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

2865

2011-2012 Regular Sessions

I N S E N A T E

February 2, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT in relation to authorizing and directing the conveyance of certain lands owned by the New York state thruway authority in the city of Lockport in the county of Niagara to Hydraulic Race Co., Inc.

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

Section 1. Notwithstanding the provisions of any other law to the contrary, the chairman of the New York state thruway authority is hereby authorized and directed to enter into a contract, on behalf of and in the name of the state, for the conveyance of title to two parcels of land in the city of Lockport in the county of Niagara, as more fully described in section two of this act, to Hydraulic Race Co., Inc., for fair market value to be determined by an independent appraiser agreed to by both parties.

S 2. The lands authorized by this act to be conveyed are as follows:

All that tract or parcel of land, being part of the Enlarged Erie Canal, situate in the City of Lockport, County of Niagara, State of New York and being part of Lot 12, Section 14, Township 14, Range 6 of the Holland Land Company's survey, bounded and described as follows:

Beginning at a point on the westerly Canal Blue Line, said point being 165.6 feet northwesterly, measured at right angles, from station 5870 + 06.5 of the centerline of the improved Erie Canal and RUNNING THENCE North 40°-58'-16" East, along the said westerly Blue Line, 89.02 feet; THENCE South 89°-24'-30" East, 27.74 feet; THENCE South 10°-33'-43" West, 66.67 feet; THENCE South 86°-57'-10" East, 30.12 feet; THENCE South 43°-10'-18" West, 68.00 feet; THENCE North 46°-49'-42" West, 44.33 feet; THENCE South 45°-37'-09" West, 140.74 feet to a point on the westerly Canal Blue Line; THENCE North 32°-37'-30" East, 140.00 feet to the POINT OR PLACE OF BEGINNING; containing 0.188 Acres, be the same, more or less. All bearings are reference to true north. And also PARCEL

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

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2: All that tract or parcel of land being part of the Enlarged Erie Canal, situate in the City of Lockport, County of Niagara, State of New York and being part of Lot 12, Section 14, Township 14, Range 6 of the Holland Land Company's survey, bounded and described as follows: Beginning at a point on the westerly Canal Blue Line, said point being 172.1 feet northwesterly, measured at right angles, from station 5868 + 36.7 of the centerline of the improved Erie Canal and running thence North 40°-58'-16" East along the said Canal Blue Line, 28.00 feet; thence south 46°-54'-03" East 83.58 feet; Thence South 43°-10'-18" West, 20.00 feet; Thence North 52°-25'-31" West, 82.90 feet to the point or place or place of beginning; containing 0.046 Acres, be the same more or less. All bearings are referenced to the true north.

S 3. In the event that the state received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the canal lands set forth in section two of this act, the discontinuance and alienation of such canal lands authorized by provisions of section one of this act shall not occur until the state has complied with any federal requirements pertaining to the alienation or conversion of such canal 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 or improvement of other lands shall be equivalent in fair market and usefulness to the lands being alienated or converted.

S 4. The chairman of the New York state thruway authority shall prescribe additional terms for the conveyance of lands as he or she deems necessary. Such contracts shall not become binding upon the state until approved by the director of the budget and the comptroller. The deed from the state to the land pursuant to the provisions of such contract shall be approved by the attorney general as to form and manner of execution before such deed shall be executed on behalf of the state. Notwithstanding the provisions of the public lands law, the conveyance of the state owned lands, pursuant to such contract, shall be without reservation or exception except as provided for in such contract. Upon certification by the commissioner of environmental conservation to the commissioner of general services of a copy of the contract and certification that Hydraulic Race Co., Inc., has complied with all terms and conditions of the contract upon its part to be kept and performed, together with a description of each of the parcels to be conveyed, the commissioner of general services shall convey all the right, title and interest of the state in such land in accordance with the provisions of the contract.

S 5. This act shall take effect immediately.