

8215

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 7, 2011

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Introduced by M. of A. HAYES -- read once and referred to the Committee  
on Local Governments

AN ACT to authorize the town of Amherst, county of Erie to discontinue  
the use of certain city lands as parkland and to sell and convey such  
lands

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

1     Section 1. The town of Amherst, county of Erie, is hereby authorized  
2     to discontinue as parklands and alienate, sell and convey the lands  
3     described in section three of this act and in exchange therefor, dedi-  
4     cate as parklands the lands described in section four of this act, such  
5     land to be used for park purposes.  
6     S 2. The authorization contained in section one of this act shall only  
7     be effective on the condition that the town of Amherst acquire and dedi-  
8     cate as parklands the lands described in section four of this act, such  
9     land to be used for park purposes.  
10    S 3. The lands to be discontinued as parklands and alienated, sold and  
11    conveyed are described as follows:  
12    ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, Coun-  
13    ty of Erie and State of New York, being part of Lot No. 55, Township 13,  
14    Range 7 of the Holland Land Company's Survey, described as follows:  
15    BEGINNING at the point of intersection of the centerline of New Road,  
16    being the west line of Lot No. 55 (New Road being sixty-six (66) feet  
17    wide) and the original centerline of Millersport Highway (the southeast-  
18    erly boundary line of Millersport Highway being forty (40.0) feet south-  
19    easterly from said original centerline as measured at right angles ther-  
20    efrom) running thence north 38°18'45" east, along the centerline of  
21    Millersport Highway, a distance of five hundred fifty-two and ninety-  
22    four hundredths (552.94) feet to the southwesterly corner of lands  
23    conveyed to Flaps Rickenbacker Enterprises, Inc. by deed recorded in the  
24    Erie County Clerk's Office in Liber 7174 of Deeds page 123; running

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

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1 thence south 51°41'15" east, along the southwesterly line of said Rick-  
2 enbacker lands, a distance of one hundred sixty-five (165) feet to the  
3 southeasterly corner thereof; running thence north 38°18'45" east, along  
4 the southeasterly line of said Rickenbacker lands, a distance of one  
5 hundred (100) feet to the northeasterly corner thereof, being on the  
6 southwesterly line of lands conveyed to Joseph Horner by deed recorded  
7 in said Clerk's Office in Liber 4715 of deeds at page 474; running  
8 thence south 51°41'15" east, along the southwesterly line of said Horner  
9 lands, a distance of one hundred eighty-five (185) feet to the south-  
10 easterly corner thereof; running thence north 38°18'45" east, along the  
11 southeasterly line of said Horner lands, and along the southeasterly  
12 line of lands conveyed to J.A. Felicetta be deed recorded in said  
13 Clerk's Office in Liber 6642 of deeds at page 506, a distance of three  
14 hundred (300) feet to a point being the true point and place of begin-  
15 ning; running thence north 38°18'45" east along the southeasterly line,  
16 land conveyed to J.A. Felicetta by deed recorded in Liber 6642 of deeds  
17 at page 506, a distance of two hundred sixty-nine and twenty-nine  
18 hundredths (269.29) feet to the northeasterly corner of said Felicetta  
19 lands, being on the northerly line of Lot No. 55; running thence easter-  
20 ly along the northerly line of Lot No. 55, being the northerly line of  
21 lands formerly of Community Development and Land Corporation as conveyed  
22 by deed recorded in said Clerk's Office in Liber 7764 of Deeds at page  
23 489, a distance of one thousand seven hundred forty-nine and thirty  
24 hundredths (1749.30) feet to the northeast corner thereof; running  
25 thence south 01°33'44" west, along the former east line of said Communi-  
26 ty Development and Land Corp. lands, a distance of three hundred six and  
27 seventy-four hundredths (306.74) feet; running thence north 89°12'50"  
28 west, parallel with the north line of Lot No. 55, a distance of eight  
29 hundred fifty-one and seventy hundredths (851.70) feet to a point on the  
30 west line of lands conveyed to Raymond and Erna Bitterman by deed  
31 recorded in said Clerk's Office in Liber 2689 of Deeds page 111; running  
32 thence south 01°39'33" west, along the west line of said Bitterman  
33 lands, a distance of four hundred eighty seven and seventy-six  
34 hundredths (487.76) feet to the northeast corner of lands conveyed by  
35 Amherst Airpark, Inc. to the United States of America by deed recorded  
36 in said Clerk's Office in Liber 5895 of Deeds page 320; running thence  
37 north 89°12'50" west, along the north line of said United States of  
38 America lands, a distance of five hundred five (505) feet to a corner  
39 thereon; running thence south 41°14'00" west, continuing along the  
40 northerly line of said United States of America lands, a distance of one  
41 hundred fifty-four and fifty-five hundredths (154.55) feet to a corner  
42 thereon; running thence north 89°12'50" west parallel to the north line  
43 of Lot No. 55 continuing along the north line of said Bitterman lands, a  
44 distance of three hundred thirty-eight and eighty-five hundredths  
45 (338.58) feet to a point; running thence north 01°28'10" east, a  
46 distance of four hundred twenty and seventy-five hundredths (420.75)  
47 feet to a point; running thence north 51°41'15" west, a distance of  
48 fifty-seven and eighty eight hundredths (57.88) feet to a point; running  
49 thence north 38°18'45" west, a distance of one hundred fifty (150) feet  
50 to a point; running thence north 51°41'15" west, a distance of two  
51 hundred (200) feet to the point and place of beginning containing 24.51±  
52 acres of land.

