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

6945

I N S E N A T E

February 26, 2010

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

AN ACT to authorize the village of Plandome Heights to discontinue the use of certain land as parkland

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 but notwithstanding any provision of law to the contrary, the village of Plandome Heights, located in the county of Nassau, is hereby authorized, acting by and through its village board of trustees, and upon such terms and conditions as are determined by such board, to discontinue the use as parkland of the land more particularly described in section four of this act, and to discontinue and convey at fair market value such parklands which are no longer needed for park purposes.

S 2. Notwithstanding the failure of the village of Plandome Heights to seek or receive state legislative authorization to alienate those parklands described in section four of this act, such alienation is hereby validated, legalized, ratified and confirmed.

S 3. The authorization provided for in section one of this act shall be subject to the requirement that, upon the alienation of the lands more particularly described in section four of this act, the village of Plandome Heights shall dedicate the fair market value of such lands for the acquisition of new parklands of equal or greater fair market value and/or for capital improvements to existing park and recreational facilities.

S 4. The parklands authorized to be discontinued by section one of this act are further bounded and described as follows:

All that certain plot, piece or parcel of land situate, lying and being located within the Village of Plandome Heights, Town of North Hempstead, County of Nassau and State of New York, being more particularly bounded and described as follows:

Beginning at a point which is located the following 5 courses and distances from the extreme southerly end of the arc of a curve having a

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

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radius of 13.69 feet and an arc length of 32.20 feet connecting the westerly side of Bay View Circle with the southerly side of Bay Drive:

1. Southerly along the westerly side of Bay View Circle being the arc of a curve to the left having a radius of 124.12 feet a distance of 89.24 feet to a point;

2. Southwesterly and westerly along the arc of a curve to the right having a radius of 18.30 feet a distance of 32.82 feet to a point of tangency, on the northerly side of Waterside Lane (private right-of-way);

3. North 82 degrees 13 minutes 00 seconds West 80.73 feet to a point of curve;

4. Westerly and northwesterly along the arc of a curve to the right having a radius of 32.14 feet a distance of 34.34 feet to a point of compound curve;

5. Westerly and southerly along the arc of a curve to the left having a radius of 45.00 feet, a distance of 144.10 feet to a point being the true point of beginning, and from the said point of beginning

RUNNING THENCE North 21 degrees 00 minutes 59 seconds West 153.32 feet to a point;

THENCE North 24 degrees 35 minutes 04 seconds West 53.22 feet to a point;

THENCE North 25 degrees 42 minutes 16 seconds East 42.74 feet to a point; and

THENCE North 46 degrees 11 minutes 25 seconds East 81.19 feet to a point on the southerly side of Waterside Lane, to the point or place of BEGINNING.

The described property having an area of 3,522.2 square feet or .0809 acres.

S 5. If the parkland or recreational facility being alienated by this act has received federal funding pursuant to the land and water conservation fund, then the federal conversion process shall be followed prior to the transfer of parkland as stated in this act.

S 6. If the parkland or recreational facility being alienated by this act has received federal funding pursuant to the urban park and recreation and recovery program, then the federal conversion process shall be followed prior to the transfer of parklands as stated in this act.

S 7. This act shall take effect immediately.