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

S. 7550--A A. 10521--A

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

June 1, 2012

IN SENATE -- Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Blankenbush) -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the village of Deferiet, county of Jefferson 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 but notwithstanding any provision of law to the contrary, the village of Deferiet, county of Jefferson is hereby authorized, acting by and through its local governing body and upon such terms and conditions as determined by such legislative body, to discontinue the use of the municipally owned parkland more particularly described in section two of this act which is no longer needed for park purposes.

S 2. The lands authorized by this act to be discontinued as parklands are as follows:

ALL THAT TRACT or parcel of land situate in the Village of Deferiet, County of Jefferson, State of New York, and further described as follows:

BEGINNING at capped pin set at the intersection of the assumed westerly street margin of Wilna Avenue and the assumed northwesterly highway limits of NYS Route 3A;

THENCE S 61° 56' 11" W, along the assumed northwesterly highway limits of NYS Route 3A a distance of 482.08 feet to a capped pin set;

THENCE N 00° 18' 10"W, a distance of 587.43 feet to a capped pin set;

THENCE N 89° 39' 20" E, a distance of 148.80 feet to a 1/2" iron pipe found;

THENCE S 89° 25' 39" E, a distance of 225.00 feet to a capped pin set;

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

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THENCE N 00° 36' 15" E, a distance of 136.50 feet to a capped pin set in the assumed southerly street margin of Wilna Avenue;

THENCE S 89° 25' 37" E, a distance of 133.82 feet to a capped pin set at the intersection of the assumed southerly street margin of Wilna Avenue and the cut-back line connecting the assumed southerly street margin of Wilna Avenue with the assumed westerly street margin of Wilna Avenue;

THENCE S 17° 04' 55" E, along the aforementioned cut-back line a distance of 66.88 feet to a capped pin set at the intersection of said cut-back line and the assumed westerly street margin of Wilna Avenue;

THENCE S 13° 05' 57" W, along the assumed westerly street margin of Wilna Avenue a distance of 442.00 feet to the point of beginning.

CONTAINING 5.446 acres of land more or less.

SUBJECT to a Niagara Mohawk Power Corporation Permanent Easement, said Easement being 60 feet in width along the entire easterly portion of the above described 5.446 acre parcel extending from the assumed northwesterly highway limits of NYS Route 3A and terminating at the assumed southern street margin of Wilna Avenue. The above Easement is as filed in the Jefferson County Clerk's Office in Liber 673 at Page 171 on March 4, 1959.

SUBJECT to any other rights or restrictions of record.

IT BEING the intent to describe the parcel of land conveyed by NEWSTECH N.Y., Inc., a New York Corporation, to the Village of Deferiet, said conveyance was filed in the Jefferson County Clerk's Office in Instrument No. 2003-5253 on April 10, 2003.

S 3. The authorization provided in section one of this act shall be effective only upon the condition that the village of Deferiet dedicate an amount equal to or greater than the fair market value of the property being alienated by this act for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities. However, the foregoing shall not be applicable to any portion of the property being alienated by this act which the village of Deferiet partitions and dedicates to municipal purposes, including the construction of a water tower and/or development of new water infrastructure.

S 4. This act shall take effect immediately.