

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

6855--B

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. CERETTO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the county of Niagara to alienate and convey parkland to the town of Newfane

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

1 Section 1. The county of Niagara, is hereby authorized to alienate,
2 transfer and convey the parklands described in section two of this act
3 to the town of Newfane for use by the town for continued park and recreational purposes provided, however, that the town of Newfane shall
4 continue to provide access to such parklands to all residents of the
5 county of Niagara and the town of Newfane shall not enact any fee or
6 charges, which are higher for county residents who are not town residents. Any revenues received from the transfer of parkland pursuant to
7 this act shall be used for capital improvements of existing park and
8 recreational facilities and/or for the acquisition of additional park
9 and recreational facilities. Should such land ever cease to be used for
10 recreational purposes, title to the land so conveyed shall revert to the
11 county of Niagara.

12 S 2. The lands referred to in section one of this act are described as follows:

13 All that tract or parcel of land situate in the Town of Newfane, County of Niagara and State of New York being part of Lot 11, Township 15, Range 7 of the Holland Land Company survey and also being part of the premises conveyed by Frederick H. Krull to the County of Niagara by deed recorded in the Niagara County Clerk's Office in Liber 640 of deeds at Page 79, bounded and more particularly described as follows:

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

LBD10448-04-1

1 Beginning at a point in the north line of Ontario Street (being 33
2 feet wide) at the southwest corner of village lot 25 as shown on a map
3 prepared by J.P. Haines in 1860 and filed in the Niagara County Clerk's
4 Office under cover 300, now filed in microfilm map book 8 at page 751.
5 Thence easterly, along the north line of Ontario Street a distance of
6 200.18 feet to its intersection with the east line of Franklin Street
7 (being 66 feet wide).
8 Thence northerly, along the northerly projection of the east line of
9 Franklin Street, a distance of 5.42 feet to a point.
10 Thence easterly, at right angles to the last described line, a
11 distance of 85.69 feet to a point.
12 Thence northerly, at right angles to the last described line, a
13 distance of 15.93 feet to a point.
14 Thence easterly, at right angles to the last described line, a
15 distance of 121.02 feet to a point.
16 Thence northerly, at right angles to the last described line, a
17 distance of 122.0 feet, more or less, to a point in the low water line
18 of Lake Ontario.
19 Thence westerly, along the said low water line, a distance of 406
20 feet, more or less, to the intersection with the west line of the afore-
21 said village lot 25.
22 Thence southerly, along the west line of the aforesaid village lot 25,
23 a distance of 149.36 feet to the point or place of beginning, containing
24 1.30 acres, more or less.
25 Excluded from this transfer is the title to existing concrete piers
26 extending into Lake Ontario.
27 S 3. The lands to be transferred pursuant to this act and all struc-
28 tures and facilities situated on such land, excluding existing concrete
29 piers extending into Lake Ontario, as described in section two of this
30 act, shall be maintained, owned and operated by the town of Newfane.
31 S 4. Where availability of such public parkland and facilities are
32 limited, the use of such parklands and facilities must be determined by
33 an equitable method which provides priority use based on a reservation
34 policy for free or a nominal fee commensurate with the costs necessary
35 to maintain and operate such facilities.
36 S 5. This act shall take effect immediately.