53 S 4. The replacement lands to be dedicated by the town of Amherst to  
54 use as parkland for public park purposes are located in the town of  
55 Amherst, Erie county comprise a total of 41.21 acres more or less and  
56 particularly described as follows:

1 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, Coun-  
2 ty of Erie, State of New York, being part of Lot 55, Township 13, Range  
3 7 of the Holland Land Company's Survey, bounded and described as  
4 follows:

5 BEGINNING at a point in the centerline of Smith Road (a 66 foot  
6 R.O.W.), distant 49.59 feet westerly from its intersection with the  
7 centerline of Dann Road (a 49.5 foot R.O.W.);

8 THENCE, northerly at an angle of  $61^{\circ}23'13''$  measured in the northwest  
9 quadrant a distance of 1860.00 feet to a point, said point being 324.13  
10 feet south of the southeast corner of premises convey to the Foundation  
11 for Jewish Philanthropies by deed recorded in the Erie County Clerk's  
12 Office in Liber 9919 of Deeds at page 12, said point also being distant  
13 629.55 feet southerly from the north line of Lot 55, as measured along  
14 the east line of said premises conveyed to the Foundation for Jewish  
15 Philanthropies as extended;

16 THENCE, westerly and parallel to the south line of said premises  
17 conveyed to the Foundation for Jewish Philanthropies and parallel with  
18 the north line of Lot 55, at an angle of  $89^{\circ}11'04''$  measured in the  
19 southwest quadrant from the last described course, a distance of 851.70  
20 feet to a point on the west line of premises conveyed to Raymond and  
21 Erna Bitterman by deed recorded in the Erie County Clerk's Office in  
22 Liber 2589 of Deeds at page 111;

23 THENCE, southerly along the said west line of premises conveyed to  
24 Raymond and Erna Bitterman, at angle of  $90^{\circ}45'07''$  measured in the south-  
25 east quadrant from the last described course, a distance of 163.63 feet  
26 to the northeast corner of premises conveyed to Raymond and Erna Bitter-  
27 man by deed recorded in the Erie County Clerk's Office in Liber 7422 of  
28 Deeds at page 527, said point also being a southeast corner of said  
29 premises conveyed to the Foundation for Jewish Philanthropies;

30 THENCE, westerly along the south line of said premises conveyed to the  
31 Foundation for Jewish Philanthropies, and parallel with the north line  
32 of said Lot 55, at an angle of  $90^{\circ}45'07''$  measured in the northwest quad-  
33 rant from the last described course, a distance of 505.00 feet to a  
34 point;

35 THENCE, southwesterly and continuing along the said south line of the  
36 premises conveyed to the Foundation for Jewish Philanthropies, at an  
37 angle of  $130^{\circ}57'01''$  measured in the southeast quadrant from the last  
38 described course, a distance of 153.71 feet to a point;

