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

559

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT authorizing the county of Nassau to transfer ownership of certain parklands to Conservation Partners, LLC

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

Section 1. The Nassau county legislature is hereby authorized and empowered to convey the parkland property described in section two of this act, upon terms to be fixed and determined by such county legislature, to Conservation Partners LLC, which terms and conditions shall include the placement of a conservation easement on the property to be conveyed prohibiting any future development on the property. This authorization is based upon the unique facts and circumstances of this particular parkland property which include: the property was acquired for open space protection purposes and does not have any developed recreational facilities; after conveyance, the open space features of the property will be permanently protected through a conservation easement; and the conveyance is part of a larger conservation land transaction that will result in a net increase of more than thirty acres of permanently protected open space in a densely developed area of Nassau County.

S 2. The parkland referred to in section one of this act is located, bounded and described as follows:

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the village of Oyster Bay Cove, town of Oyster Bay, county of Nassau, state of New York, being bounded and described as follows:

BEGINNING on the westerly side of Sandy Hill Road distant 1384.16 feet northerly from the corner formed by the intersection of the northerly side of Berry Hill Road with the westerly side of Sandy Hill Road;

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

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RUNNING THENCE westerly along the arc of a curve bearing to the left having a radius of 25.00 feet a distance of 39.27 feet;
THENCE south 83 degrees 04 minutes 20 seconds west a distance of 25.00 feet;
THENCE westerly along the arc of a curve bearing to the right having a radius of 390.00 feet a distance of 173.58 feet;
THENCE westerly along the arc of a curve bearing to the left having a radius of 380.00 feet a distance of 169.12 feet;
THENCE south 83 degrees 04 minutes 20 seconds west a distance of 89.01 feet;
THENCE westerly along the arc of a curve bearing to the right having a radius of 290.00 feet a distance of 410.74 feet;
THENCE westerly along the arc of a curve bearing to the left having a radius of 70.00 feet a distance of 75.44 feet;
THENCE westerly along the arc of a curve bearing to the right having a radius of 60.00 feet a distance of 60.22 feet;
THENCE north 66 degrees 26 minutes 21 seconds west a distance of 204.70 feet;
THENCE north 85 degrees 00 minutes 00 seconds west a distance of 170.00 feet;
THENCE south 78 degrees 00 minutes 00 seconds west a distance of 475.00 feet to the easterly side of Berry Hill Road;
THENCE along the easterly side of Berry Hill Road north 32 degrees 51 minutes 00 seconds west a distance of 351.40 feet to the easterly side of McCoun's Lane;
THENCE along the easterly side of McCouns Lane the following four (4) courses and distances:
1) North 05 degrees 56 minutes 20 seconds east a distance of 96.08 feet;
2) North 14 degrees 14 minutes 00 seconds east a distance of 33.74 feet;
3) North 16 degrees 34 minutes 00 seconds east a distance of 116.24 feet;
4) North 05 degrees 39 minutes 00 seconds east a distance of 10.35 feet to the property to be retained by Frank E. Richardson;
THENCE along said property to be retained by Frank E. Richardson the following twenty-three (23) courses and distances:
1) North 75 degrees 38 minutes 40 seconds east a distance of 296.05 feet;
2) South 82 degrees 24 minutes 29 seconds east a distance of 256.12 feet;
3) South 19 degrees 11 minutes 04 seconds east a distance of 193.14 feet;
4) South 33 degrees 18 minutes 52 seconds east a distance of 267.33 feet;
5) South 57 degrees 29 minutes 46 seconds east a distance of 83.63 feet;
6) South 84 degrees 34 minutes 32 seconds east a distance of 146.34 feet;
7) South 29 degrees 51 minutes 25 seconds east a distance of 49.27 feet;
8) Easterly along the arc of a curve bearing to the right having a radius of 60.00 feet a distance of 69.79 feet;
9) North 64 degrees 03 minutes 15 seconds east a distance of 125.58 feet;

10) Easterly along the arc of a curve bearing to the right having a radius of 160.00 feet a distance of 78.13 feet;
11) South 71 degrees 10 minutes 52 seconds east a distance of 151.22 feet;
12) Easterly along the arc of a curve bearing to the left having a radius of 200.00 feet a distance of 148.67 feet;
13) Easterly along the arc of a curve bearing to the left having a radius of 500.00 feet a distance of 193.68 feet;
14) Northerly along the arc of a curve bearing to the left having a radius of 175.00 feet a distance of 183.26 feet;
15) North 35 degrees 38 minutes 27 seconds west a distance of 450.75 feet;
16) North 51 degrees 04 minutes 49 seconds west a distance of 203.75 feet;
17) North 65 degrees 33 minutes 11 seconds west a distance of 89.57 feet;
18) North 81 degrees 21 minutes 34 seconds west a distance of 191.13 feet;
19) North 57 degrees 26 minutes 42 seconds west a distance of 109.00 feet;
20) North 79 degrees 01 minutes 57 seconds west a distance of 102.74 feet;
21) North 45 degrees 48 minutes 15 seconds west a distance of 190.79 feet;
22) South 71 degrees 02 minutes 28 seconds west a distance of 420.17 feet;
23) North 35 degrees 53 minutes 50 seconds west a distance of 184.12 feet to the land now or formerly of Oleg Cassini Inc.;

