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

190

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT in relation to authorizing the conveyance of certain parklands in the town of Hamlin in the county of Monroe to Sandy Creek Marina

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

Section 1. Notwithstanding the provisions of any other law to the contrary, the commissioner of environmental conservation is hereby authorized to enter into a contract, on behalf of and in the name of the state, for the conveyance of fee title to a parcel of state park land in the town of Hamlin, in the county of Monroe, as more fully described in section three of this act, to Sandy Creek Marina.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the state dedicate an amount equal to or greater than the fair market value of the property being alienated by this act for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 3. The lands authorized by this act to be discontinued as parklands are as follows:

All that tract or parcel of land situate in the town of Hamlin, Monroe County, New York state and being bounded and described as follows:

All that tract or parcel of land situated in part of Town Lot 7, Section 10, Township 5, Town of Hamlin, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the east right-of-way of Lake Road East Fork, said point being the intersection of lands acquired by the State of New York and lands of Nancy Butcher;

Thence northerly on a bearing of N 26°43'02" E a distance of 492.64 feet to a point;

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

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Thence westerly on a bearing of N 65°26'38" W a distance of 100.00 feet to a point;

Thence southerly on a bearing of S 15°09'53" W a distance of 498.98 feet to a point, said point being the true point and place of beginning

Subject to all covenants, easements and restrictions of record, if any, affecting said premises as recorded in the Monroe County Clerk's office

Being and hereby intended to describe a parcel of land having 0.565 acres of land more or less, the same premises as shown on a map prepared by Maier Land Surveying.

S 4. In the event that the state received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parkland authorized by the provisions of section three of this act shall not occur until the state has complied with any federal requirements pertaining to the alienation or conversion of such parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution or improvement of other lands shall be equivalent in fair market and usefulness to the lands being alienated or converted.

S 5. The commissioner of environmental conservation shall prescribe additional terms for the conveyance of lands as he or she deems necessary. Such contracts shall not become binding upon the state until approved by the director of the budget and the comptroller. Title to the land to be conveyed to the state pursuant to the provisions of such contract shall be approved by the attorney general and the deed to the state shall be approved by the attorney general as to form and manner of execution before such deed shall be accepted on behalf of the state. Notwithstanding the provisions of the public lands law, the conveyance of the state owned lands, pursuant to such contract, shall be without reservation or exception except as provided for in such contract. Upon certification by the commissioner of environmental conservation to the commissioner of general services of a copy of the contract and certification that Sandy Creek Marina has complied with all terms and conditions of the contract upon its part to be kept and performed, together with a description of each of the parcels to be exchanged, the commissioner of general services shall convey all the right, title and interest of the state in such land in accordance with the provisions of the contract.

S 6. This act shall take effect immediately.