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

S. 2912 A. 4297

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 3, 2011

IN SENATE -- Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

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

AN ACT to authorize the village of Saranac Lake, in the counties of Essex and Franklin, to establish permanent and temporary easements upon park lands for the purpose of constructing and operating a municipal waterworks system

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

Section 1. Notwithstanding any provision of law to the contrary, the village of Saranac Lake, in the counties of Essex and Franklin, acting by and through its board of trustees, is hereby authorized to (a) establish permanent easements upon and under the village park lands described in section three of this act for the purpose of constructing, operating and maintaining a municipal water line and a municipal water tower facility; and (b) establish temporary construction easements upon and under the village park lands described in section four of this act for the purpose of constructing a municipal water line and a municipal water tower facility. Provided, however, that the authorization for temporary easements granted in subdivision (b) of this section shall cease upon the completion of the construction of a municipal water line and municipal water tower facility, and the park lands described in section four of this act shall thereafter be restored to their original condition and continue to be used as park lands. Furthermore, upon the completion of the construction of a municipal water line and municipal water tower facility upon the park lands described in section three of this act, the surface of such lands shall be restored to their original condition and continue to be used as park lands.

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

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S 2. The authorizations granted in section one of this act shall take effect only on the condition that the village of Saranac Lake shall acquire and dedicate as park lands the parcels of equal or greater value described in section five of this act.

S 3. The park lands upon and under which permanent easements may be granted pursuant to subdivision (a) of section one of this act are described as follows:

ALL THAT TRACT OR PARCEL OF LAND containing 2.57 acres, more or less, situate on lands owned now or formerly by Village of Saranac Lake in the County of Essex being Tax Parcel I.D. Number 32.0AB-1-1.000, as shown on a map entitled, "Mt. Pisgah Land Requirement Permanent Land" - on the Mt. Pisgah Veteran's Memorial Ski Center property, as prepared by Dodson & Associate Consulting Engineers, PLLC, dated October, 2010, identified as Job Number 081102, and being more particularly bounded and described as follows:

ALL OF THAT TRACT, part, piece or parcel of land situate in Lot 9, Township 11, Old Military Tract, Town of St. Armand, County of Franklin and State of New York; and being more particularly bounded and described as follows:

BEGINNING AT A POINT in the easterly lines of premises conveyed by Harland M. and Sarah E. Branch to The Village of Saranac Lake by deed dated December 30, 1953 and recorded in the Essex County Clerk's Office in Book 312 of Deeds at page 553, said point being marked by a 1" Iron Pipe;

THENCE S 07°43'45" E, along said easterly line, a distance of 491.52 feet to a point;

THENCE S 81°11'02" W, through the lands of the Party of the First Part herein, a distance of 167.04 feet to a point;

THENCE N 07°43'45" W, through the lands of the Party of the First Part herein, a distance of 224.47 feet to a point;

THENCE N 81°11'02" E, through the lands of the Party of the First Part herein, a distance of 73.80 feet to a point;

THENCE N 06°16'10" E, through the lands of the Party of the First Part herein, a distance of 296.91 feet to a point;

THENCE N 22°23'25" W, through the lands of the Party of the First Part herein, a distance of 143.86 feet to a point;

THENCE S 49°06'31" W, through the lands of the Party of the First Part herein, a distance of 70.69 feet to a point;

THENCE N 40°18'18" W, through the lands of the Party of the First Part herein, a distance of 339.02 feet to a point;

THENCE N 36°50'41" W, through the lands of the Party of the First Part herein, a distance of 65.71 feet to a point;

THENCE N 33°20'33" W, through the lands of the Party of the First Part herein, a distance of 51.74 feet to a point in the north line of the said Village of Saranac Lake premises;

THENCE S 72°34'33" E, along said north line, a distance of 63.40 feet to a point;

THENCE S 36°50'41" E, through the lands of the Party of the First Part herein, a distance of 64.67 feet to a point;

THENCE S 40°18'18" E, through the lands of the Party of the First Part herein, a distance of 302.66 feet to a point;

THENCE N 49°52'08" E, through the lands of the Party of the First Part herein, a distance of 94.21 feet to a point;

THENCE N 56°08'29" E, through the lands of the Party of the First Part herein, a distance of 183.29 feet to a point;

THENCE S 18°38'22" E, through the lands of the Party of the First Part herein, a distance of 91.98 feet to a point;

THENCE S 19°25'11" W, through the lands of the Party of the First Part herein, a distance of 219.72 feet to a point in an aforementioned easterly line of the said Village of Saranac Lake premises;

THENCE S 66°46'20" W, along said easterly line, a distance of 61.45 feet to the point and place of beginning. Containing 2.57 acres of land.

