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

5816

2009-2010 Regular Sessions

I N S E N A T E

June 8, 2009

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to authorize the village of New Berlin, in the county of Chenango, 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 village of New Berlin, in the county of Chenango, acting by and through its board of trustees, is hereby authorized to discontinue as parklands and alienate, sell and convey for fair market value, fee simple title to the lands described in section three of this act.

S 2. The authorization contained in section one of this act shall take effect only upon the condition that the village of New Berlin dedicate all proceeds from the sale of the premises described in section three of this act for making capital improvements to park facilities in the village and, in addition, the village of New Berlin shall dedicate the lands described in section four of this act as additional parklands of the village.

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 New Berlin, Chenango County, New York state and being bounded and described as follows:

Commencing at a point at the southwest corner of lands of the Village of New Berlin, Inst. 2004/434 and being at an angle point in the lands of Andrew and Joseph Orzeck, Inst. 2003/2379.

Thence along the easterly line of said Orzeck lands and, in part, along lands of Stanley Sapinski, Liber 770, Page 555, N 27° 35' 39" E, 404.70 feet to a point and N 18° 00' 45" E, 92.74 feet to the True Point of Beginning.

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

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Thence from said True Point of Beginning and continuing along the easterly line of the lands of Sapinski, the following five (5) courses:
N 18° 00' 45" E, 57.22 feet to a point,
N 22° 46' 31" E, 68.09 feet to a point,
N 21° 45' 22" E, 164.94 feet to a point,
N 24° 16' 41" E, 224.89 feet to a point,
N 17° 57' 54" E, 101.13 feet to a point.
Thence through the lands of the Village of New Berlin and along a new division line the following ten (10) courses:
S 80° 23' 34" E, 577.53 feet to a point,
S 07° 35' 52" W, 336.90 feet to a point,
S 10° 32' 26" W, 62.15 feet to a point,
S 30° 00' 48" W, 57.06 feet to a point,
S 47° 18' 20" W, 63.48 feet to a point,
S 74° 01' 06" W, 60.10 feet to a point,
N 87° 32' 11" W, 98.20 feet to a point,
N 79° 48' 32" W, 107.39 feet to a point,
S 10° 11' 28" W, 78.54 feet to a point,
N 77° 59' 15" W, 402.41 feet to the Point of Beginning.
Containing 8.467 acres of land.

S 4. The replacement lands to be dedicated by the village of New Berlin, Chenango county to use as parkland for public park purposes are located in the town of New Berlin, Chenango county comprise a total 16.496 acres more or less and particularly described as follows:

PARCEL I

All that tract or parcel of land situate in the Town of New Berlin, County of Chenango and State of New York, and bounded and described as follows: Beginning at a point in the east line of said Medbury's Farm being the west line of Allen Handy's Farm designated on a map or survey made by W.S. Franklin, Engineer, for the Water Commissioners of said Village in 1885, thence W 78° 15' W. 213.5 feet; thence W 76° 15' W. 180 feet to a corner; thence W. 5° 15' E. 105 feet across the stream to a corner; thence N. 85° 42' E. 250 feet; thence N. 85° 12' E. 65 feet; thence N. 49° 42' E. 174 feet to a corner in said Handy line. Thence S. along said Handy line to the place of beginning, containing one + 75/100 acres of land, more or less. Being the same plot designated on said map or survey filed or to be filed in the Clerk's Office of Chenango County by said Water Commissioners as part of the Reservoir lands for the use of said Village Water Works.

PARCEL II

All that tract or parcel of land situate in the Town of New Berlin, County of Chenango and State of New York, being part of the farms now owned and occupied by said Handy and bounded as follows, to wit: Beginning at a stake in the boundary line of lands of said Handy and of Harvey Hall, at a stake designated upon a map made by W.S. Franklin, Engineer, for the Water Commissioners of said Village in 1885 and filed or to be filed by said Commissioners in the Clerk's Office of Chenango County; thence N 86°22' W. along said line (Handy's North Line) 569.1 feet to the N.W. corner of Handy's farm; thence along the west line of said Handy's farm across the stream or brook, and to a stake in said line marked B.L. and designated on said map; thence S 78° 15' E. 26.5 (26.5) feet; thence S 75° 45' E. 216 feet to a stake; thence N. 82° 11' East 388 feet to a stake marked B.L.; thence N 4° E. 353 feet to the

place of beginning, containing five + 42/100 acres of land more or less, and is the same plot indicated on said map and survey made by said Franklin for said Water Commissioners, and which the reservoir for water for said Village is to be erected.

Also the right to detain and divert the waters of the creek running through said premises by a dam and reservoir to be built thereon by said Village, and always maintained and to conduct or convey said water by pipes or conduits through the lands of said Handy lying easterly of the premises hereby conveyed to the east line of said Handy's farm, according to the line designated upon said map or survey.

PARCEL III

All that tract or parcel of land, situate in the Town of New Berlin, County of Chenango and State of New York, bounded and described as follows: Being a part of Lot No. 72 beginning at the southeast corner of the original water works property; thence south 33 degrees east passing through a basswood tree, 975 feet to an iron pin on the westerly side of the highway; thence northeasterly along the highway to an iron pin on the westerly side of the highway and on the west line of lands formerly owned by Malinda Hyde; thence north 5 degrees, 30 minutes east along the west line of the land of the said Malinda Hyde 872 feet to an iron pin on the south line of lands of Chairty Matteson; thence north 83 degrees 30 minutes west along the south line of the lands of the said Chairty Matteson 192.5 feet to an iron pin on the northeast corner of lands formerly conveyed by Thomas A. Low and Abbie M. Low to The Village of New Berlin; thence south 5 degrees west along the east line of the lands so conveyed 522 feet to an iron pin on the southeast corner of the said lands; thence north 70 degrees 30 minutes west along the south line of the said lands 679 feet to the place of beginning, containing 9 and 326/1000 acres of land be the same more or less.

S 5. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the village of New Berlin 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 and recreational usefulness to the lands being alienated or converted.

S 6. This act shall take effect immediately.