

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

6946--B

2013-2014 Regular Sessions

I N A S S E M B L Y

April 25, 2013

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the county of Westchester to discontinue the use as parkland of parcels of real property in the town of Greenburgh for the purposes of completing certain proposed improvements to Jackson Avenue

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

1 Section 1. Subject to the provisions of this act, the county of West-
2 chester is hereby authorized to discontinue the use as parklands and
3 alienate the parcels of land described in section three of this act for
4 the purpose of making proposed improvements, including the straightening
5 and widening of Jackson Avenue in the town of Greenburgh from the
6 entrance of Sprain Ridge Park and moving west to the intersection of
7 North Sprain Road, and the installation of a traffic signal along with a
8 realignment of the intersection into a T-intersection at Jackson Avenue
9 and North Sprain Road.

10 S 2. The authorization provided in section one of this act shall be
11 effective only upon the condition that the county of Westchester
12 acquires additional land that has never been used as parkland and which
13 is of equal or greater fair market value to the parkland to be discontinued and dedicates such land as parkland, as described in section four
14 of this act.

15
16 S 3. The lands authorized by this act to be discontinued as parkland
17 are six parcels of parkland in the town of Greenburgh, county of West-
18 chester, described as follows:

PARCEL A

19
20 BEGINNING at a point in the existing southerly right-of-way line of
21 Jackson Avenue (variable width right-of-way), said point being the

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

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1 intersection of the westerly line of Lot 2, Block 389, Section 8.570
2 with said southerly right-of-way, and running thence, the following two
3 (2) courses along said southerly right-of-way;

- 4 1. North 73°10'02" East a distance of 32.23 feet to a point, thence;
- 5 2. North 85°30'49" East a distance of 136.53 feet to a point, thence;
- 6 3. Along the proposed southerly right-of-way line of Jackson Avenue
7 South 80°25'17" West a distance of 172.79 feet to a point, thence;
- 8 4. Along the westerly line of said Lot 2, North 21°22'02" East a
9 distance of 9.38 feet to the POINT OF BEGINNING.

10 Containing an area of 1,166 square feet or 0.027 acres more or less.

11 PARCEL B

12 BEGINNING at a point in the existing southerly right-of-way line of
13 Jackson Avenue (variable width right-of-way), said point being the
14 intersection of the westerly line of Lot 5, Block 389, Section 8.570
15 with said southerly right-of-way, and running thence;

- 16 1. Along said existing right-of-way line, North 82°54'42" East a
17 distance of 254.02 feet to a point, thence;
- 18 2. Along the easterly line of said Lot 5, South 21°22'02" West a
19 distance of 10.18 feet to a point, thence;
- 20 3. Along the proposed southerly right-of-way line of Jackson Avenue,
21 South 80°25'17" West a distance of 232.66 feet to a point, thence;
- 22 4. Along the westerly line of said Lot 5, North 48°22'18" West a
23 distance of 25.36 feet to the POINT OF BEGINNING.

24 Containing an area of 3,436 square feet or 0.079 acres more or less.

25 PARCEL C

26 BEGINNING at a point in the existing southerly right-of-way line of
27 Jackson Avenue (variable width right-of-way), said point being the
28 following two (2) courses from the intersection of the southerly line of
29 Lot 2, Block 389, Section 8.570 with the said southerly right-of-way,

- 30 a) North 43°13'42" East a distance of 33.83 feet to a point, thence;
- 31 b) North 40°19'42" East a distance of 14.92 feet to a point and
32 running, thence, the following nine (9) courses along the existing
33 southerly right-of-line of Jackson Avenue;

- 34 1. North 40°19'42" East a distance of 23.00 feet to a point, thence;
- 35 2. North 35°35'03" East a distance of 58.31 feet to a point, thence;
- 36 3. North 20°05'42" East a distance of 25.32 feet to a point, thence;
- 37 4. North 38°03'52" East a distance of 134.75 feet to a point, thence;
- 38 5. North 51°52'12" East a distance of 58.69 feet to a point, thence;
- 39 6. North 63°01'42" East a distance of 30.08 feet to a point, thence;
- 40 7. North 38°42'42" East a distance of 86.37 feet to a point, thence;
- 41 8. North 43°46'42" East a distance of 49.20 feet to a point, thence;
- 42 9. North 56°34'22" East a distance of 53.58 feet to a point, thence,
43 the following four (4) courses along the proposed southerly right-of-way
44 line of Jackson Avenue;

- 45 10. South 42°21'46" West a distance of 409.64 feet to a point, thence;
- 46 11. North 47°38'14" West a distance of 1.50 feet to a point, thence;
- 47 12. South 42°21'46" West a distance of 101.85 feet to a point, thence;
- 48 13. South 69°48'29" West a distance of 0.61 feet to the POINT of
49 BEGINNING.

