

S T A T E   O F   N E W   Y O R K

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I N   S E N A T E

May 15, 2012

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Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the town of Clifton Park in the county of Saratoga, to discontinue the use of certain park land and lease such land for use of a wireless communications facility

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

1     Section 1. a. The town of Clifton Park, located in the county of Saratoga, is hereby authorized, acting by and through its town board and  
2     upon such terms and conditions as determined by such board, to discontinue the use of certain municipally owned park land to lease at fair  
3     market value to Independent Towers, LLC, for a term not to exceed twenty-five years, park land described in section two of this act for the  
4     purpose of erecting, maintaining and operating a wireless communications facility, including an equipment compound described in section three of  
5     this act. In addition, the town of Clifton Park, in the county of Saratoga, acting by and through its town board is hereby authorized to  
6     convey an easement to Independent Towers, LLC over certain municipally owned park lands described in section four of this act for access and  
7     utilities purposes.

8     b. All proceeds from such lease shall be used for capital improvements to existing park and recreation facilities, and the town of Clifton Park  
9     shall dedicate an amount equal to or greater than the fair market value of the easement interests being conveyed by section one of this act for  
10    capital improvements to existing park and recreational facilities and/or for the acquisition of additional park and recreational facilities.

11    S 2. The park lands authorized by section one of this act to be leased are more particularly described as follows:

12    Tower/pole lease parcel description (Parcel No. 1)

13    All that piece or parcel of land located within the town of Clifton Park, county of Saratoga, state of New York. Said parcel lying on the  
14    easterly side of Vischer Ferry Road and being approximately 1600' north-

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

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erly of the intersection of Vischer Ferry Road and Clifton Park Center Road and being more particularly described as follows:

Commencing at the southwesterly corner of a Babe Ruth baseball field; north  $11^{\circ} 54'$  west, a distance of 58' to the point of beginning and the southeasterly corner of the herein described parcel. Thence: south  $89^{\circ} 55' 59''$  west, from the point of beginning, a distance of 40.00' to a point. Thence: north  $00^{\circ} 04' 01''$  west, a distance of 57.61' to a point. Thence: north  $08^{\circ} 56' 26''$  east, a distance of 69.33'. Thence: south  $81^{\circ} 03' 34''$  east, a distance of 40.00' to a point. Thence: south  $08^{\circ} 56' 26''$  west, a distance of 66.18'. Thence: south  $00^{\circ} 04' 01''$  east, a distance of 54.46' to the point or place of beginning and containing 4,952 sqft or 0.11 acre of land more or less.

S 3. The lease authorized by section one of this act shall also include an equipment compound (Parcel No. 2) more particularly described as follows:

All that piece or parcel of land located within the town of Clifton Park, county of Saratoga, state of New York. Said parcel lying on the easterly side of Vischer Ferry Road and being approximately 1600' northerly of the intersection of Vischer Ferry Road and Clifton Park Center Road and being more particularly described as follows:

Commencing at the southwesterly corner of a Babe Ruth baseball field; south  $70^{\circ} 40'$  west, a distance of 73' to the point of beginning and the northeasterly corner of the herein described parcel. Thence: south  $01^{\circ} 37' 58''$  east, from the point of beginning, a distance of 50.00' to a point. Thence: south  $88^{\circ} 22' 02''$  west, a distance of 80.00' to a point. Thence: north  $01^{\circ} 37' 58''$  west, a distance of 50.00'. Thence: north  $88^{\circ} 22' 02''$  east, a distance of 80.00' to the point or place of beginning and containing 4,000 sqft or 0.09 acre of land more or less.

S 4. The easement to be conveyed by section one of this act for access and utilities is more particularly described as follows:

(Parcel No. 3)

All that piece or parcel of land located within the town of Clifton Park, county of Saratoga, state of New York. Said parcel lying on the easterly side of Vischer Ferry Road and being approximately 1600' northerly of the intersection of Vischer Ferry Road and Clifton Park Center Road and being more particularly described as follows:

Commencing at the southwesterly corner of a Babe Ruth baseball field; north  $11^{\circ} 54'$  west, a distance of 58' to a point at the southeasterly corner of a lease parcel. Thence: south  $89^{\circ} 55' 59''$  west, a distance of 25.00' to the point of beginning and the northeasterly corner of the herein described parcel. Thence: south  $00^{\circ} 04' 01''$  east, a distance of 30.26' to a point. Thence: south  $38^{\circ} 57' 23''$  east, a distance of 40.58' to a point. Thence: south  $72^{\circ} 07' 24''$  east, a distance of 63.50' to a point on the northerly side of a lease parcel. Thence: south  $88^{\circ} 22' 02''$  west, along the northerly side of a lease parcel, a distance of 59.92' to a point. Thence: south  $01^{\circ} 37' 58''$  east, along the westerly side of a lease parcel, a distance of 10.60' to a point. Thence: north  $72^{\circ} 07' 24''$  west, a distance of 61.80' to a point. Thence: north  $77^{\circ} 24' 55''$  west, a distance of 283.92' to a point. Thence: south  $87^{\circ} 54' 18''$  west, a distance of 37.32' to a point of curvature. Thence: along a curve to the left, having a radius of 15.00' and a length 11.61' (CH = south  $65^{\circ} 43' 37''$  west, 11.32') to a point of reverse curvature. Thence: along a curve to the right, having a radius of 45.00' and a length 36.10' (CH = south  $66^{\circ} 31' 59''$  west, 35.14') to a point. Thence: south  $89^{\circ} 31' 02''$  west, a distance of 120.70' to a point of curvature. Thence: along a curve to the right, having a radius of 60.00' and a

