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

4285

2013-2014 Regular Sessions

I N S E N A T E

March 19, 2013

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

AN ACT authorizing the city of Rochester, county of Monroe to alienate and convey certain parcels of land used as parkland and to acquire other parcels of land to replace such parkland

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

Section 1. The city of Rochester, county of Monroe, is hereby authorized to discontinue as parklands, alienate and convey the lands described in section three of this act.

S 2. The authorization contained in section one of this act shall only be effective on the condition that the city of Rochester 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 and conveyed are described as follows:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, being part of Lot 33 of the Winton Road Tract as filed in the Monroe County Clerk's Office October 20, 1910 in Liber 23 of Maps, Page 19 and more particularly bounded and described as follows:

Commencing at a point in the southerly line of Tyron Park (50' Wide R.O.W.) a distance of 1621.17 feet easterly of the easterly line of North Winton Road (66.0' Wide R.O.W.), said point being also the northwest corner of lands conveyed to Brian Conheady and Elizabeth A. Conheady by a deed recorded in the Monroe County Clerk's Office on September 13, 2010 in Liber 10920 of Deeds, Page 571; thence easterly, along said southerly line of Tryon Park, 40.00 feet to a point being the northeast corner of said land conveyed to Conheady and being the point and place of beginning of the parcel to be described; thence easterly, continuing along the same course on a line forming an interior angle of

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

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90°00'00" with the easterly line of said lands conveyed to Conheady and through lands conveyed to the City of Rochester by a deed recorded in the Monroe County Clerk's Office August 16, 1922 in Liber 1190 of Deeds, Page 12, a distance of 10.50 feet to a point; thence southerly, continuing through said lands conveyed to the City of Rochester on a line forming an interior angle of 90°00'00" with the previous course, a distance of 166.50 feet to a point; thence westerly, continuing through said lands conveyed to the City of Rochester and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 10.50 feet to a point in said easterly line of lands conveyed to Conheady; thence northerly, along said easterly line of lands conveyed to Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 166.50 feet to the point and place of beginning. Said lands to be conveyed being 0.040 acres of land more or less.

Being part of the same premises conveyed to the City of Rochester by a deed recorded in the Monroe County Clerk's Office August 16, 1922 in Liber 1190 of Deeds, Page 12.

S 4. The replacement lands to be acquired and dedicated by the town of Amherst, county of Erie to use as parkland for public park purposes are described as follows:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, being part of Lot 32 and 33 of the Winton Road Tract as filed in the Monroe County Clerk's Office October 20, 1910 in Liber 23 Maps, Page 19 and being more particularly bounded and described as follows:

Commencing at a point in the southerly line of Tyron Park (50' Wide R.O.W.) a distance of 1621.17 feet easterly of the easterly line of North Winton Road (66.0' Wide R.O.W.), said point being also the northwest corner of lands conveyed to Brian Conheady and Elizabeth A. Conheady by a deed recorded in the Monroe County Clerk's Office on September 13, 2010 in Liber 10920 of Deeds, Page 571; thence easterly, along said southerly line of Tryon Park, 40.00 feet to a point being the northeast corner of said lands conveyed to Conheady; thence southerly, along the easterly line of said lands conveyed to Conheady and on a line forming an angle of 90°00'00" in the southwest quadrant, a distance of 166.50 feet to the point and place of beginning of the parcel to be described; thence continuing southerly on the same course and on a line forming an interior angle of 90°00'00", a distance of 33.50 feet to a point, said point being the southeast corner of said lands conveyed to Conheady; thence westerly, along the southerly line of said lands conveyed to Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 60.00 feet to a point, said point being the southwest corner of said lands conveyed to Conheady; thence northerly, along the westerly line of said lands conveyed to Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 33.50 feet to a point; thence easterly, through said lands of Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 60.00 feet to the point and place of beginning. Said lands to be conveyed being 0.046 acres of land more or less.

Being part of the same premises conveyed to Brian Conheady and Elizabeth A. Conheady by a deed recorded in the Monroe County Clerk's Office on September 13, 2010 in Liber 10920 of Deeds, Page 571.

S 5. In the event that the lands to be acquired, as described in section four of this act, are not equal or greater in fair market value that the lands being alienated, as described in section three of this

act, the city of Rochester 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 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.