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

5502--B

2009-2010 Regular Sessions

I N S E N A T E

May 12, 2009

Introduced by Sens. O. JOHNSON, FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 635 of the laws of 1987, establishing the Oak Brush Plain State Preserve, located on Long Island, in relation to the acquisition of lands previously comprising Pilgrim State Hospital

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

Section 1. Sections 7 and 8 of chapter 635 of the laws of 1987, establishing the Oak Brush Plain State Preserve, located on Long Island, section 8 as amended by chapter 209 of the laws of 1989, are amended to read as follows:

S 7. (A) The commissioner of the office of general services, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK OR ANY OTHER SUCCESSOR IN TITLE shall [arrange for the] transfer to the Oak Brush Plain State Preserve such lands now OR FORMERLY comprising A PORTION OF THE Pilgrim State Hospital [now or hereafter not necessary for use by Pilgrim State Hospital and] where native foliage may reasonably be reestablished.

(B) THE LANDS TO BE TRANSFERRED SHALL BE APPROXIMATELY 118 ACRES, MORE OR LESS, NOW OR FORMERLY COMPRISING PILGRIM STATE HOSPITAL AND SHALL NOT INCLUDE ANY LAND PREVIOUSLY TRANSFERRED TO THE POWER AUTHORITY OF THE STATE OF NEW YORK AND THE LONG ISLAND POWER AUTHORITY AND GENERALLY DESCRIBED AS FOLLOWS:

ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF ISLIP, COUNTY OF SUFFOLK, STATE OF NEW YORK GENERALLY DESCRIBED AS FOLLOWS;

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

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BEGINNING AT A POINT ON THE BOUNDARY LINE BETWEEN THE TOWN OF HUNTINGTON AND THE TOWN OF ISLIP AT THE NORTHWEST CORNER OF A PARCEL OF LAND CONVEYED TO LONG ISLAND POWER AUTHORITY SAID POINT ALSO BEING ON THE EASTERLY BOUNDS OF AN 81.4 ACRE PARCEL OF LAND TRANSFERRED FROM THE OFFICE OF MENTAL HEALTH TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON JANUARY 13, 1999,

THENCE FROM SAID POINT OF BEGINNING ALONG THE EASTERLY BOUNDS OF SAID 81.4 ACRE PARCEL OF LAND THE FOLLOWING TWO COURSES AND DISTANCES:

1) N. 0° 36' 52" W. A DISTANCE OF 156.10 FEET TO A POINT; AND

2) N. 0° 59' 13" E. A DISTANCE OF 1063.76 FEET TO A POINT;

THENCE THROUGH THE LANDS NOW OR FORMERLY OF THE PEOPLE OF THE STATE OF NEW YORK, PILGRIM PSYCHIATRIC CENTER, THE FOLLOWING 11 COURSES AND DISTANCES:

1) N. 89° 41' 36" E. A DISTANCE OF 788.41 FEET TO A POINT;

2) S. 44° 44' 39" E. A DISTANCE OF 42.80 FEET TO A POINT;

3) N. 67° 37' 46" E. A DISTANCE OF 174.25 FEET TO A POINT;

4) S. 22° 59' 01" E. A DISTANCE OF 360.19 FEET TO A POINT;

5) N. 67° 09' 21" E. A DISTANCE OF 405.98 FEET TO A POINT;

6) S. 22° 51' 14" E. A DISTANCE OF 638.85 FEET TO A POINT;

7) S. 63° 51' 55" E. A DISTANCE OF 1,224.63 FEET TO A POINT;

8) N. 68° 02' 05" E. A DISTANCE OF 143.78 FEET TO A POINT;

9) S. 21° 57' 55" E. A DISTANCE OF 253.50 FEET TO A POINT;

10) S. 45° 11' 47" E. A DISTANCE OF 774.45 FEET TO A POINT;

11) S. 0° 34' 26" E. A DISTANCE OF 340.00 FEET TO A POINT ON THE SOUTHERLY BOUNDS OF SAID LANDS OF PILGRIM PSYCHIATRIC CENTER;

THENCE ALONG SAID SOUTHERLY BOUNDARY THE FOLLOWING TWO COURSES AND DISTANCES:

1) S. 89° 25' 34" W. A DISTANCE OF 100.00 FEET TO A POINT; AND

2) S. 89° 29' 29" W. A DISTANCE OF 2,987.71 FEET TO A POINT;

THENCE N. 0° 26' 29" E. A DISTANCE OF 486.53 FEET TO A POINT AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO LONG ISLAND POWER AUTHORITY;

THENCE ALONG THE SOUTHERLY, EASTERLY AND NORTHERLY BOUNDS OF SAID LANDS OF LONG ISLAND POWER AUTHORITY THE FOLLOWING THREE COURSES AND DISTANCES:

1) S. 89° 33' 31" E. A DISTANCE OF 287.46 FEET TO A POINT;

2) N. 0° 26' 29" E. A DISTANCE OF 790.75 FEET TO A POINT; AND

3) S. 67° L2' 38" W. A DISTANCE OF 312.83 FEET TO A POINT AT THE NORTHEAST CORNER OF LANDS CONVEYED TO THE POWER AUTHORITY OF THE STATE OF NEW YORK;

THENCE ALONG THE NORTHERLY BOUNDS OF SAID LANDS TO AND ALONG THE EASTERLY AND NORTHERLY BOUNDS OF OTHER LANDS CONVEYED TO LONG ISLAND POWER AUTHORITY THE FOLLOWING THREE COURSES AND DISTANCES:

1) S. 67° 12' 38" W. A DISTANCE OF 152.50 FEET TO A POINT;

2) N. 23° 53' 06" W. A DISTANCE OF 201.65 FEET TO A POINT; AND

3) S. 67° 12' 38" W. A DISTANCE OF 367.44 FEET TO THE POINT OR PLACE OF BEGINNING; CONTAINING 117.7 ACRES OF LAND, MORE OR LESS.

