

5142

2013-2014 Regular Sessions

I N S E N A T E

May 10, 2013

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

AN ACT to authorize the town of Hamburg, County of Erie, to alienate certain parklands by conveying to Sharma Development LLC, an easement through certain town parkland to be used to install an underground private sanitary sewer line to connect to the existing public sanitary sewer infrastructure

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

1 Section 1. (a) The town of Hamburg, County of Erie, acting by and
2 through its town board, is hereby authorized to convey by appropriate
3 instruments to Sharma Development, LLC, an easement over certain town
4 parkland, described in section three of this act, for the purpose of
5 enabling Sharma Development, LLC to bore underneath said parkland and
6 install, and repair when necessary, a private sanitary sewer line that
7 would connect the proposed medical park property to the existing sani-
8 tary sewer infrastructure in the Coachmans Lane Right of Way. Upon
9 completion of installation, the town of Hamburg shall restore the
10 surface of the lands and the lands shall continue to be used for park
11 purposes.
12 (b) Should the grantee cease to use the lands for the private sanitary
13 sewer easement purposes stated above, pursuant to this act, the easement
14 shall immediately terminate and the lands shall revert to the town of
15 Hamburg.
16 (c) All revenues received by the town from the easement shall be used
17 for the acquisition of additional park and recreational facilities, or
18 the financing of capital improvements for public park and recreational
19 purposes, as required.
20 S 2. The authorization provided in section one of this act shall be
21 subject to the requirement that upon alienation of the lands more
22 particularly described in section three of this act, the town of Hamburg

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

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1 shall dedicate an amount equal to or greater than the fair market value
2 of the easement interest being alienated pursuant to section one of this
3 act to the acquisition of new parklands and/or capital improvements to
4 existing park and recreational facilities within the town of Hamburg.

5 S 3. The easement to be conveyed by the town of Hamburg pursuant to
6 the provisions of this act is over lands described as follows:

7 ALL that certain plot or parcel of land located in the Town of
8 Hamburg, County of Erie, State of New York, being part of Lot number 34,
9 Township, 9 Range 8 of the Holland Land Company's survey bounded and
10 described as follows:

11 Beginning at a point on the southerly line of Coachman's Lane at the
12 northeast corner of sub lot 97 as shown on Map Cover 2543 filed at the
13 Erie County Clerk's office; said point also being the northwest corner
14 of a 20 foot wide access strip owned by the Town of Hamburg; thence
15 running southerly along the east line of said sub lot 97 125.00 feet to
16 a point marking the southeast corner of said sub lot 97; thence running
17 southerly, 95 feet west of and parallel to the easterly line of lands of
18 the Town of Hamburg recorded in the Erie County Clerk's office at liber
19 10995, page 8000 of deeds, 1,360 $\pm$ feet to a point on the north line of
20 lands conveyed to Sharma Development LLC by deed recorded in the Erie
21 County Clerk's office at liber 11208 page 397 of deeds, thence running
22 easterly along said north line of Sharma 20 feet to a point; thence
23 running northerly and parallel to the said easterly line of lands of the
24 Town of Hamburg, 1,362 $\pm$ feet to a point, said point being the southwes-
25 terly corner of sub lot 98 as shown on Map Cover 2543; thence running
26 northerly along the westerly line of said sub lot 98, 125.00 feet to a
27 point on the southerly line of Coachman's Lane; thence running westerly
28 along the southerly line of Coachman's Lane 20 feet to the place or
29 point of beginning. The aforementioned description refers to a 20 foot
30 wide easement through lands currently owned by the Town of Hamburg for
31 the purpose of constructing a private sanitary sewer service.

32 S 4. This act shall take effect immediately.