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

4653

2013-2014 Regular Sessions

I N S E N A T E

April 17, 2013

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

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:

Section 1. Subject to the provisions of this act, and notwithstanding any provision of any general, special or local law, the county of Westchester is hereby authorized to discontinue the use as parklands and alienate the parcels of land described in section three of this act for the purpose of making proposed improvements, including the straightening and widening of Jackson Avenue in the town of Greenburgh from the entrance of Sprain Ridge Park and moving west to the intersection of North Sprain Road, and the installation of a traffic signal along with a realignment of the intersection into a T-intersection at Jackson Avenue and North Sprain Road.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the county of Westchester acquires additional land and dedicates such land as parkland.

S 3. The lands authorized by this act to be discontinued as parkland are four parcels of parkland in the town of Greenburgh, county of Westchester as follows:

PARCEL A

BEGINNING at a point in the existing southerly right-of-way line of Jackson Avenue (variable width right-of-way), said point being the intersection of the westerly line of Lot 2, Block 389, Section 8.570 with said southerly right-of-way, and running thence, the following two (2) courses along said southerly right-of-way;

1. North 73°10'02" East a distance of 32.23 feet to a point, thence;

2. North 85°30'49" East a distance of 136.53 feet to a point, thence;

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

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3. Along the proposed southerly right-of-way line of Jackson Avenue South 80°25'17" West a distance of 172.79 feet to a point, thence;

4. Along the westerly line of said Lot 2, North 21°22'02" East a distance of 9.38 feet to the POINT OF BEGINNING.

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

PARCEL B

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

1. Along said existing right-of-way line, North 82°54'42" East a distance of 254.02 feet to a point, thence;

2. Along the easterly line of said Lot 5, South 21°22'02" West a distance of 10.18 feet to a point, thence;

3. Along the proposed southerly right-of-way line of Jackson Avenue, South 80°25'17" West a distance of 232.66 feet to a point, thence;

4. Along the westerly line of said Lot 5, North 48°22'18" West a distance of 25.36 feet to the POINT OF BEGINNING.

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

PARCEL C

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

a) North 43°13'42" East a distance of 33.83 feet to a point, thence;

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

1. North 40°19'42" East a distance of 23.00 feet to a point, thence;

2. North 35°35'03" East a distance of 58.31 feet to a point, thence;

3. North 20°05'42" East a distance of 25.32 feet to a point, thence;

4. North 38°03'52" East a distance of 134.75 feet to a point, thence;

5. North 51°52'12" East a distance of 58.69 feet to a point, thence;

6. North 63°01'42" East a distance of 30.08 feet to a point, thence;

7. North 38°42'42" East a distance of 86.37 feet to a point, thence;

8. North 43°46'42" East a distance of 49.20 feet to a point, thence;

9. North 56°34'22" East a distance of 53.58 feet to a point, thence, the following four (4) courses along the proposed southerly right-of-way line of Jackson Avenue;

10. South 42°21'46" West a distance of 409.64 feet to a point, thence;

11. North 47°38'14" West a distance of 1.50 feet to a point, thence;

12. South 42°21'46" West a distance of 101.85 feet to a point, thence;

13. South 69°48'29" West a distance of 0.61 feet to the POINT of BEGINNING.

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

PARCEL D

BEGINNING at a point in the existing southerly right-of-way line of Jackson Avenue (variable width right-of-way), said point being the intersection of the easterly line of Lot 2, Block 389, Section 8.570 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.

Containing an area of 6,290 square feet or 0.144 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 described as a a parcel consisting of one acre from the town of Greenburgh to be designed by the county of Westchester legislature as parkland.

S 5. In the event that the replacement land to be acquired and dedicated as parkland, described in section four of this act, is not equal to or greater than the fair market value of the parklands to be alienated, as described in section three of this act, the county of Westchester shall acquire and dedicate additional land 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 county of Westchester 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.