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

8342--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 14, 2011

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the commissioner of general services to transfer and convey certain unappropriated state land to the incorporated village of Freeport

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

Section 1. Subject to the provisions of this act but notwithstanding any other provision of law to the contrary, the commissioner of general services is hereby authorized to transfer and convey to the incorporated village of Freeport, in consideration of one dollar and upon such other conditions as the commissioner may deem proper, the state land located at 63 Babylon Turnpike, Freeport, in the county of Nassau, declared to be abandoned state land by the division of military and naval affairs.

S 2. The lands authorized by section one of this act to be transferred and conveyed are as follows:

ALL that piece or parcel of land, situate, lying and being in the Village of Freeport, in the County of Nassau, State of New York, more particularly bounded and described as follows:

BEGINNING at a point where the easterly line of Lakeview Avenue is intersected by the southerly line of Hempstead-Babylon Turnpike and running from said Point of Beginning thence southeasterly along the southerly line of Hempstead-Babylon Turnpike about six hundred forty-six (646) linear feet to the land of the City of New York and the Long Island State Park Commission; thence running southwesterly and along the lands of the City of New York and the Long Island State Park Commission two hundred (200) linear feet; thence running northwesterly and parallel with the southerly line of Hempstead-Babylon Turnpike about four hundred thirty (430) linear feet to a point which would be ten (10) feet easterly from the center line of the 18 inch diameter water main tank header

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

LBD13130-02-1

pipe; thence running northwesterly about fifty-eight (58) linear feet and parallel with the 18 inch diameter water main tank header pipe, to a point which would be about one hundred sixty-eight (168) linear feet southerly from the southerly line of Hempstead-Babylon Turnpike, when measured at right angles thereto; thence running southwesterly and ten (10) feet parallel with and northerly from the 12 inch diameter water main tank header pipe, when measured at right angles thereto, about one hundred seven (107) linear feet to a point in the easterly line of Lakeview Avenue; thence running northerly and along the easterly line of Lakeview Avenue about two hundred fifty-eight (258) linear feet to a point in the southerly line of Hempstead-Babylon Turnpike, the point or place of beginning, containing within said bounds about three (3) acres.

BEING the same lands described in a deed from the Village of Freeport to the People of the State of New York, dated June 13, 1949 and recorded in the Nassau County Clerk's Office on June 20, 1949 in Book 3857 of Deeds at page 384.

SUBJECT to any enforceable easements, restrictions or covenants of record.

SUBJECT to any statement of facts an actual survey may show.

The said Conveyance containing a large 2-story brick building with an armory, a "drill floor" and a fully operational security system (which fixtures shall remain intact, operational and shall not be disturbed) on the westerly portion of the complex (hereinafter, the "Main Building") and an outlying one-story Quonset Hut-type building on the easterly end of the complex (hereinafter, the "Auxiliary Building").

S 3. The description in section two of this act of the land to be conveyed is not intended to be a legal description but is intended to identify the parcel to be conveyed. As a condition of the purchase, the incorporated village of Freeport may submit to the commissioner of general services, for his or her approval, an accurate survey and description of the lands to be conveyed, which may be used in the conveyance thereof.

S 4. The office of general services shall not transfer or convey the aforesaid land unless application is made to the office of general services by the incorporated village of Freeport within 1 year after the effective date of this act. Setting forth a comprehensive statement approved by its board of trustees acknowledging and accepting the use restrictions set forth herein and a full use plan for approval by the commissioner of general services and the assembly member representing the district where the facility is located.

S 5. (a) Any lands transferred pursuant to this act shall be used exclusively for the purposes of the incorporated village of Freeport to house programs that address the educational and civic needs of the community. The westerly portion of the main building of the facility, comprised of the east-west corridor rooms, power plant, drill floor and armory is to be used exclusively as a community "Learning Center" between the hours of 7:00 AM and 4:00 PM, and for traditional and non-traditional adult education between the hours of 5:00 PM and 10:00 PM on weekdays and a dedicated organizational use-mix, including an educational program operated by the Roosevelt Children's Academy and support organizations providing educational and cultural opportunities, recreation and related activities in the villages of Freeport and Roosevelt in the main building.

