

S T A T E   O F   N E W   Y O R K

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6585--A

Cal. No. 828

I N   S E N A T E

March 1, 2012

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

LBD14808-05-2

1 Clerk's office in Liber 2714 of Deeds at page 688; thence S 22° 04' 54"  
2 W 121.75 feet; thence S 20° 51' 13" E 190.90 feet; thence S 68° 38' 05"  
3 W 208.88 feet; thence S 01° 02' 17" E 790.00 feet; thence S 68° 53' 16"  
4 W 784.54 feet; thence N 01° 48' 58" W 720.41 feet; thence northwesterly  
5 on a non-tangent curve, concave to the southwest, having a radius of  
6 2027.08 feet, an arc distance of 602.07 feet (closure chord N 19° 43'  
7 18" W 599.87 feet); thence easterly on a non-tangent curve, concave to  
8 the North, having a radius of 666.78 feet, an arc distance 827.46 feet  
9 (closure chord N 86° 26' 46" E 775.38 feet); thence N 34° 03' 05" E  
10 33.47 feet; thence S 67° 59' 19" E 110.25 feet; thence northeasterly on a  
11 non-tangent curve, concave to the northwest, having a radius of 1005.4  
12 feet, an arc distance of 56.61 feet (closure chord N 49° 11' 09" E 56.60  
13 feet); thence N 01° 03' 01" W 6.84 feet; thence N 44° 42' 34" E 117.18  
14 feet; thence N 23° 03' 55" W 25.96 feet; thence N 35° 28' 23" E 11.80  
15 feet; thence S 67° 52' 37" E 106.32 feet to the point or place of begin-  
16 ning, containing 20.949± acres of land more or less.

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

19 PARCEL A

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

41 PARCEL B

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

1 line of Monroe Street to the point or place of beginning, containing  
2 3.01± acres of land more or less.

## PARCEL C

3  
4 ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown,  
5 County of Chautauqua and State of New York, being part of Lot 34, Town 2  
6 and Range 11 of the Holland Land Company's Survey and more particularly  
7 bounded and described as follows: BEGINNING at the intersection of the  
8 northwesterly line of West Eighth Street with the west line of Outlet  
9 Street; thence S 48°48'10"W 213.96 feet; thence northeasterly on a non-  
10 tangent curve, concave to the northwest, having a radius of 448.93 feet,  
11 an arc distance of 114.20 feet (closure chord N 29°07'33"E 113.89 feet);  
12 thence N 41°50'17"W 116.98 feet to the shoreline of the Chadakoin River,  
13 passing over an existing iron stake at 98.10 feet; thence northerly  
14 along said shoreline of the Chadakoin River to the intersection with the  
15 south line of Isabella Avenue; thence N 88°10'03"E 210.04 feet along  
16 said south line of Isabella Avenue to the intersection with said west  
17 line of Outlet Street; thence S 01°48'58"E 660.48 feet along said west  
18 line of Outlet Street to the point or place of beginning, containing  
19 2.51± acres of land more or less.

## PARCEL D

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

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

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

50 S 8. This act shall take effect immediately.