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

9166

I N A S S E M B L Y

February 1, 2012

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Governmental Operations

AN ACT to authorize the commissioner of general services to transfer and convey certain unappropriated state land to the incorporated village of Freeport and for said village to lease said state lands for community programs

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, the state land located at 63 Babylon Turnpike, village of Freeport, in the county of Nassau, known as the Freeport Armory, declared to be abandoned state land by the division of military and naval affairs. Upon the transfer and conveyance of the lands described in section three of this act, the village of Freeport shall be required to lease said lands to the Cedarmore Community Development Corporation and the Memorial Economic Development Corporation for a term of no less than fifty years.

S 2. The transfer and conveyance of the land described in section three of this act shall be made at such time and upon such terms and conditions as the commissioner of general services may fix and determine including those terms and conditions set forth in section six of this act. The consideration for the transfer, conveyance and lease shall be one dollar.

S 3. 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

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

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(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 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.

S 4. The description in section three of this act 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 5. 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 120 days after the effective date of this act. Said application shall be in the form of a resolution 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 and third-party operating agreement for review by the commissioner of general services and approval by the assembly member representing the district where the facility is located.

S 6. The transfer and conveyance pursuant to this act shall be subject to the following use restrictions and reverter:

(a) The premises shall be used exclusively for the purposes of housing various community programs including education, recreation, civic, cultural and youth associations, veterans affairs, public safety and historic preservation in accordance with the visioning plan set forth in the Memorandum in Support of and accompanying this act.

(b) The conveyance or lease of the land described in section three of this act shall contain covenants and restrictions requiring that the land be used for the purposes set forth in subdivision (a) of this section. In the event the premises are not accepted and/or used for such purposes, it shall revert to the state of New York.

S 7. The village of Freeport 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 (a) the uses to which the facility has been dedicated during the prior 12-month calendar year period, and (b) alterations and improvements 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 8. 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. Details of compliance with such goals shall be included in the annual report.

S 9. This act shall take effect immediately.