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

4653--B

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 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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:

Section 1. Subject to the provisions of this act, 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 facilitating proposed roadway safety improvements, including the straightening and widening of Jackson Avenue in the town of Greenburgh from the entrance of Sprain Ridge Park and moving east 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. The improvements involve 1.336 acres of parkland. As specified in section three of this act, a total of 0.612 acres of parkland, entailing four parcels, will be alienated for future rights-of-way (row) for such roadway safety improvements. As specified in section four of this act, a total of 0.724 acres of parkland, entailing six parcels, will be temporarily alienated for construction purposes and the county of Westchester shall ensure that the surface of the lands are restored and returned to its previous condition for continued use as parkland after construction is completed.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the county of Westchester

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

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acquires additional land that has never been used as parkland and which is of equal or greater fair market value to the parkland to be discontinued and dedicates such land as parkland, as described in section five of this act.

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, described as follows:

PARCEL A (ROW takings 1)

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 N785259.4100, E671946.2847, said point being distant 20.70 feet at a right angle from Station 5+25 in the proposed centerline on said Jackson Avenue, said point being the following two (2) courses from the southerly corner of Lot 2, Block 389, Section 8.570,

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 15.47 feet to the point and place of beginning, thence, the following nine (9) courses along the existing southerly right-of-way line of Jackson Avenue;

1. North 40°19'42" East a distance of 22.45 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 five (5) courses along the proposed southerly right-of-way line of Jackson Avenue;
10. South 42°21'46" West a distance of 186.49 feet to a point, thence;
11. South 31°19'43" West a distance of 101.88 feet to a point, thence;
12. North 47°38'14" West a distance of 19.50 feet to a point, thence;
13. South 42°21'46" West a distance of 225.00 feet to a point, thence;
14. North 47°38'14" West a distance of 1.80 feet to the POINT OF BEGINNING.

Containing an area of 8,777 square feet or 0.201 acres more or less.

PARCEL B (ROW takings 2)

BEGINNING at a point having New York State Plane Coordinate System (East) values N785925.3482, E672656.9069, said point being at the intersection of the northerly terminus of the easterly line of Lot 2, Block 389, Section 8.570 with the existing southerly right-of-way line of Jackson Avenue (variable width right-of-way), said point being distant 2.95 feet at a right angle from Station 15+16.74 on the proposed centerline of said Jackson Avenue, and running thence;

1. Along said easterly line of Lot 2, South 48°22'18" East a distance of 46.28 feet to a point, thence, the following three (3) courses along the proposed southerly right-of-way line of Jackson Avenue;
2. Along South 78°53'45" West a distance of 42.22 feet to a point, thence;
3. North 14°58'53" West a distance of 6.66 feet to a point, thence;
4. On a curve to the left having a radius of 517.50 feet, an arc length of 244.24 feet whose chord bears South 63°09'42" West a chord distance of 241.98 feet to a point at the existing southerly right-of-way line of Jackson Avenue, thence, the following six (6) courses along said existing southerly right-of-way line of Jackson Avenue;

5. North 39°33'22" East a distance of 19.68 feet to a point, thence;
6. North 43°48'42" East a distance of 50.09 feet to a point, thence;
7. North 46°13'22" East a distance of 56.01 feet to a point, thence;
8. North 55°00'42" East a distance of 44.41 feet to a point, thence;
9. North 71°24'42" East a distance of 42.05 feet to a point, thence;
10. North 78°06'32" East a distance of 61.90 feet to the POINT OF BEGINNING.

Containing an area of 6,562 square feet or 0.151 acres more or less.

