 square feet) of land as surveyed by Paul B. Koerts Professional Land Surveyor on February 13, 2009. All bearings are referenced to true north at 76°35' meridian of west longitude (NAD 1983).

S 5. In the event that the parklands to be dedicated by the Union-Endicott central school district pursuant to this act are not equal to or greater than the fair market value of the parklands to be discontinued, the Union-Endicott central school district shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 6. The discontinuance of parklands authorized by the provisions of this act shall not occur until the Union-Endicott central school district has complied with any federal requirements pertaining to the alienation or conversion of parklands, 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 land being alienated or converted.

S 7. This act shall take effect immediately.