39 THENCE, westerly continuing along the said south line of premises  
40 conveyed to the Foundation for Jewish Philanthropies, and parallel with  
41 the north line of said Lot 55, at an angle of  $229^{\circ}02'59''$  measured in the  
42 southeast quadrant from the last described course, a distance of 388.85  
43 feet to a point in an easterly line of said premises conveyed to the  
44 Foundation of Jewish Philanthropies, said point being distant 230.28  
45 feet northerly from the northeast corner of premises conveyed to the  
46 Alfred J. Jurek Post 1672 of the American Legion Inc., by deed recorded  
47 in the Erie County Clerk's Office in Liber 6150 of Deeds at page 102;

48 THENCE, southerly along a easterly line of said premises conveyed to  
49 the Foundation for Jewish Philanthropies and also continuing along the  
50 easterly line of said premises conveyed to the Alfred J. Jurek Post, at  
51 an angle of  $90^{\circ}46'58''$  measured in the southeast quadrant from the last  
52 described course, a distance of 362.66 feet to a point, said point being  
53 the northwest corner of land conveyed to the Town of Amherst by deed  
54 recorded in the Erie County Clerk's Office in Liber 7993 of Deeds at  
55 page 225;

1     THENCE, southeasterly along the north line of said premises conveyed  
2 to the Town of Amherst, at an angle of 108°24'42" measured in the north-  
3 east quadrant from the last described course, a distance of 1046.95 feet  
4 to a point in the westerly line of said premises conveyed to Raymond and  
5 Erna Bitterman by deed recorded in Liber 2589 of Deeds at page 111, said  
6 point also being the northeaster corner of premises conveyed to the Town  
7 of Amherst by deed recorded in Liber 7993 of Deeds at page 225;

8     THENCE, northerly along the said west line of premises conveyed to  
9 Raymond and Erna Bitterman, at an angle of 71°33'27" measured in the  
10 northwest quadrant from the last described course, a distance of 202.30  
11 feet to a point, said point being the northwest corner of premises  
12 conveyed to Richard E., Paul L. and Louise Roehmholdt by deed recorded  
13 in the Erie County Clerk's Office in Liber 4490 at page 224;

14     THENCE, southeasterly along the north line of said premises conveyed  
15 to Roehmholdt and parallel with the centerline of Smith Road, at an  
16 angle of 61°19'24" measured in the southeast quadrant from the last  
17 described course, a distance of 300.00 feet to a point, said point being  
18 the northeast corner of said premises conveyed to Roehmholdt;

19     THENCE, southerly and parallel with the west line of said premises  
20 conveyed to Roehmholdt, at an angle of 118°40'36" measured in the south-  
21 west quadrant from the last described, a distance of 600.00 feet to a  
22 point in the centerline of said Smith Road;

23     THENCE, southeasterly along the centerline of Smith Road, at an angle  
24 of 118°40'36" measured in the northeast quadrant from the last described  
25 course, a distance of 667.95 feet to the point or place of beginning;

26     Excepting therefrom that portion of premises lying within the bounds  
27 of Smith Road.

28     Said premises containing 41.21 acres more or less.

29     S 5. In the event that the replacement town parklands to be dedicated  
30 in section four of this act are not equal to the size of the lands to be  
31 alienated in section three of this act, or are not equal to or greater  
32 than the fair market value of the lands to be alienated in section three  
33 of this act, the town of Amherst shall dedicate additional town-owned  
34 lands for parkland and/or cause funds to be made available for capital  
35 improvements to its existing park and recreational facilities, as neces-  
36 sary, to equal such fair market value.

37     S 6. The discontinuance and conveyance of parkland authorized by the  
38 provisions of this act shall not occur until the town of Amherst has  
39 complied with any federal requirements pertaining to the alienation or  
40 conversion of parklands, including satisfying the Secretary of the Inte-  
41 rior that the conversion complies with all conditions which the Secre-  
42 tary of the Interior deems necessary to assure the substitution of other  
43 lands shall be equivalent in fair market value and recreational useful-  
44 ness to the lands being alienated or converted.

45     S 7. This act shall take effect immediately.