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

10454

I N A S S E M B L Y

May 29, 2012

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

AN ACT to authorize the town of Greenburgh, county of Westchester to lease certain park lands for tennis uses

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

Section 1. The town of Greenburgh acting by and through its town board is hereby authorized and empowered to lease at fair market value and upon such other terms and conditions as determined by such board consistent with sections four and five of this act the lands and improvements described in section three of this act for up to 30 years for the operation of seasonal tennis facilities.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the residents of the town of Greenburgh who reside outside of any incorporated village in such town continue to pay all costs and expenses for the town park and recreational facilities described in section three of this act and that the town of Greenburgh dedicate all proceeds of such lease for the capital improvement of existing town park and recreational facilities and/or for the acquisition of additional town park and recreational facilities for the residents of the town of Greenburgh who reside outside of any incorporated village in such town.

S 3. The lands and improvements referred to in section one of this act which may be leased consist of tennis facilities and other appurtenances related to the use of such tennis facilities located in the Anthony F. Veteran Park in the town of Greenburgh, county of Westchester, state of New York, the park being more particularly described as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Greenburgh, County of Westchester and State of New York, and being more particularly bounded and described as follows:

BEGINNING at a point on the northerly line of the Sprain Brook Parkway, where the same is intersected by the northeasterly boundary line of land now or formerly of Robert Stephen Anthony as acquired by a deed

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

LBD15742-10-2

from John Canning, Jr., dated September 9th, 1952, recorded in Office of the County Clerk of Westchester County, Division of Land Records, on September 10th, 1952, in Liber 5134 of conveyances, page 115, said point of BEGINNING being distant North 43° 57' 40" East 272.43 feet from a monument at the intersection of the southeasterly corner of said lands so conveyed by the aforementioned deed with the northeasterly side of Heatherdell Road; thence running along the last mentioned northeasterly boundary line of Anthony, North 46° 02' 20" West 344.66 feet to a point; thence running North 49° 20' 10" East 551.65 feet and North 17° 14' 40" East 1005.00 feet to a corner in said land; thence running South 80° 25' 50" East 899.49 feet to the northerly line of Sprain Brook Parkway; thence running along said lands the following courses and distances: South 16° 58' 39" East 49.00 feet, South 43° 57' 57" West 734.75 feet, South 61° 17' 40" West 135.00 feet and South 43° 57' 40" West 1067.57 feet to the point or place of BEGINNING, containing 20.46 acres more or less.

TOGETHER with and subject to an easement in common with others over the existing driveway running from Heatherdell Road through premises and premises adjoining as set forth in Liber 3929 of conveyances, page 165, and utility easements as recorded in the Book of Conveyances in Liber 5389, Page 204, and in Liber 5950, page 320.

ALSO known on the Official Tax Map of the Town of Greenburgh as Volume 8, Sheet 4, Parcel 4B, and of the Village of Ardsley as Sheet 1, Parcel 37B.

S 4. Should the leased park lands described in sections one and three of this act cease to be used for the purposes described therein, the lease shall terminate and those lands shall revert to the town of Greenburgh consistent with its prior public park and recreational purposes.

S 5. Notwithstanding the provisions of chapter 891 of the laws of 1982 to the contrary, such lease shall provide that the leased park land and improvements described in sections one and three of this act shall be made available to the general public on an equitable basis. Where availability of such public facilities is limited, the use of such facilities must be determined by a written policy, developed, posted and administered by the lessee in conjunction with the town of Greenburgh.

S 6. The provisions of this act shall not affect any rights or deed restrictions pursuant to the terms, conditions, and provisions of the deed conveying interest in the park land described in this act to the town of Greenburgh.

S 7. This act shall take effect immediately.