PARCEL C (ROW takings 3)

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 N785949.0839, E672926.3092, said point being distant 25.45 feet at a right angle from Station 17+86.55 on the proposed centerline of Jackson Avenue, said point also being the northwesterly corner of Lot 2, Block 389, Section 8.570 and running thence the following three (3) 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 355.74 feet to a point, thence;
3. South 73°46'54" East a distance of 108.05 feet to a point, thence the following twelve (12) courses along the proposed southerly right-of-way line of Jackson Avenue;
4. North 82°55'52" West a distance of 23.38 feet to a point, thence;
5. North 75°23'36" West a distance of 22.91 feet to a point, thence;
6. North 81°52'04" West a distance of 45.77 feet to a point, thence;
7. North 87°11'02" West a distance of 45.58 feet to a point, thence;
8. North 84°58'28" West a distance of 45.81 feet to a point, thence;
9. South 85°57'37" West a distance of 45.87 feet to a point, thence;
10. South 62°40'56" West a distance of 35.42 feet to a point, thence;
11. South 80°25'17" West a distance of 50.00 feet to a point, thence;
12. North 09°34'43" West a distance of 4.00 feet to a point, thence;
13. South 80°25'17" West a distance of 115.00 feet to a point, thence;
14. South 82°42'44" West a distance of 50.04 feet to a point, thence;
15. North 86°48'38" West a distance of 24.89 feet to a point in the westerly line of Lot 2 thence;
16. Along said westerly line of Lot 2, North 21°22'02" East a distance of 21.04 feet to the POINT OF BEGINNING.

Containing an area of 6,979 square feet or 0.160 acres more or less.

PARCEL D (ROW takings 4)

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.

S 4. The lands authorized by this act to be temporarily alienated for construction purposes and returned to use as parkland after construction are six parcels of parkland in the town of Greenburgh, county of Westchester, described as follows:

PARCEL A (Slope easement 1)

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 N785240.7278, E671929.7975, said point being distant 21.11 feet at a right angle from Station 5+09 in the proposed centerline of said Jackson Avenue, said point also being North 43°13'42" East a distance of 24.37 feet from the southerly corner of Lot 2, Block 389, Section 8.570 and running, thence, the following two (2) courses along said southerly right-of-way;

1. North 43°13'42" East a distance of 9.46 feet to a point, thence;
2. North 40°19'42" East a distance of 15.47 feet to a point in the proposed southerly right-of-way line of Jackson Ave, thence, the following two (2) courses along said proposed southerly right-of-way line of Jackson Ave;
3. South 47°38'14" East a distance of 1.80 feet to a point, thence;
4. North 42°21'46" East a distance of 60.64 feet to a point of beginning of a curve, thence;
5. On a curve to the right having a radius of 30.00 feet, an arc length of 29.44 feet, whose chord bears South 73°55'16" East a chord distance of 28.28 feet to a point, thence;
6. South 46°56'13" West a distance of 48.31 feet to a point, thence;
7. South 67°00'11" West a distance of 54.91 feet to the POINT OF BEGINNING.

Containing an area of 1,575 square feet or 0.036 acres more or less.

PARCEL B (Slope easement 2)

BEGINNING at a point in the proposed southerly right-of-way line of Jackson Avenue (variable width right-of-way) having New York State Plane Coordinate System (East) values N785332.4530, E672015.3325, said point being distant 22.50 feet at a right angle from Station 6+25.50 in the proposed centerline of said Jackson Avenue, and running, thence, the following two (2) courses along said southerly right-of-way;

1. North 42°21'46" East a distance of 124.50 feet to a point, thence;
2. South 47°38'14" East a distance of 11.50 feet to a point, thence;
3. South 42°21'46" West a distance of 50.00 feet to a point, thence;
4. South 40°04'20" West a distance of 50.04 feet to a point, thence;
5. South 22°06'39" West a distance of 34.73 feet to a point of beginning of a curve, thence;
6. On a curve to the right having a radius of 40.00 feet, an arc length of 27.30 feet, whose chord bears North 30°04'02" West a chord distance of 26.77 feet to the POINT OF BEGINNING.

Containing an area of 1,774 square feet or 0.041 acres more or less.

