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

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I N  A S S E M B L Y

June 1, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Walter) -- read once and referred to the Committee on Local Governments

AN ACT authorizing the town of Amherst, county of Erie to alienate and convey certain parcels of land used as parkland and to acquire other parcels of land to replace such parkland

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

Section 1. The town of Amherst, county of Erie, is hereby authorized to discontinue as parklands, alienate and convey the lands described in section three of this act.

S 2. The authorization contained in section one of this act shall only be effective on the condition that the town of Amherst acquire and dedicate as parklands the lands described in section four of this act, such land to be used for park purposes.

S 3. The lands to be discontinued as parklands and alienated and conveyed are described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being part of Lot Number 20, Township 12, Range 7 of the Holland Land Company's Survey and being Subdivision Lots Numbers 46 to 60 inclusive in Block "J" as shown on map filed in Erie County Clerk's Office under Cover Number 419 and more particularly described as follows:

BEGINNING at the northwest corner of the intersection of the westerly line of Bailey Avenue, C.R. 152 a 66 ft. wide right-of-way with the northerly line of Oxford Street formerly Marilla Street a 50 ft. wide right-of-way.

THENCE northerly along the westerly line of Bailey Avenue a 66 ft. wide right-of-way a distance of 450.0 feet to a point;

THENCE westerly and at a right angle to the westerly line of Bailey Avenue also being parallel to the northerly line of Oxford Street a distance of 112.0 feet to a point;

THENCE southerly and at a right angle to the last described course also being parallel to the westerly line of Bailey Avenue a distance of 450.0 feet to a point;

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

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THENCE easterly and at a right angle to the last described course also being along the northerly line of Oxford Street a 50 ft. wide right-of-way a distance of 112.0 ft. to the point or place of beginning.

EXCEPTING THEREFROM lands appropriated by the State of New York for highway purposes by Notice of Appropriation dated March 23, 1999 and recorded March 23, 1999 in Liber 10948 of Deeds at page 8294, being Parcel 9, Map 9, Project C.T. 152, Bailey Avenue.

Having an area of 1.17 acres more or less

S 4. The replacement lands to be acquired and dedicated by the town of Amherst, county of Erie to use as parkland for public park purposes are described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the town of Amherst, county of Erie and state of New York, being part of Lot No. 13, Township 12, Range 7 of the Holland Lane Company's Survey, bounded and described as follows:

BEGINNING at a point in the south line of lands conveyed to Vincent N. Bridenbaker and Jean E. Brindenbaker, his wife, by deed recorded in Erie County Clerk's Office in Liber 4018 of Deeds at page 487 at a point therein 205.72 feet east of the west line of Lot No. 13, said point of beginning being also the northeast corner of lands conveyed to Anderson Williams and Roberta M. Williams, his wife, by deed recorded in Erie County Clerk's Office in Liber 7510 of Deeds at Page 397;

THENCE easterly along the south line of lands so conveyed to Vincent N. Brindenbaker and wife by deed aforesaid 445.56 feet to the east line of lands conveyed to George Binner and Emma Binner, his wife, by deed recorded in Erie County Clerk's Office in Liber 986 of Deeds at Page 562;

THENCE southerly along the east line of lands so conveyed to George Binner and wife 69.74 feet to the north line of lands conveyed to Vincent Fetto by deed recorded in Erie County Clerk's Office in Liber 6111 of deeds at Page 543;

THENCE westerly along the north line of lands so conveyed to Vincent Fetto 445.46 feet to the southeast corner of lands conveyed to Anderson Williams and wife by deed aforesaid; and

THENCE northerly along the east line of lands so conveyed to Anderson Williams and wife by deed aforesaid 65.43 feet to the point of beginning; and is further described on Erie County Tax Maps as Section, Block and Lot No. 68.130-4-24.

Having an area of 28,254.89 square feet or .66 acres more or less

S 5. In the event that the lands to be acquired, as described in section four of this act, are not equal or greater in fair market value than the lands being alienated, as described in section three of this act, the town of Amherst shall dedicate the difference in the fair market value for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 6. If the land that is the subject of this legislation has received funding pursuant to the federal land and water conservation fund, the discontinuance of parklands authorized by the provisions of this legislation shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of parklands, including satisfying the secretary of the interior that the discontinuance will include 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 lands being discontinued.

S 7. This act shall take effect immediately.