

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

9493--A

I N A S S E M B L Y

March 7, 2012

Introduced by M. of A. GOODELL -- read once and referred to the Committee on Local Governments -- reference changed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Jamestown, in the county of Chautauqua, 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:

1 Section 1. Subject to the provisions of this act, the city of James-
2 town, in the county of Chautauqua, acting by and through its city coun-
3 cil, is hereby authorized to discontinue as parklands the lands
4 described in section four of this act.
5 S 2. Notwithstanding the failure of the city of Jamestown to seek or
6 receive state legislative authorization to alienate certain parklands as
7 described in section four of this act prior to the parklands use as a
8 composting and recycling center, such alienation is hereby validated,
9 legalized, ratified and confirmed.
10 S 3. The authorization granted in section one of this act shall take
11 effect upon the condition that the lands described in section five of
12 this act be dedicated as parkland by the city of Jamestown are of equal
13 or greater fair market value than the fair market value of the lands
14 being discontinued as parklands by this act.
15 S 4. The lands to be discontinued as parklands are described as
16 follows:
17 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown,
18 County of Chautauqua and State of New York, being part of Lot 35, Town 2
19 and Range 11 of the Holland Land Company's Survey and more particularly
20 bounded and described as follows: BEGINNING at an existing iron stake in
21 the southwesterly line of Fluvanna Avenue (66 feet wide), said iron
22 stake being also the northwesterly corner of lands conveyed to The Clip
23 Joint, LLC by deed described in a deed recorded in the Chautauqua County
24 Clerk's office in Liber 2714 of Deeds at page 688; thence S 22° 04' 54"
25 W 121.75 feet; thence S 20° 51' 13" E 190.90 feet; thence S 68° 38' 05"
26 W 208.88 feet; thence S 01° 02' 17" E 790.00 feet; thence S 68° 53' 16"

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

LBD14808-04-2

1 W 784.54 feet; thence N 01° 48' 58" W 720.41 feet; thence northwesterly
2 on a non-tangent curve, concave to the southwest, having a radius of
3 2027.08 feet, an arc distance of 602.07 feet (closure chord N 19° 43'
4 18" W 599.87 feet); thence easterly on a non-tangent curve, concave to
5 the North, having a radius of 666.78 feet, an arc distance 827.46 feet
6 (closure chord N 86° 26' 46" E 775.38 feet); thence N 34° 03' 05" E
7 33.47 feet; thence S 67° 59' 19" E 110.25 feet; thence northeasterly on a
8 non-tangent curve, concave to the northwest, having a radius of 1005.4
9 feet, an arc distance of 56.61 feet (closure chord N 49° 11' 09" E 56.60
10 feet); thence N 01° 03' 01" W 6.84 feet; thence N 44° 42' 34" E 117.18
11 feet; thence N 23° 03' 55" W 25.96 feet; thence N 35° 28' 23" E 11.80
12 feet; thence S 67° 52' 37" E 106.32 feet to the point or place of begin-
13 ning, containing 20.949± acres of land more or less.

14 S 5. The replacement lands to be dedicated by the city of Jamestown as
15 parklands for public park purposes are described as follows:

16 PARCEL A

17 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown,
18 County of Chautauqua and State of New York, being part of Lot 34, Town 2
19 and Range 11 of the Holland Land Company's Survey and more particularly
20 bounded and described as follows: BEGINNING at a point in the west line
21 of lands conveyed to Chautauqua, Cattaraugus, Allegany and Stuben South-
22 ern Tier Extension Railroad Authority by deed describe in Liber 2462 of
23 Deeds at page 247 and being the northeast corner of a portion of lands
24 conveyed to George White by deed described in Liber 1901 of Deeds at
25 page 515, said point also being N 01°48'58" W 140.00 feet along said
26 Railroad Authority and George White lands from the intersection with the
27 north line of Isabella Avenue; thence S 88°10'03" W 172.18 feet to the
28 easterly shoreline of the Chadakoin River; thence northerly along said
29 easterly shoreline of the Chadakoin River to the intersection with the
30 northeasterly line of the parcel herein described and the existing
31 southwesterly line of Chadakoin Park; thence S 53°02'14" E 320.80 feet
32 to the said west line of the Railroad Authority lands; thence S
33 01°48'58" E 876.83 feet along said west line of the Railroad Authority
34 lands to an existing rail monument; thence S 88°11'02" W 16.00 feet to
35 an existing iron stake; thence S 01°48'58" E 197.81 feet along said west
36 line of the Railroad Authority lands to the point or place of beginning,
37 containing 17.33± acres of land more or less.

