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

5608

2011-2012 Regular Sessions

I N S E N A T E

June 6, 2011

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

AN ACT to authorize the town of Amherst, county of Erie to discontinue the use of certain city lands as parkland and to sell and convey such lands

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

Section 1. The town of Amherst, county of Erie, is hereby authorized to discontinue as parklands and alienate, sell and convey the lands described in section three of this act and in exchange therefor, dedicate as parklands the lands described in section four of this act, such land to be used for park purposes.

S 2. The authorization contained in section one of this act shall only be effective on the condition that the town of Amherst acquire and dedicate as parklands the lands described in section four of this act, such land to be used for park purposes.

S 3. The lands to be discontinued as parklands and alienated, sold and conveyed are described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie and State of New York, being part of Lot No. 55, Township 13, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at the point of intersection of the centerline of New Road, being the west line of Lot No. 55 (New Road being sixty-six (66) feet wide) and the original centerline of Millersport Highway (the southeasterly boundary line of Millersport Highway being forty (40.0) feet southeasterly from said original centerline as measured at right angles therefrom) running thence north 38°18'45" east, along the centerline of Millersport Highway, a distance of five hundred fifty-two and ninety-four hundredths (552.94) feet to the southwesterly corner of lands conveyed to Flaps Rickenbacker Enterprises, Inc. by deed recorded in the Erie County Clerk's Office in Liber 7174 of Deeds page 123; running

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

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thence south 51°41'15" east, along the southwesterly line of said Rickenbacker lands, a distance of one hundred sixty-five (165) feet to the southeasterly corner thereof; running thence north 38°18'45" east, along the southeasterly line of said Rickenbacker lands, a distance of one hundred (100) feet to the northeasterly corner thereof, being on the southwesterly line of lands conveyed to Joseph Horner by deed recorded in said Clerk's Office in Liber 4715 of deeds at page 474; running thence south 51°41'15" east, along the southwesterly line of said Horner lands, a distance of one hundred eighty-five (185) feet to the southeasterly corner thereof; running thence north 38°18'45" east, along the southeasterly line of said Horner lands, and along the southeasterly line of lands conveyed to J.A. Felicetta be deed recorded in said Clerk's Office in Liber 6642 of deeds at page 506, a distance of three hundred (300) feet to a point being the true point and place of beginning; running thence north 38°18'45" east along the southeasterly line, land conveyed to J.A. Felicetta by deed recorded in Liber 6642 of deeds at page 506, a distance of two hundred sixty-nine and twenty-nine hundredths (269.29) feet to the northeasterly corner of said Felicetta lands, being on the northerly line of Lot No. 55; running thence easterly along the northerly line of Lot No. 55, being the northerly line of lands formerly of Community Development and Land Corporation as conveyed by deed recorded in said Clerk's Office in Liber 7764 of Deeds at page 489, a distance of one thousand seven hundred forty-nine and thirty hundredths (1749.30) feet to the northeast corner thereof; running thence south 01°33'44" west, along the former east line of said Community Development and Land Corp. lands, a distance of three hundred six and seventy-four hundredths (306.74) feet; running thence north 89°12'50" west, parallel with the north line of Lot No. 55, a distance of eight hundred fifty-one and seventy hundredths (851.70) feet to a point on the west line of lands conveyed to Raymond and Erna Bitterman by deed recorded in said Clerk's Office in Liber 2689 of Deeds page 111; running thence south 01°39'33" west, along the west line of said Bitterman lands, a distance of four hundred eighty seven and seventy-six hundredths (487.76) feet to the northeast corner of lands conveyed by Amherst Airpark, Inc. to the United States of America by deed recorded in said Clerk's Office in Liber 5895 of Deeds page 320; running thence north 89°12'50" west, along the north line of said United States of America lands, a distance of five hundred five (505) feet to a corner thereon; running thence south 41°14'00" west, continuing along the northerly line of said United States of America lands, a distance of one hundred fifty-four and fifty-five hundredths (154.55) feet to a corner thereon; running thence north 89°12'50" west parallel to the north line of Lot No. 55 continuing along the north line of said Bitterman lands, a distance of three hundred thirty-eight and eighty-five hundredths (338.58) feet to a point; running thence north 01°28'10" east, a distance of four hundred twenty and seventy-five hundredths (420.75) feet to a point; running thence north 51°41'15" west, a distance of fifty-seven and eighty eight hundredths (57.88) feet to a point; running thence north 38°18'45" west, a distance of one hundred fifty (150) feet to a point; running thence north 51°41'15" west, a distance of two hundred (200) feet to the point and place of beginning containing 24.51± acres of land.