PARCEL C (Slope easement 3)

BEGINNING at a point having New York State Plane Coordinate System (East) values N785894.6016, E672691.5033, said point being an intersection of the easterly line of Lot 2, Block 389, Section 8.570 with the proposed southerly right-of-way line of Jackson Avenue (variable width right-of-way), said point being distant 40.08 feet at a right angle from Station 5+45.55 in the proposed centerline of said Jackson Avenue and running, thence, the following two (2) courses along said easterly lot line;

1. South 48°22'18" East a distance of 18.68 feet to a point, thence;

2. South 40°32'58" East a distance of 50.91 feet to a point, thence;
3. South 87°43'04" West a distance of 33.97 feet to a point, thence;
4. South 70°44'02" West a distance of 41.35 feet to a point, thence;
5. South 79°18'12" West a distance of 41.35 feet to a point, thence;
6. South 89°02'35" West a distance of 45.37 feet to a point, thence;
7. South 79°34'37" West a distance of 45.70 feet to a point, thence;
8. South 77°08'47" West a distance of 48.04 feet to a point, thence;
9. South 54°53'17" West a distance of 45.96 feet to a point, thence;
10. South 45°50'30" West a distance of 46.00 feet to a point, thence;
11. South 33°13'12" West a distance of 50.02 feet to a point, thence;
12. South 26°43'14" West a distance of 51.92 feet to a point, thence;
13. South 35°31'12" West a distance of 25.18 feet to a point, thence;
14. South 49°12'20" West a distance of 25.18 feet to a point, thence;
15. South 53°40'22" West a distance of 50.99 feet to a point, thence;
16. South 58°00'18" West a distance of 51.92 feet to a point, thence;
17. South 50°19'57" West a distance of 50.49 feet to a point, thence;
18. South 51°27'11" West a distance of 50.64 feet to a point, thence;
19. South 36°56'10" West a distance of 35.16 feet to a point in the proposed southerly right-of-way line of Jackson Avenue; thence, the following two (2) courses along said proposed southerly right-of-way line of Jackson Avenue;
20. North 31°19'43" East a distance of 35.66 feet to a point, thence;
21. North 42°21'46" East a distance of 186.49 feet to a point in existing southerly right-of-way line of Jackson Avenue, thence, the following three (3) courses along said right-of-way line of Jackson Avenue;
22. North 56°34'22" East a distance of 22.87 feet to a point, thence;
23. North 43°48'42" East a distance of 100.18 feet to a point, thence;
24. North 39°33'22" East a distance of 81.23 feet to a point, thence, the following three (3) courses along the proposed southerly right-of-way line of Jackson Avenue;
25. On a curve to the right having a radius of 517.50 feet, an arc length of 244.24 feet, whose chord bears North 63°09'42" East a chord distance of 241.98 feet, thence;
26. South 14°58'53" East a distance of 6.66 feet to a point, thence;
27. North 78°53'45" East a distance of 42.22 feet to the POINT OF BEGINNING.

Containing an area of 22,051 square feet or 0.506 acres more or less.

PARCEL D (Slope easement 4)

BEGINNING at a point having New York State Plane Coordinate System (East) values N785929.4871, E672918.6423, said point being an intersection of the westerly line of Lot 2, Block 389, Section 8.570 with the proposed southerly right-of-way line of 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, and running thence the following four (4) courses along said proposed southerly right-of-way line;
1. South 86°48'38" East a distance of 24.89 feet to a point, thence;
2. North 82°42'44" East a distance of 50.04 feet to a point, thence;
3. North 80°25'17" East a distance of 115.00 feet to a point, thence;
4. South 09°34'43" East a distance of 4.00 feet to a point, thence;
5. South 41°45'42" West a distance of 19.21 feet to a point, thence;
6. South 75°50'51" West a distance of 100.32 feet to a point, thence;
7. South 86°07'56" West a distance of 50.25 feet to a point, thence;
8. North 77°46'38" West a distance of 26.93 feet to a point, thence;

9. North 44°28'52" West a distance of 8.61 feet to a point along the westerly line of Lot 2, thence;

10. Along said westerly line of Lot 2, North 21°22'02'02" East a distance of 11.00 feet to the POINT OF BEGINNING.

Containing an area of 3,783 square feet or 0.087 acres more or less.

