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

9896

I N A S S E M B L Y

May 27, 2014

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

AN ACT authorizing and validating the alienation of certain parkland in the village of Wappingers Falls in the county of Dutchess

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

Section 1. Notwithstanding any other provision of law to the contrary, but subject to this act, the alienation of the parkland described in section four of this act is hereby authorized and validated, notwithstanding the absence of prior legislative approval to the extent required.

S 2. Subject to the provisions of this act, the village of Wappingers Falls, acting by and through its village board, is authorized to discontinue as parkland, alienate and convey the lands described in section four of this act for such purposes as are consistent with the village's comprehensive plan, as such plan may be modified in accordance with the requirements of such plan.

S 3. The authorization contained in section two of this act shall take effect only upon the condition that the village of Wappingers Falls dedicate the land described in section five of this act as parkland. In the event the lands described in section five of this act are not equal to or greater than the fair market value of the lands being alienated by this act, the village of Wappingers Falls shall dedicate the difference between the fair market value of the lands being alienated by this act and the replacement lands towards the acquisition of additional park land and/or improvements to existing park land in the village of Wappingers Falls.

S 4. The lands to be discontinued as park land and alienated and conveyed pursuant to section two of this act are bounded and described as follows:

ALL that tract or parcel of land situated in the village of Wappingers Falls, county of Dutchess, state of New York being part of Parcel No. 1 being bounded and described as follows:

Parcel 1

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

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Beginning at a point, said point being at the northwesterly corner of lands now or formerly Pettit, Liber 1274, Page 72, said point of beginning also being on the easterly line of Market Street; running thence along the easterly line of said Market Street, North 01°09'29" East 45.00 feet; thence running though lands of the village of Wappingers Falls the following course and distances: South 88°35'40" East a distance of 97.19 feet, North 88°05'35" East a distance of 95.07 feet, South 89°32'57" East a distance of 122.10 feet, South 00°27'03" West a distance of 187.33 feet, and North 89°26'08" West a distance of 231.89 feet to a point being on the westerly line of lands now or formerly Tompkins, Document No. 02-2012-5588; thence running along the easterly line of said Tompkins and the easterly line of the aforementioned lands of Pettit, North 06°16'04" East a distance of 138.68 feet to a point being at the northeasterly corner of said Pettit, North 88°35'46" West a distance of 97.00 feet to the point of beginning containing 1.054± acres of lands.

S 5. The replacement land to be acquired and dedicated by the village of Wappingers Falls, county of Duchess, acting through its village board of trustees, for use as park land for public park purposes, is as follows:

ALL that tract or parcel of land situated in the village of Wappingers Falls, county of Dutchess, state of New York being part of Parcels 2 and 3, being bounded and described as follows:

Parcel 2

Beginning at a point, said point being distant: North 01°09'29" East a distance of 184.41 feet and North 83°31'31" West a distance of 40.17 feet from the northwesterly corner of lands now or formerly Pettit, Liber 1274, Page 72, said point of beginning being on the westerly line of Market Street; thence running along the westerly line of said Market Street the following courses and distances: South 01°09'29" West a distance of 186.99 feet, South 04°24'54" West a distance of 63.81 feet, South 13°09'11" West a distance of 24.20 feet, South 21°00'47" West a distance of 35.25 feet, South 21°00'47" West a distance of 116.98 feet, South 27°35'14" West a distance of 73.16 feet, South 33°57'24" West a distance of 39.58 feet, South 40°13'50" West a distance of 67.20 feet, South 43°27'10" West a distance of 86.90 feet, and South 46°41'07" West a distance of 95.89 feet to the easterly edge of the Wappinger Creek; thence running northerly along said creek edge and by tie line North 14°04'30" East a distance of 716.84 feet; thence leaving said easterly edge of the Wappinger Creek and running South 89°25'37" East a distance of 123.39 feet to the point of beginning containing 0.9± acres of land.

Parcel 3

Beginning at a point, said point being at the northwesterly corner of lands now of formerly Pettit, Liber 1274, Page 72, said point of beginning also being on the easterly line of Market Street; thence running along the easterly line of said Market Street the following courses and distances: North 01°09'29" East a distance of 184.41 feet, on a curve to the right having a radius of 100.00 feet and an arc length of 60.58 feet and South 87°45'09" East a distance of 298.15 feet to a point being at the intersection of said easterly line of Market Street with the westerly line of said Dutchess Terrace; thence running along the westerly line of said Dutchess Terrace, South 03°52'12" East a distance of 312.46 feet to a point being on the northerly line of lands now or formerly Lawrence; thence running along the northerly and westerly lines of said Lawrence and other lands of Lawrence, Liber 1111, Page 332, South 87°45'41" West a distance of 7.94 feet and South 20°14'11" West a

distance of 351.47 feet to a point being at the northeasterly corner of lands now or formerly Egan, Document No. 02-2006-7400; thence running along the northerly line of said Egan, North North 82°59'36" West a distance of 209.13 feet to a point being at the northwesterly corner of said Egan, said point also being at the northeasterly corner of lands now or formerly 118 Market Street, LLC, Document No. 02-2006-9864; thence running along the northerly line of said 118 Market Street, LLC, North 85°02'26" West a distance of 9.90 feet to a point being at the southeasterly corner of lands now or formerly Cuchelo, Liber 1748, Page 496; thence running along the easterly line of said Cuchelo and the easterly lines of lands now or formerly Willsey, Liber 1415, Page 347, North 13°29'56" East a distance of 118.00 feet; thence continuing along the easterly line of said Willsey, North 81°00'31" West a distance of 71.00 feet and North 01°09'17" West a distance of 32.00 feet to a point being at the northeasterly corner of said Willsey, said point also being at the southeasterly corner of land now or formerly Tompkins, Document No. 02-2012-5588; thence running along the easterly line of said Tompkins and the easterly line of the aforementioned lands of Pettit, North 06°16'04" East a distance of 165.00 feet to the northeasterly corner of said Pettit; thence leaving said northeasterly corner and running along the northerly line of said Pettit, North 88°35'46" West a distance of 97.00 feet to the point of beginning containing 5.372± acres of land.

S 6. If the land that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of parklands authorized by the provisions of this act 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 7. This act shall take effect immediately.