1 length 72.81' (CH = north 55° 42' 36" west, 68.43') to a point of  
2 reverse curvature. Thence: along a curve to the left, having a radius  
3 of 15.00' and a length 17.84' (CH = north 55° 00' 37" west, 16.81') to a  
4 point. Thence: north 89° 04' 41" west, a distance of 87.11' to a point  
5 of curvature. Thence: along a curve to the right, having a radius of  
6 45.00' and a length 53.51' (CH = north 55° 00' 37" west, 50.42') to a  
7 point. Thence: north 20° 56' 33" west, a distance of 42.52' to a point  
8 of curvature. Thence: along a curve to the right, having a radius of  
9 115.00' and a length 40.77' (CH = north 10° 47' 07" west, 40.56') to a  
10 point. Thence: north 00° 37' 42" west, a distance of 559.45' to a point  
11 of curvature. Thence: along a curve to the left, having a radius of  
12 25.00' and a length 39.78' (CH = north 46° 12' 32" west, 35.71') to a  
13 point. Thence: south 88° 12' 37" west, a distance of 253.35' to a point  
14 on the easterly side of Vischer Ferry Road. Thence: north 01° 47' 23"  
15 west, along the easterly side of Vischer Ferry Road, a distance of  
16 55.00' to a point. Thence: north 88° 12' 37" east, a distance of  
17 284.47' to a point of curvature. Thence: along a curve to the right,  
18 having a radius of 25.00' and a length 39.78' (CH = south 46° 12' 32"  
19 east, 35.71') to a point. Thence: south 00° 37' 42" east, a distance of  
20 615.07' to a point of curvature. Thence: along a curve to the left,  
21 having a radius of 85.00' and a length 30.14' (CH = south 10° 47' 07"  
22 east, 29.98') to a point. Thence: south 20° 56' 33" east, a distance of  
23 42.52' to a point of curvature. Thence: along a curve to the left,  
24 having a radius of 15.00' and a length 17.84' (CH = south 55° 00' 37"  
25 east, 16.81') to a point. Thence: south 89° 04' 41" east, a distance of  
26 87.11' to a point of curvature. Thence: along a curve to the right,  
27 having a radius of 45.00' and a length 53.51' (CH = south 55° 00' 37"  
28 east, 50.42') to a point of reverse curvature. Thence: along a curve to  
29 the left, having a radius of 30.00' and a length 36.40' (CH = south 55°  
30 42' 36" east, 34.21') to a point. Thence: north 89° 31' 02" east, a  
31 distance of 120.70' to a point of curvature. Thence: along a curve to  
32 the left, having a radius of 15.00' and a length 12.03' (CH = north 66°  
33 31' 59" east, 11.71') to a point of reverse curvature. Thence: along a  
34 curve to the right, having a radius of 45.00 and a length 34.84' (CH =  
35 north 65° 43' 37" east, 33.97') to a point. Thence: north 87° 54' 18"  
36 east, a distance of 41.18' to a point. Thence: south 77° 24' 55" east,  
37 a distance of 289.17' to a point. Thence: south 72° 07' 24" east, a  
38 distance of 25.20' to a point. Thence: north 38° 57' 23" west, a  
39 distance of 22.93' to a point. Thence: north 00° 04' 01" west, a  
40 distance of 35.56' to a point at the southwesterly corner of a lease  
41 parcel. Thence: north 89° 55' 59" east, along the southerly side of a  
42 lease parcel, a distance of 15.00' to the point or place of beginning  
43 and containing 61,443 sqft or 1.41 acres of land more or less.

44 S 5. Should the leased lands described in sections two and three of  
45 this act cease to be used for the purposes described in section one of  
46 this act, the lease shall terminate and those lands shall revert to the  
47 town of Clifton Park for public park and recreational purposes, and the  
48 easement described in section four of this act for access shall also  
49 revert and be extinguished. At the time of such reversion, the removal  
50 of such wireless communications facility, including the removal of the  
51 equipment compound described in section three of this act, shall take  
52 place and the property shall be returned to its previous state, consist-  
53 ent with parks and recreational purposes.

54 S 6. If the park land that is the subject of this act has received  
55 funding pursuant to the federal land and water conservation fund, the  
56 discontinuance of park land authorized by the provisions of this act

1 shall not occur until the municipality has complied with the federal  
2 requirements pertaining to the conversion of park lands, including  
3 satisfying to the Secretary of the Interior that the discontinuance will  
4 include all conditions which the Secretary of the Interior deems neces-  
5 sary to assure the substitution of other lands shall be equivalent in  
6 fair market value and recreational usefulness to the lands being discon-  
7 tinued.

8 S 7. This act shall take effect immediately.