38 PARCEL B

39 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown,
40 County of Chautauqua and State of New York, being part of Lot 34, Town 2
41 and Range 11 of the Holland Land Company's Survey and more particularly
42 bounded and described as follows: BEGINNING at the intersection of the
43 north line of Tenth Street and the west line of Monroe Street, being the
44 southeast corner of the parcel herein described; thence S 88° 10' 03" W
45 347.00 feet along said north line of Tenth Street to the east line of
46 lands conveyed to Chautauqua, Cattaraugus, Allegany and Stuben Southern
47 Tier Extension Railroad Authority by deed described in Liber 2462 of
48 Deeds at page 247 and being the west terminus of Tenth Street; thence N
49 01° 48' 58" W 381.73 feet along said east line of the Railroad Authority
50 lands to the south line of Eleventh Street; thence N 89° 52' 55" E
51 347.14 feet along said south line of Eleventh Street to said west line
52 of Monroe Street; thence S 01° 48' 58" E 371.51 feet along said west
53 line of Monroe Street to the point or place of beginning, containing
54 3.01± acres of land more or less.

55 PARCEL C

1 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown,
2 County of Chautauqua and State of New York, being part of Lot 34, Town 2
3 and Range 11 of the Holland Land Company's Survey and more particularly
4 bounded and described as follows: BEGINNING at the intersection of the
5 northwesterly line of West Eighth Street with the west line of Outlet
6 Street; thence S 48°48'10"W 213.96 feet; thence northeasterly on a non-
7 tangent curve, concave to the northwest, having a radius of 448.93 feet,
8 an arc distance of 114.20 feet (closure chord N 29°07'33"E 113.89 feet);
9 thence N 41°50'17"W 116.98 feet to the shoreline of the Chadakoin River,
10 passing over an existing iron stake at 98.10 feet; thence northerly
11 along said shoreline of the Chadakoin River to the intersection with the
12 south line of Isabella Avenue; thence N 88°10'03"E 210.04 feet along
13 said south line of Isabella Avenue to the intersection with said west
14 line of Outlet Street; thence S 01°48'58"E 660.48 feet along said west
15 line of Outlet Street to the point or place of beginning, containing
16 2.51± acres of land more or less.

17 PARCEL D

18 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown,
19 County of Chautauqua, and State of New York, being part of Lot 34, Town
20 2 and Range 11 of the Holland Land Company's Survey and more particular-
21 ly bounded and described as follows: BEGINNING at the intersection of
22 the south line of Eleventh Street (60' wide) with the east line of Clin-
23 ton Street; thence S 89° 52' 55" W 734.38 feet along said south line of
24 Eleventh street to the east bounds of lands conveyed to Chautauqua,
25 Cattaraugus, Allegany and Stuben Southern Tier Extension Railroad
26 Authority by deed described in Liber 2462 of Deeds at page 247; thence N
27 01° 48' 58" W 60.03 feet along said Railroad Authority lands and the
28 west terminus of said Eleventh Street to the north line of said Eleventh
29 Street; thence N 89° 52' 55" E 734.38 feet along said north line of
30 Eleventh Street; thence S 01° 48' 58" E 60.03 feet to the point or place
31 of beginning, containing 1.012+ acres of land more or less.

32 S 6. In the event that the replacement parklands to be dedicated by
33 the city of Jamestown pursuant to this act are not of equal or greater
34 fair market value than the parklands discontinued, the city of Jamestown
35 shall dedicate the difference of fair market value of the parklands to
36 be discontinued and the lands to be dedicated for the acquisition of
37 additional parklands and/or capital improvements to existing park and
38 recreational facilities.

39 S 7. The discontinuance of parklands authorized by the provisions of
40 this act shall not occur until the city of Jamestown has complied with
41 any federal requirements pertaining to conversion of parklands, includ-
42 ing satisfying the secretary of the interior that the conversion
43 complies with all conditions which the secretary of the interior deems
44 necessary to assure the substitution of other lands shall be equivalent
45 in fair market value and recreational usefulness to the lands being
46 converted.

47 S 8. This act shall take effect immediately.