50 Containing an area of 7,649 square feet or 0.176 acres more or less.

51 PARCEL D

52 BEGINNING at a point in the existing southerly right-of-way line of
53 Jackson Avenue (variable width right-of-way), said point being the
54 intersection of the easterly line of Lot 2, Block 389, Section 8.570
55 with said southerly right-of-way, and running thence;

1. Along said easterly line, South 48°22'18" East a distance of 40.38 feet to a point, thence, the following two (2) courses along the proposed southerly right-of-way line of Jackson Avenue;

2. North 79°11'16" West a distance of 5.74 feet to a point, thence;

3. On a curve to the left having a radius of 517.50 feet, an arc length of 278.01 feet, whose chord bears South 65°01'53" West a chord distance of 274.68 feet to a point, thence, the following six (6) courses along the existing southerly right-of-way of Jackson Avenue;

4. North 39°33'22" East a distance of 19.68 feet to a point, thence;

5. North 43°48'42" East a distance of 50.09 feet to a point, thence;

6. North 46°13'22" East a distance of 56.01 feet to a point, thence;

7. North 55°00'42" East a distance of 44.41 feet to a point, thence;

8. North 71°24'42" East a distance of 42.05 feet to a point, thence;

9. North 78°06'32" East a distance of 61.90 feet to the POINT OF BEGINNING.

PARCEL E

Containing an area of 6,290 square feet or 0.144 acres more or less.

BEGINNING at a point in the existing southerly right-of-way line of Jackson Avenue (variable width right-of-way) having New York State Plane Coordinate System (East) values N785943.3098, E672924.0502, said point being distant 30.77 feet at a right angle from Station 17+83.36 on the proposed centerline of Jackson Avenue, said point also being the northeasterly corner of Lot 5, Block 389, Section 8.570, and running, thence;

1. Along the easterly line of Lot 5, South 21°22'02" West a distance of 14.84 feet to a point, thence;

2. Along the proposed southerly right-of-way line of Jackson Avenue, South 80°25'17" West a distance of 227.05 feet to a point in the westerly line of Lot 5, thence;

3. Along said westerly line of Lot 5, North 48°22'18" West a distance of 30.49 feet to a point at the northwesterly corner of Lot 5, thence;

4. Along the existing southerly right-of-way line of Jackson Avenue, North 82°54'42" East a distance of 254.02 feet to the POINT OF BEGINNING.

Containing an area of 4,356 square feet or 0.100 acres more or less.

PARCEL F

BEGINNING at a point having New York State Plane Coordinate System (East) values N785929.4871, E672918.6423, said point being an intersection of the easterly line of Lot 5, Block 389, Section 8.570 with the proposed southerly right-of-way line on Jackson Avenue (variable width right-of-way), said point being distant 43.50 feet at a right angle from Station 17+75.73 on the proposed centerline of Jackson Avenue, thence;

1. Along said easterly line of Lot 5, South 21°22'02" West a distance of 11.00 feet to a point, thence;

2. North 44°28'52" West a distance of 11.51 feet to a point in the proposed southerly right-of-way line of Jackson Avenue, thence;

3. Along said the proposed southerly right-of-way line, North 80°25'17" East a distance of 12.24 feet to the POINT OF BEGINNING.

Containing an area of 58 square feet of 0.001 acres more or less.

S 4. The replacement land to be acquired and dedicated by the county of Westchester to use as parkland for public park purposes is a parcel to be acquired from the town of Greenburgh and designated by the county of Westchester as parkland and is described as follows:

ALL that certain piece or parcel of property, situate, lying and being located in the town of Greenburgh, county of Westchester, state of New York and being more particularly bounded and described as follows:

1 BEGINNING at a point formed by the division line between property now
2 or formerly River Towns Estates, LLC (7.00-142-3) and property now or
3 formerly Holy Spirit Association (1.200-120-2) at the site of a monument
4 at the southeast corner of said Holy Spirit Association, said point
5 being the POINT OF BEGINNING;
6 thence along the division line between property now or formerly River
7 Towns Estates, LLC (7.00-142-3) and property now or formerly Town of
8 Greenburgh/County of Westchester (7.300-142-4), S. 75°05'14"E., a
9 distance of 59.52 feet;
10 thence over and across property now or formerly River Towns Estates,
11 LLC (7.00-142-3), S. 25°51'26"W., a distance of 151.63 feet;
12 thence N. 75°28'14"W., a distance of 388.30 feet;
13 thence N. 25°51'26"E., a distance of 155.00 feet to the division line
14 between property now or formerly River Towns Estates, LLC (7.00-142-3)
15 and property now or formerly Holy Spirit Association (1.200-120-2);
16 thence along said division line, S. 74°16'54"E., a distance of 139.88
17 feet;
18 thence S. 75°28'14"E., a distance of 188.27 feet to the site of a
19 monument at southeast corner of said Holy Spirit Association, the point
20 and place of BEGINNING.
21 Containing 58,079 square feet or 1.3333 acres, more or less.
22 S 5. In the event that the replacement land to be acquired and dedi-
23 cated as parkland, described in section four of this act, is not equal
24 to or greater than the fair market value of the parklands to be alien-
25 ated, as described in section three of this act, the county of Westches-
26 ter shall acquire and dedicate additional land for parkland and/or cause
27 funds to be made available for capital improvements to its existing park
28 and recreational facilities, as necessary, to equal such difference in
29 fair market value.
30 S 6. If the parkland that is the subject of this act has received
31 funding pursuant to the federal land and water conservation fund, the
32 discontinuance of parkland authorized by the provisions of this act
33 shall not occur until the municipality has complied with the federal
34 requirements pertaining to the conversion of parklands, including satis-
35 fying the secretary of the interior that the discontinuance with all
36 conditions which the secretary of the interior deems necessary to assure
37 the substitution of other lands shall be equivalent in fair market value
38 and recreational usefulness to the lands being discontinued.
39 S 7. This act shall take effect immediately.