

2152--A

Cal. No. 101

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend chapter 542 of the laws of 1997 relating to authorizing the village of Round Lake in the town of Malta and county of Saratoga to discontinue the use as such of certain park lands no longer needed for park purposes and to lease the same, in relation to extending the provisions thereof and providing for the return of such lands upon the occurrence of certain conditions

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

1 Section 1. Chapter 542 of the laws of 1997 relating to authorizing the
2 village of Round Lake in the town of Malta and county of Saratoga to
3 discontinue the use as such of certain park lands no longer needed for
4 park purposes and to lease the same, is amended to read as follows:
5 Section 1. Notwithstanding any inconsistent provisions of general,
6 special or local law, rule or regulation to the contrary, the village of
7 Round Lake in the town of Malta and county of Saratoga, acting by and
8 through its village board, is hereby authorized and empowered to discon-
9 tinue as park land and to lease, for a term not in excess of [twenty]
10 THIRTY years, the lands hereinafter described in section two of this
11 act, which had been acquired, reserved or designated by the village of
12 Round Lake for park and recreational purposes and are no longer needed
13 for said park purposes, for public utility/personal wireless facility
14 purposes for consideration equal to the fair market value of the inter-
15 est to be transferred, upon such terms and conditions as such board of
16 trustees may fix and determine.

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

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1 S 2. The lands referred to in section one of this act to be discontin-
2 ued as park lands, which may be leased by the village of Round Lake
3 pursuant to the provisions of this act, are described more fully as
4 follows:

5 PROPOSED LEASE PARCEL-PARCEL ONE

6 All that tract or parcel of land in the Village of Round Lake, County
7 of Saratoga and State of New York and being more particularly bounded
8 and described as follows:

9 Commencing at a point at its intersection with the property division
10 line between lands now or formerly of Whitehead Brothers Company as
11 described in Liber 954 of deeds at page 590 on the north and lands now
12 or formerly of Village of Round Lake as described in Liber 873 of deeds
13 at page 363 on the south; thence South 50°-32'-03" East, through said
14 lands now or formerly of Village of Round Lake, 19.92 feet to the point
15 of beginning of a proposed lease parcel; thence continuing through said
16 lands now or formerly of Village of Round Lake the following four (4)
17 courses and distances:

- 18 1) South 00°-00'-00" East, 50.00 feet to a point;
- 19 2) South 90°-00'-00" West, 50.00 feet to a point;
- 20 3) North 00°-00'-00" West, 50.00 feet to a point;
- 21 4) North 90°-00'-00" East, 50.00 feet to the point and place of begin-
22 ning and containing 2,500 square feet or 0.06 acres, more or less.

23 Subject to the right of the Village of Round Lake Board of Trustees,
24 in its sole discretion, to reasonably relocate the said boundaries to a
25 location of no larger size that will not interfere with existing and
26 proposed water improvements and will allow for the safe and proper
27 construction of a communications facility.

28 ACCESS AND UTILITY EASEMENT-PARCEL TWO

29 All that tract or parcel of land in the Village of Round Lake, County of
30 Saratoga and State of New York and being more particularly bounded and
31 described as follows:

32 Beginning at a railroad spike in the center of Washington Avenue at
33 the reputed center of Bangs Road, being the centerline of a 25 foot wide
34 access and utility easement, and running through lands now or formerly
35 of The Village of Round Lake the following sixteen (16) courses and
36 distances:

- 37 1) South 83°-06'-55" West, 201.09 feet to a point;
- 38 2) South 79°-01'-50" West, 38.92 feet to a point;
- 39 3) South 69°-48'-20" West, 30.46 feet to a point;
- 40 4) South 62°-58'-23" West, 399.19 feet to a point;
- 41 5) South 55°-12'-41" West, 40.21 feet to a point;
- 42 6) South 67°-31'-24" West, 40.91 feet to a point;
- 43 7) South 60°-12'-34" West, 82.27 feet to a point;
- 44 8) North 72°-49'-46" West, 70.82 feet to a point;
- 45 9) North 70°-30'-20" West, 37.44 feet to a point;
- 46 10) North 66°-14'-33" West, 47.41 feet to a point;
- 47 11) North 76°-19'-02" West, 27.65 feet to a point;
- 48 12) South 82°-26'-32" West, 27.65 feet to a point;
- 49 13) South 71°-49'-19" West, 96.64 feet to a point;
- 50 14) South 61°-40'-39" West, 26.42 feet to a point;
- 51 15) South 41°-23'-20" West, 26.42 feet to a point;

1 16) South 31°-14'-40" West, 37.14 feet to the point on the easterly
2 boundary of a proposed lease parcel and said point being 14.95 feet
3 distant southerly along said easterly boundary from the northeast corner
4 of said proposed lease parcel, and containing 30, 792 square feet or
5 0.71 acres, more or less.

6 Subject to the right of the Village of Round Lake Board of Trustees,
7 in its sole discretion, to reasonably relocate the access and utility
8 easement to a location that will not interfere with existing and
9 proposed water improvements and will allow for the safe and proper
10 construction of an access drive.

11 S 3. The net proceeds from the lease of the lands described in section
12 two of this act shall be used by the Village of Round Lake exclusively
13 for the purchase of additional park land [or] AND/OR the capital
14 improvement of existing park and recreational facilities within such
15 village.

16 S 4. SHOULD THE LEASED LANDS DESCRIBED IN SECTION TWO OF THIS ACT
17 CEASE TO BE USED FOR THE PURPOSE DESCRIBED IN SECTION ONE OF THIS ACT,
18 THE LEASE SHALL TERMINATE AND THOSE LANDS SHALL REVERT TO THE VILLAGE OF
19 ROUND LAKE FOR PUBLIC PARK AND RECREATIONAL PURPOSES. AT THE TIME OF
20 SUCH REVERSION, THE REMOVAL OF SUCH WIRELESS COMMUNICATIONS FACILITY
21 SHALL TAKE PLACE AND THE PROPERTY SHALL BE RETURNED SUBSTANTIALLY TO ITS
22 PREVIOUS STATE, CONSISTENT WITH PARKS AND RECREATIONAL PURPOSES.
23 NOTWITHSTANDING THE PREVIOUS SENTENCE, FOUNDATIONS AND OTHER UNDERGROUND
24 STRUCTURES LOCATED THREE FEET OR MORE BELOW GRADE SHALL REMAIN ON AND IN
25 THE PROPERTY UPON TERMINATION OF THE LEASE.

26 S 5. This act shall take effect immediately.

27 S 2. This act shall take effect immediately.