BEING A PART OF THE PREMISES conveyed by Harland M. and Sarah E. Branch to The Village of Saranac Lake by deed dated December 30, 1953 and recorded in the Essex County Clerk's Office in Book 312 of Deeds at page 553.

S 4. The park lands upon and under which temporary easements may be granted pursuant to subdivision (b) of section one of this act are described as follows:

ALL THAT TRACT OR PARCEL OF LAND containing 4.34 acres, more or less, situate on lands owned now by the Village of Saranac Lake, County of Essex, being Tax Parcel I.D. Number 32.0AB-1-1.000, as shown on a map entitled, "Mt. Pisgah Land Requirement - Temporary Construction Easement" - on the Mt. Pisgah Veteran's Memorial Ski Center property, as prepared by Dodson & Associate Consulting Engineers, PLLC, dated October, 2010, identified as Job Number 081102, and being more particularly bounded and described as follows:

ALL THAT TRACT, part, piece or parcel of land situate in Lot 9, Township 11, Old Military Tract, Town of St. Armand, County of Franklin and State of New York; and being more particularly bounded and described as follows:

BEGINNING AT A POINT marking the northeast corner of premises conveyed by Harland M. and Sarah E. Branch to The Village of Saranac Lake by deed dated December 30, 1953 and recorded in the Essex County Clerk's Office in Book 312 of Deeds at page 553, said point being marked by a 3/4" Iron Pipe;

THENCE S 18°25'40" E, along the southwesterly line of premises reputedly owned by The Nature Conservancy, a distance of 156.75 feet to a point marked by a 2" Iron Pipe;

THENCE S 18°41'15" E, along the southwesterly line of premises reputedly owned by Moody, a distance of 34.66 feet to a point marked by a 1" Iron Pipe; thence continuing in the same course a distance of 95.48 feet, for a total distance of 130.14 feet, to a point marked by a Drillhole in a stone;

THENCE S 18°37'46" E, still along said southwesterly line, a distance of 265.50 feet to a point marked by a 2" Iron Pipe;

THENCE S 66°48'56" W, along the northwesterly line of premises reputedly owned by American Management Association, a distance of 97.38 feet to a point marked by a Drillhole in a stone;

THENCE S 66°46'20" W, still along said northwesterly line, a distance of 97.37 feet to a point;

THENCE N 19°25'11" E, through the lands of the Party of the First Part herein, a distance of 219.72 feet to a point;

THENCE N 18°38'22" W, through the lands of the Party of the First Part herein, a distance of 91.98 feet to a point;

THENCE S 56°08'29" W, through the lands of the Party of the First Part herein, a distance of 183.29 feet to a point;

THENCE N 47°32'50" W, through the lands of the Party of the First Part herein, a distance of 151.05 feet to a point;

THENCE N 51°34'57" E, through the lands of the Party of the First Part herein, a distance of 87.55 feet to a point;

THENCE N 40°18'18" W, through the lands of the Party of the First Part herein, a distance of 171.08 feet to a point in the north line of the aforementioned Village of Saranac Lake premises;

THENCE N 65°25'53" E, along said north line, a distance of 291.40 feet to the point and place of beginning. Containing 2.48 acres of land.

BEING A PART OF THE PREMISES conveyed by Harland M. and Sarah E. Branch to The Village of Saranac Lake by deed dated December 30, 1953 and recorded in the Essex County Clerk's Office in Book 312 of the Deeds at page 553.