THENCE along the land now or formerly of Oleg Cassini Inc. the following three (3) courses and distances:
1) North 69 degrees 35 minutes 20 seconds east a distance of 66.65 feet;
2) North 68 degrees 44 minutes 50 seconds east a distance of 286.59 feet;
3) North 64 degrees 53 minutes 50 seconds east a distance of 532.68 feet to the lands now or formerly of Christian Enterprises Inc;

THENCE along said lands the following two (2) courses and distances;
1) South 30 degrees 47 minutes 10 seconds east a distance of 93.53 feet;
2) North 79 degrees 45 minutes 30 seconds east a distance of 588.73 feet to the westerly side of Sandy Hill Road;

THENCE along the westerly side of Sandy Hill Road the following ten (10) courses and distances;
1) South 19 degrees 40 minutes 20 seconds west a distance of 6.46 feet;
2) South 23 degrees 27 minutes 10 seconds west a distance of 66.25 feet;
3) South 10 degrees 27 minutes 50 seconds west a distance of 157.18 feet;
4) South 09 degrees 12 minutes 00 seconds east a distance of 128.48 feet;
5) South 29 degrees 41 minutes 00 seconds east a distance of 362.03 feet;
6) South 27 degrees 17 minutes 40 seconds east a distance of 156.49 feet;

7) South 01 degrees 47 minutes 20 seconds west a distance of 296.43 feet;
8) South 00 degrees 29 minutes 40 seconds west a distance of 470.67 feet;
9) South 04 degrees 42 minutes 30 seconds west a distance of 172.75 feet;
10) South 06 degrees 55 minutes 40 seconds east a distance of 122.10 feet to the point or place of BEGINNING and containing within said bounds 33.51 acres.

S 3. The authorization provided in section one of this act shall be effective only upon the condition that on or before the alienation and conveyance of lands described in section two of this act, the county shall acquire additional lands of equal or greater fair market value than the lands being alienated, as described in section two of this act. Such lands to be acquired, which shall be dedicated as parkland and for open space protection purposes and shall be made available for the benefit of the public as parkland, being bound and described as follows:

All that certain lot, piece or parcel of lands lying, situate and being in the village of Old Brookville, town of Oyster Bay, county of Nassau, State of New York, bounded and described as follows:

BEGINNING at a point formed by the intersection of the southerly side of Chicken Valley Road and the westerly side of Hegemans Lane.

RUNNING THENCE along the westerly side of Hegemans Lane the following two (2) courses:
1) S 13° 31' 47" W, 393.35 feet;
2) S 13° 22' 47" W, 1,648.88 feet to Lot 2 as shown on the "Map of M and M Partners Development";

THENCE along said lot the following four (4) courses:
1) S 84° 04' 33" W, 583.65 feet;
2) N 05° 55' 27" W, 477.19 feet;
3) Northerly along the arc of a curve bearing to the right, having a radius of 550.00 feet and a length of 125.36 feet;
4) N 89° 44' 32" W, 569.83 feet to land now or formerly of MacDonnell;

THENCE along said land N 01° 50' 09" W, 158.13 feet to the southerly side of Chicken Valley Road;

THENCE along said road line the following eleven (11) courses:
1) N 56° 25' 54" E, 257.01 feet;
2) N 50° 39' 40" E, 170.07 feet;
3) N 35° 05' 40" E, 274.28 feet;
4) N 64° 15' 40" E, 370.87 feet;
5) N 36° 45' 40" E, 233.16 feet;
6) N 48° 21' 40" E, 201.23 feet;
7) N 51° 29' 40" E, 91.87 feet;
8) N 62° 44' 40" E, 231.39 feet;
9) N 52° 15' 40" E, 163.87 feet;
10) N 62° 47' 40" E, 119.43 feet;
11) N 70° 55' 47" E, 38.26 feet to the POINT or PLACE of BEGINNING and containing within said bounds 35.36 acres.

S 4. In the event that the lands to be acquired, as described in section three of this act, are not equal or greater in fair market value than the lands being alienated, as described in section two of this act, the county of Nassau shall dedicate the difference in the fair market value for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 5. If the land that is the subject of this legislation has received funding pursuant to the federal land and water conservation fund, the

discontinuance of parkland authorized by the provisions of this legislation shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of parklands, including satisfying the secretary of the interior that the discontinuance will include all conditions which 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 discontinued.

S 6. This act shall take effect immediately.