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

9739

I N A S S E M B L Y

March 29, 2012

Introduced by M. of A. MONTESANO -- read once and referred to the Committee on Governmental Operations

AN ACT to authorize the county of Nassau to transfer ownership of certain parklands to the Oyster Bay Water District

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 county of Nassau is hereby authorized and empowered to discontinue as county parkland and convey the property described in section two of this act, which was heretofore used by such county for park and/or recreational purposes and is within the Tiffany Creek Preserve, upon terms to be fixed and determined by such county and approved by its legislature, to the Oyster Bay water district.

S 2. The lands referred to in section one of this act are located, bounded and described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in the Incorporated Village of Oyster Bay Cove, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point where the westerly right-of-way line of Sandy Hill Road intersects the northerly right-of-way line of Berry Hill Road;

Running thence westerly along the northerly right-of-way line of Berry Hill Road a distance of 381.77 feet to a point where the northerly right-of-way line of Berry Hill Road intersects the easterly line of property of the Oyster Bay Water District, said property being designated as Lot 337 in Block H of Section 27 of the Nassau County Land and Tax Maps;

THENCE running westerly along the northerly right-of-way line of Berry Hill Road (the same being the southerly property line of said lot 337), the following two (2) courses and distances:

1. North 83 degrees-33 minutes-10 seconds West 120.00 feet;

2. North 72 degrees-04 minutes-40 seconds West 105.00 feet,

to a point where the northerly right-of-way line of Berry Hill Road intersects the westerly property line of said Lot 337.

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

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THENCE running northerly along the westerly property line of said Lot 337 a distance of 150.00 feet, more or less, to a point, which said point is the true POINT OF BEGINNING,

And from said true POINT OF BEGINNING, running thence westerly along a line being parallel to the northerly right-of-way line of Berry Hill Road a distance of 150.00 feet to a point;

THENCE running northerly along a line which is 90 degrees to the last mentioned line, distance of 130 feet to a point;

THENCE running easterly along a line which is 90 degrees to the last mentioned line and parallel to the northerly right-of-way line of Berry Hill Road a distance of 110.00 feet to a point,

THENCE running easterly along an extension of the northerly property line of said Lot 337 South 84 degrees-30 minutes-00 seconds East, a distance of approximately 107 feet to a point.

THENCE running southerly along the northwesterly and westerly property lines of said Lot 337 the following two (2) courses and distances:

1. South 45 degrees-30 minutes-00 seconds West 150.00 feet;

2. South 03 degrees-30 minutes-00 seconds West 20 feet, more or less, to the true POINT OR PLACE OF BEGINNING.

Said property containing an area of approximately 23,159 square feet (0.53 acres).

S 3. Subject to the provisions of this act, the Nassau county legislature is hereby further authorized and empowered to convey to the Oyster Bay water district a non-pollution easement encompassing a radius of 200 feet surrounding the well head installed on the property described in section two of this act, the area of such easement being shown upon a map entitled "OYSTER BAY WATER DISTRICT PLANT No. 8 PROPOSED WELL AND PUMP STATION" prepared by Holzmacher, McLendon & Murrell, P.C. and dated February 2007. Such land shall remain open to the general public for passive park and recreational purposes.

S 4. The authorization provided in section one of this act shall be effective only upon the condition that on or before the alienation and conveyance of lands described in section two of this act and/or the conveyance of the easement described in section three of this act, the county shall acquire additional lands of equal or greater fair market value than the lands being alienated, as described in section two of this act. Such lands to be acquired, which shall be dedicated as parkland, are designated by the following designations on the Nassau County Land and Tax Map:

1) Section 65, Block 58, Lot 648
2) Section 63, Block 20, Lot 704
3) Section 65, Block 59, Lot 751
4) Section 63, Block 21, Lot 803

such parcels being those acquired by the People of the State of New York and containing therein approximately 4.13 acres±.

S 5. If the parcel described in section two of this act is greater in fair market value than the parcels being dedicated as parkland in section three of this act, the county of Nassau shall dedicate the difference in the fair market value of such lands for the acquisition of additional park lands and/or for capital improvements to existing park and recreational facilities.

S 6. If the parkland that is being discontinued has received federal funding pursuant to the Land and Water Conservation Fund, the discontinuance and conveyance of park land authorized by the provisions of this act shall not occur until the county of Nassau has complied with any state requirements pursuant to state issued grants for effected park

property and federal requirements pertaining to conversion of park lands, including satisfying the secretary of the interior that the alienation or conversion complies with 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 alienated or converted.

S 7. This act shall take effect immediately.