SUBJECT TO EASEMENT RIGHTS OF OTHERS AS THEY MAY EXIST.

EXCEPTING THEREFROM, ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING AT BRENTWOOD, TOWN OF ISLIP, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE DIVISION LINE BETWEEN THE PROPERTY NOW OR FORMERLY OF THE PEOPLE OF THE STATE OF NEW YORK, PILGRIM PSYCHIATRIC CENTER ON THE NORTH AND LAND NOW OR FORMERLY OF THE LONG ISLAND STATE PARK COMMISSION SAGTIKOS STATE PARKWAY (MAP 23R-I821, PARCEL IV DATED JANUARY 20, 1940) ON THE SOUTH, DISTANT 624.61 FEET WESTERLY FROM THE INTERSECTION OF SAID DIVISION LINE WITH THE WESTERLY SIDE OF SAGTIKOS

PARKWAY, SAID POINT BEING THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF TOWN OF ISLIP INDUSTRIAL DEVELOPMENT AGENCY;

RUNNING THENCE SOUTH 89 DEGREES 29 MINUTES 29 SECONDS WEST, ALONG LAND NOW OR FORMERLY OF TOWN OF ISLIP INDUSTRIAL DEVELOPMENT AGENCY 110.00 FEET

THENCE NORTH 00 DEGREES 34 MINUTES 26 SECONDS WEST, 15.71 FEET;

THENCE NORTH 15 DEGREES 48 MINUTES 56 SECONDS EAST, 431.19 FEET;

THENCE SOUTH 45 DEGREES 11 MINUTES 47 SECONDS EAST, 125.75 FEET;

THENCE SOUTH 15 DEGREES 48 MINUTES 56 SECONDS WEST, 354.40 FEET TO THE NORTHERLY SIDE OF LAND NOW OR FORMERLY OF THE LONG ISLAND STATE PARK COMMISSION SAGTIKOS STATE PARKWAY (MAP 23R-I821, PARCEL IV DATED JANUARY 20, 1940) AND THE POINT OR PLACE OF BEGINNING.

CONTAINING: 44,072 SQUARE FEET OR 1.0117 ACRES OF LAND, MORE OR LESS.

(C) THE DESCRIPTION OF THE LANDS TO BE TRANSFERRED PURSUANT TO SUBDIVISION (B) OF THIS SECTION IS NOT INTENDED TO BE A LEGAL DESCRIPTION, BUT IS INTENDED ONLY TO IDENTIFY THE PREMISES TO BE TRANSFERRED. THE OFFICE OF GENERAL SERVICES MAY PREPARE AN ACCURATE SURVEY AND DESCRIPTION OF SUCH LANDS WHICH MAY BE USED IN THE TRANSFER THEREOF.

(D) THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK OR ANY OTHER SUCCESSOR IN INTEREST AT THE TIME OF THE TRANSFER OF THE LANDS INTO THE OAK BRUSH PLAIN STATE PRESERVE SHALL ALSO CONVEY THE EXCEPTED PARCEL OF LAND SPECIFICALLY DESCRIBED IN SUBDIVISION (B) OF THIS SECTION TO THE TOWN OF ISLIP FOR STREET OR HIGHWAY PURPOSES FOR THE CONSIDERATION OF ONE DOLLAR; PROVIDED, HOWEVER, THAT SUCH EXCEPTED PARCEL SHALL REVERT AND BE CONVEYED TO THE STATE OF NEW YORK FOR INCLUSION IN THE OAK BRUSH PLAIN STATE PRESERVE IF THE TOWN OF ISLIP SHALL AT ANY TIME CEASE TO USE THE EXCEPTED PARCEL FOR TOWN STREET OR HIGHWAY PURPOSES.

(E) ON OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF 2010 WHICH ADDED THIS SUBDIVISION, THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK OR ANY SUCCESSOR IN INTEREST SHALL NOT SELL, TRANSFER OR CONVEY ANY OF THE LAND IN THIS ACT TO A PARTY NOT AUTHORIZED TO HAVE SUCH LANDS SOLD, TRANSFERRED OR CONVEYED TO IT PURSUANT TO THIS ACT.

S 8. Notwithstanding the provisions of section 45-0113 of the environmental conservation law or any other law, rule or regulation to the contrary, the lands constituting the Oak Brush Plain State Preserve shall be acquired by the state nature and historical preserve on January 1, 1991 and shall be dedicated for the purposes of article [forty-five] 45 of such law; PROVIDED, HOWEVER, THAT THE LANDS TRANSFERRED TO THE OAK BRUSH PLAIN STATE PRESERVE PURSUANT TO SECTION SEVEN OF THIS ACT SHALL BE ACQUIRED BY THE STATE NATURE AND HISTORICAL PRESERVE ON OR BEFORE DECEMBER 1, 2010 AND SHALL BE DEDICATED FOR THE PURPOSES OF SUCH ARTICLE 45.

S 2. This act shall take effect immediately.