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

8014--B

2011-2012 Regular Sessions

I N A S S E M B L Y

May 27, 2011

Introduced by M. of A. CANESTRARI -- read once and referred to the Committee on Cities -- 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 city of Rensselaer, county of Rensselaer to discontinue use of and convey certain 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, the city of Rensselaer, county of Rensselaer, is hereby authorized to discontinue as parklands and to alienate, convey and sell the lands described in section three of this act and in exchange therefore, dedicate as parklands the lands described in section four of this act, such land to be used for park purposes. Such land is authorized to be conveyed to Oreste Frank Orciuoli upon such terms and conditions as the common council of the city of Rensselaer shall determine to be fair and reasonable.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the city of Rensselaer acquire and dedicate the land described in section four of this act as parkland. In the event that the land in section four of this act is not equal to or greater than the fair market value of the land to be alienated, the city of Rensselaer shall dedicate the difference between the fair market value of the land to be alienated and the fair market value of the land to be dedicated to the acquisition of additional parkland.

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

ALL that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being in the City of Rensselaer, County of Rensselaer and State of New York, bounded and described as follows:

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

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BEGINNING at a capped iron rod found in the northwest corner of the premises conveyed to Frank James, Inc. by deed dated November 7th, 1974 and recorded in the Rensselaer County Clerk's Office in Liber 1267 of Deeds at page 715; said iron rod also being the northeast corner of the premises conveyed to the City of Rensselaer by deed dated November 10th, 1932 and recorded in the Rensselaer County Clerk's Office in Liber 516 of Deeds at page 159; thence South 27 deg. 11 min. 48 sec. East 141.10 feet along the division line of the said lands of Frank James, Inc. on the east and the parcel herein described on the west to a point; thence through the lands of the party of the first part the following four (4) courses and distances:

1) North 79 deg. 11 min. 02 sec. West 89.41 feet to a point;

2) North 24 deg. 08 min. 05 sec. West 112.81 feet to a point;

3) North 00 deg. 03 min. 15 sec. West 9.40 feet to a point;

4) North 25 deg. 08 min. 30 sec. West 14.30 feet to a point in the southerly line of the lands of Oreste Orciuoli (Reel 337, Frame 2014); thence along the said southerly line South 77 deg. 37 min. 29 sec. East 77.34 feet to the point of beginning. Said parcel containing 0.22 acres more or less.

S 4. The replacement lands to be acquired and dedicated by the city of Rensselaer to use as parkland for public purposes are located in the city of Rensselaer, county of Rensselaer and are described as follows:

ALL that certain plot, piece or parcel of land with buildings and improvements thereon erected, situate, lying and being in the City of Rensselaer, County of Rensselaer and State of New York, bounded and described as follows:

BEGINNING at an iron rod found in the easterly right-of-way line of Cambridge Avenue; said iron rod being the southwest corner of the lands N/F of Arthur R. Reed, Jr. and Donna L. Reed (Book 1336, page 412); thence along the southerly line of the lands of Reed South 77 deg. 37 min. 25 sec. East 91.98 feet to a point; thence through the lands of the party of the first part South 14 deg. 48 min. 53 sec. East 76.45 feet to a point in the northerly line of the "Pvt. James E. Coyne USMC-KIA Memorial Playground" (Lands of the City of Rensselaer Book 516, page 159); thence along the said northerly line the following three (3) courses and distances:

1) North 77 deg. 37 min. 29 sec. West 84.91 feet to an iron rod found;

2) North 12 deg. 22 min. 31 sec. East 2.00 feet to an iron rod found;

3) North 77 deg. 38 min. 22 sec. West 42.08 feet to a point in the above mentioned easterly line of Cambridge Avenue; thence along the said easterly right-of-way line North 12 deg. 26 min. 41 sec. East 66.01 feet to the point of beginning.

Containing in all 7361 sq. feet (0.17 acre) of land be the same, more or less.

Reserving from the above described parcel a twenty (20) foot wide utility easement in favor of the party of the first part (Parcel No. 1) bounded and described as follows:

BEGINNING at an iron rod found in the easterly right-of-way line of Cambridge Avenue; said iron rod being the southwest corner of the lands N/F of Arthur R. Reed, Jr. and Donna L. Reed (Book 1336, page 412); thence along the southerly line of the lands of Reed South 77 deg. 37 min. 25 sec. East 91.98 feet to a point; thence through the lands of the party of the first part of the following two (2) courses and distances:

(1) South 14 deg. 48 min. 53 sec. East 22.49 feet to a point;

(2) North 77 deg. 37 min. 27 sec. West 102.28 feet to a point in the above mentioned easterly line of Cambridge Avenue; thence along the said

easterly right-of-way line North 12 deg. 26 min. 41 sec. East 20.00 feet to the point of beginning. Said parcel containing 0.17 acres more or less.

S 5. If the parkland that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of parkland authorized by the provisions of this act 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 6. This act shall take effect immediately.