(b) The village of Freeport shall set aside and provide a separate entrance and exit to the entire east wing of the main building as dedicated space for the housing and unlimited use of the following civic

and/or any corporation, association or organization described in section 501(c)(3) of the United States internal revenue code located in the villages of Freeport and Roosevelt shall be permitted to use such facility: Freeport-Roosevelt Police Athletic League; educational opportunities, cultural recreation and related activities of the village of Freeport and Roosevelt; the Roosevelt Children's Academy; the Zion Community Development Corporation of Freeport; the Memorial Economic Development Corporation of Roosevelt; the 71st Regiment Museum Association and VOFW which organizations shall serve as a support system for a Junior ROTC program and/or manhood training program; Boys and Girls Scouts of America; Boys and Girls Clubs of America; Freeport-Roosevelt NAACP; a village-designated Hispanic Civil Rights Organization in the Roosevelt-Freeport area; Veterans of Foreign Wars; the Veterans of Foreign Wars Museum; the Pan Hellenic Council of Fraternal Organizations; LINKS mentorship programs; 100 Black Men and the 100 Black Women of Long Island; Negro Business and Professional Women of Nassau County Mentorship Program; Potter's Association for Youth and Adults, Inc.; the Quashie Community Resources Association; Rescue Co 1 WTC Memorial Foundation and Charity Begins at Home Association, which dedicated space and organizations shall be permitted to operate between the hours of 8:00 AM and 9:00 PM for activities, and 7:00 AM and 10:00 PM for clerical and administrative operations.

(c) The transferee shall provide access to other community organizations and civic associations in the non-restricted areas of the main building between the hours of 5Labor PM and 9Labor PM on weekdays and 8Labor AM to 4Labor PM on weekend days, as shall be deemed appropriate for liberal community service.

(d) The auxiliary building shall, in cooperation with the Zion Community Development Corporation of Freeport and the Memorial Economic Development Corporation of Roosevelt, be used as a combination and/or convertible cafeteria, conference area, exhibit center and/or community catering hall, etc., as shall be appropriate, for use by the proposed academy or school, as the case may be, and by the general public.

(e) The village shall assess such reasonable cleaning and maintenance fees on permanent non-profit public service organizations using the dedicated spaces as shall be minimally necessary for the safe, efficient and sanitary operation of the dedicated spaces of the main building; and, the village shall assess such use fees as shall be reasonably necessary to other community organizations and civic associations for the operations contemplated herein, as provided by law.

(f) The village of Freeport shall provide an open access to the adjacent wetland parks preserve and Freeport-Merrick Lake waterways, in cooperation with the department of environmental conservation, the office of parks, recreation and historic preservation and Freeport parks department, for use as an avian and marine life sanctuary, nature path, botanical garden and exercise/running trail, which access shall be incorporated into the transfer and the complex shall be open to the entire community.

(g) Upon termination, in whole or in part, of the uses of the complex set forth in this act title to the lands so transferred shall revert to the state of New York.

S 6. The transferee shall on or before the first day of March of each year following the year of conveyance, submit an annual report of "Use and Compliance" to the commissioner of the office of general services with a copy to each of the local state assembly and state senate representatives for their review and comment, setting forth with specificity

(i) the uses to which the facility has been dedicated during the prior 12-month calendar year period, the public service groups assigned to the dedicated spaces and a description of those spaces, the community groups given actual access to the facility, the hours of operation of the facility, and suggestions for new assignments (expansions), deletions and/or reallocation of the dedicated spaces; and (ii) alterations and improvement made or to be made to the facility in the 12 month periods before and after the date of the report, including compliance with state and federal minority and women business enterprise participation goals.

S 7. All planning, renovations, installations, upgrades and maintenance to be performed at the facility shall comply in all respects with the goals of the New York state minority and women business enterprise participation program.

S 8. This act shall take effect immediately.