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

10217--A

I N A S S E M B L Y

May 15, 2012

Introduced by M. of A. REILLY -- read once and referred to the Committee on Local Governments -- 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:

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 upon such terms and conditions as determined by such board, to discontinue the use of certain municipally owned park land to lease at fair 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 purpose of erecting, maintaining and operating a wireless communications facility, including an equipment compound described in section three of 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 convey an easement to Independent Towers, LLC over certain municipally owned park lands described in section four of this act for access and utilities purposes.

b. All proceeds from such lease shall be used for capital improvements to existing park and recreation facilities, and the town of Clifton Park 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 capital improvements to existing park and recreational facilities and/or for the acquisition of additional park and recreational facilities.

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

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

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' north-

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

LBD15818-06-2

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° 54' west, a distance of 58' to the point of beginning and the southeasterly corner of the herein described parcel. Thence: south 89° 55' 59" west, from the point of beginning, a distance of 40.00' to a point. Thence: north 00° 04' 01" west, a distance of 57.61' to a point. Thence: north 08° 56' 26" east, a distance of 69.33'. Thence: south 81° 03' 34" east, a distance of 40.00' to a point. Thence: south 08° 56' 26" west, a distance of 66.18'. Thence: south 00° 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° 40' west, a distance of 73' to the point of beginning and the northeasterly corner of the herein described parcel. Thence: south 01° 37' 58" east, from the point of beginning, a distance of 50.00' to a point. Thence: south 88° 22' 02" west, a distance of 80.00' to a point. Thence: north 01° 37' 58" west, a distance of 50.00'. Thence: north 88° 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° 54' west, a distance of 58' to a point at the southeasterly corner of a lease parcel. Thence: south 89° 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° 04' 01" east, a distance of 30.26' to a point. Thence: south 38° 57' 23" east, a distance of 40.58' to a point. Thence: south 72° 07' 24" east, a distance of 63.50' to a point on the northerly side of a lease parcel. Thence: south 88° 22' 02" west, along the northerly side of a lease parcel, a distance of 59.92' to a point. Thence: south 01° 37' 58" east, along the westerly side of a lease parcel, a distance of 10.60' to a point. Thence: north 72° 07' 24" west, a distance of 61.80' to a point. Thence: north 77° 24' 55" west, a distance of 283.92' to a point. Thence: south 87° 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° 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° 31' 59" west, 35.14') to a point. Thence: south 89° 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

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

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

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

shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of park lands, including satisfying to the Secretary of the Interior that the discontinuance will include 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 discontinued.

S 7. This act shall take effect immediately.