S 5. The replacement lands to be acquired and dedicated by the village of Saranac Lake to use as park lands are described as follows:

All those certain parcels of land, being part of Great Lot 29, Township No. 10, Old Military Tract, Town of St. Armand, County of Essex, and State of New York; being more particularly bounded and described as follows:

PARCEL A

Beginning at a 1" iron pipe found with a coupling in Kelly Slough, said pipe being the common corner between Great Lots 28, 29, 48, and 49; thence

1) South 6°18'15" West along the east line of Great Lot 29, 705.36 feet to a point on the northeasterly bounds of property described in a deed to Saranac Lake Fish and Game Club, Inc. recorded in Liber 205 at page 140 in the Essex County Clerk's Office, said point also being on the southwest low water mark of Kelly Slough; thence

2) Northerly along the northeasterly bounds of said property described in Liber 205 at page 140 and the southwest low water mark of Kelly Slough, approximately 1,006 feet to a point on the east bounds of New York State Route 3, said point being located North 26°59'35" West 764.67 feet from the point on the northeasterly bounds of property described in Liber 205 at page 140 aforementioned in Course No. 1); thence

3) North 34°26'45" East along the east bounds of New York State Route 3, 88.78 feet to a 5/8" rebar set with a cap stamped "Geomatics Land Surveying, PC" on the north line of Great Lot 29; thence

4) South 81°52'00" East along the north line of Great Lot 29, 378.10 feet to the beginning.

Containing 3.42 acres of land, more or less, within the above described bounds, as surveyed by Stacey L. Allott, LS of Geomatics Land Surveying, PC, December 9, 2010. Bearings are based on Magnetic North.

PARCEL B

Beginning at a point on the north line of Great Lot 29, said point being located North 81° 52' 00" West 577.50 feet from a 1" iron pipe found at the common corner for Great Lots 28, 29, 48, and 49; thence

1) South 81° 52' 00" East along the north line of Great Lot 29, 133.38 feet to a point on the west bounds of New York State Route 3; thence

2) South 35° 06' 25" West along the west bounds of New York State Route 3, 123.17 feet to a point on the northeast bounds of property described in a deed to Christopher K. and Heather A. Tuttle, recorded in Liber 864 at page 57 of deeds in the Essex County Clerk's Office, said point also being on the southwest low water mark of Kelly Slough; thence

3) Northwesterly along the northeast bounds of said property described in Liber 864 at page 57 and the southwest low water mark of Kelly Slough, approximately 138 feet to the beginning, said point being located North 27° 05' 35" West 134.38 feet from the point aforementioned in Course No. 2).

Containing 0.19 acres of land, more or less, within the above described bounds, as surveyed by Stacy L. Allott, LS of Geomatics Land Surveying, PC, December 9, 2010. Bearings are based on Magnetic North. Together with and subject to any rights of the public in and to the area within the bounds of New York State Route 3.

Being that portion of the property described in a deed to the Village of Saranac Lake, recorded in Liber 1347 at page 100 of deeds in the Essex County Clerk's Office, being bounded on the north by the north line of Great Lot 29, on the east by the east line of Great Lot 29, and on the south by property described in a deed to the Saranac Lake Fish and Game Club, Inc. recorded in Liber 205 at page 140, and by property described in a deed to Christopher K. and Heather A. Tuttle, recorded in Liber 864 at page 57 (being low water mark of the southwest side of Kelly Slough), excepting and reserving the area within the bounds of New York State Route 3.

S 6. In the event that the replacement lands to be dedicated in section five of this act are not of equal or greater fair market value to the lands to be alienated pursuant to section three of this act, the Village of Saranac Lake shall acquire and dedicate additional lands for park lands and/or make capital improvements to its existing park and recreational facilities, as necessary, to equal the difference of such fair market value.

S 7. In the event, that the land described in section three of this act ceases to be used for municipal waterworks purposes, (a) the permanent easement granted pursuant to section one of this act shall cease; (b) the village of Saranac Lake shall remove the water tower and all water lines placed thereon; and (c) such land shall be restored and dedicated as park lands.

S 8. The discontinuance and conveyance of park lands authorized by this act shall not occur until the village of Saranac Lake has complied with any federal requirements pertaining to the alienation or conversion of park lands, including satisfying the Secretary of the Interior that the conversion complies with all conditions with the Secretary of the Interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

S 9. This act shall take effect immediately.