S 4. The replacement lands to be dedicated by the town of Amherst to use as parkland for public park purposes are located in the town of Amherst, Erie county comprise a total of 41.21 acres more or less and particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York, being part of Lot 55, Township 13, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Smith Road (a 66 foot R.O.W.), distant 49.59 feet westerly from its intersection with the centerline of Dann Road (a 49.5 foot R.O.W.);

THENCE, northerly at an angle of 61°23'13" measured in the northwest quadrant a distance of 1860.00 feet to a point, said point being 324.13 feet south of the southeast corner of premises convey to the Foundation for Jewish Philanthropies by deed recorded in the Erie County Clerk's Office in Liber 9919 of Deeds at page 12, said point also being distant 629.55 feet southerly from the north line of Lot 55, as measured along the east line of said premises conveyed to the Foundation for Jewish Philanthropies as extended;

THENCE, westerly and parallel to the south line of said premises conveyed to the Foundation for Jewish Philanthropies and parallel with the north line of Lot 55, at an angle of 89°11'04" measured in the southwest quadrant from the last described course, a distance of 851.70 feet to a point on the west line of premises conveyed to Raymond and Erna Bitterman by deed recorded in the Erie County Clerk's Office in Liber 2589 of Deeds at page 111;

THENCE, southerly along the said west line of premises conveyed to Raymond and Erna Bitterman, at angle of 90°45'07" measured in the southeast quadrant from the last described course, a distance of 163.63 feet to the northeast corner of premises conveyed to Raymond and Erna Bitterman by deed recorded in the Erie County Clerk's Office in Liber 7422 of Deeds at page 527, said point also being a southeast corner of said premises conveyed to the Foundation for Jewish Philanthropies;

THENCE, westerly along the south line of said premises conveyed to the Foundation for Jewish Philanthropies, and parallel with the north line of said Lot 55, at an angle of 90°45'07" measured in the northwest quadrant from the last described course, a distance of 505.00 feet to a point;

THENCE, southwesterly and continuing along the said south line of the premises conveyed to the Foundation for Jewish Philanthropies, at an angle of 130°57'01" measured in the southeast quadrant from the last described course, a distance of 153.71 feet to a point;

THENCE, westerly continuing along the said south line of premises conveyed to the Foundation for Jewish Philanthropies, and parallel with the north line of said Lot 55, at an angle of 229°02'59" measured in the southeast quadrant from the last described course, a distance of 388.85 feet to a point in an easterly line of said premises conveyed to the Foundation of Jewish Philanthropies, said point being distant 230.28 feet northerly from the northeast corner of premises conveyed to the Alfred J. Jurek Post 1672 of the American Legion Inc., by deed recorded in the Erie County Clerk's Office in Liber 6150 of Deeds at page 102;

THENCE, southerly along a easterly line of said premises conveyed to the Foundation for Jewish Philanthropies and also continuing along the easterly line of said premises conveyed to the Alfred J. Jurek Post, at an angle of 90°46'58" measured in the southeast quadrant from the last described course, a distance of 362.66 feet to a point, said point being the northwest corner of land conveyed to the Town of Amherst by deed recorded in the Erie County Clerk's Office in Liber 7993 of Deeds at page 225;

THENCE, southeasterly along the north line of said premises conveyed to the Town of Amherst, at an angle of 108°24'42" measured in the northeast quadrant from the last described course, a distance of 1046.95 feet to a point in the westerly line of said premises conveyed to Raymond and Erna Bitterman by deed recorded in Liber 2589 of Deeds at page 111, said point also being the northeaster corner of premises conveyed to the Town of Amherst by deed recorded in Liber 7993 of Deeds at page 225;

THENCE, northerly along the said west line of premises conveyed to Raymond and Erna Bitterman, at an angle of 71°33'27" measured in the northwest quadrant from the last described course, a distance of 202.30 feet to a point, said point being the northwest corner of premises conveyed to Richard E., Paul L. and Louise Roehmholdt by deed recorded in the Erie County Clerk's Office in Liber 4490 at page 224;

THENCE, southeasterly along the north line of said premises conveyed to Roehmholdt and parallel with the centerline of Smith Road, at an angle of 61°19'24" measured in the southeast quadrant from the last described course, a distance of 300.00 feet to a point, said point being the northeast corner of said premises conveyed to Roehmholdt;

THENCE, southerly and parallel with the west line of said premises conveyed to Roehmholdt, at an angle of 118°40'36" measured in the southwest quadrant from the last described, a distance of 600.00 feet to a point in the centerline of said Smith Road;

THENCE, southeasterly along the centerline of Smith Road, at an angle of 118°40'36" measured in the northeast quadrant from the last described course, a distance of 667.95 feet to the point or place of beginning;

Excepting therefrom that portion of premises lying within the bounds of Smith Road.

Said premises containing 41.21 acres more or less.

S 5. In the event that the replacement town parklands to be dedicated in section four of this act are not equal to the size of the lands to be alienated in section three of this act, or are not equal to or greater than the fair market value of the lands to be alienated in section three of this act, the town of Amherst shall dedicate additional town-owned lands for parkland and/or cause funds to be made available for capital improvements to its existing park and recreational facilities, as necessary, to equal such fair market value.

S 6. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the town of Amherst has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the Secretary of the Interior that the conversion complies with 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 alienated or converted.

S 7. This act shall take effect immediately.