Parcel E (Slope easement 5)

BEGINNING at a point in the proposed southerly right-of-way line of Jackson Avenue (variable width right-of-way) having New York State Plane Coordinate System (East) values N785974.2174, E673187.9618, said point being 44.00 feet at a right angle from Station 20+50 in the proposed centerline of said Jackson Avenue, and running, thence, the following five (5) courses along said proposed southerly right-of-way line;

1. North 85°57'37" East a distance of 45.87 feet to a point, thence;
2. South 84°58'28" East a distance of 45.81 feet to a point, thence;
3. South 87°11'02" East a distance of 45.58 feet to a point, thence;
4. South 81°52'04" East a distance of 45.77 feet to a point, thence;
5. South 75°23'36" East a distance of 22.91 feet to a point, thence;
6. South 82°55'52" East a distance of 23.38 feet to a point in the existing southerly right-of-way line of Jackson Avenue, thence the following two (2) courses along said southerly right-of-way line of Jackson Avenue;
7. South 73°46'54" East a distance of 13.99 feet to a point, thence;
8. South 55°08'31" East a distance of 8.89 feet to a point, thence;
9. North 74°31'38" West a distance of 22.55 feet to a point, thence;
10. South 89°56'33" West a distance of 47.13 feet to a point, thence;
11. North 84°29'46" West a distance of 44.70 feet to a point, thence;
12. North 88°33'07" West a distance of 44.30 feet to a point, thence;
13. North 76°07'40" West a distance of 45.90 feet to a point, thence;
14. North 84°06'33" West a distance of 46.37 feet to the POINT OF BEGINNING.

Containing an area of 2,306 square feet or 0.053 acres more or less.

Parcel F (Slope easement 6)

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 or 0.001 acres more or less.

S 5. 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:

Beginning at a point formed by the division line between property now or formerly River Towns Estates, LLC (7.00-142-3) and property now or formerly Holy Spirit Association (1.200-120-2) at the site of a monument at the southeast corner of said Holy Spirit Association, said point

being the point of BEGINNING, said point also being distant 4,799.60 feet as measured on a tie-course of N. 78°34'58" E. from a concrete monument in the ground located on the division line between Common Area and property of the Old Croton Aqueduct, said monument is distant 179.06 feet and measured on a course of N. 49°02'03" E. from the easterly side of South Broadway as shown on County Clerk Map No. 28643;
thence along the division line between property now or formerly River Towns Estates, LLC (7.00-142-3) and property now or formerly Town of Greenburgh/County of Westchester/State of New York (7.300-142-4), S. 75°05'14" E., a distance of 59.52 feet;
thence over and across property now or formerly River Towns Estates, LLC (7.00-142-3), S. 25°51'26" W., a distance of 151.63 feet;
thence N. 75°28'14" W., a distance of 388.30 feet;
thence N. 25°51'26" E., a distance of 155.00 feet to the division line between property now or formerly River Towns Estates, LLC (7.00-142-3) and property now or formerly Holy Spirit Association (1.200-120-2);
thence along said division line, S. 74°16'54" E., a distance of 139.88 feet;
thence S. 75°28'14" E., a distance of 188.27 feet to the site of a monument at southeast corner of said Holy Spirit Association, the point and place of BEGINNING.

Containing 58,079 square feet or 1.3333 acres, more or less.

S 6. In the event that the replacement land to be acquired and dedicated as parkland, described in section five 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 difference in fair market value.

S 7. If the parkland that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of parkland 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 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 discontinued.

S 8. This act shall take effect immediately.