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

6635--A

Cal. No. 230

I N S E N A T E

February 19, 2014

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to authorize the commissioner of general services to transfer and convey certain unappropriated state land to Monroe county

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 but notwithstanding any other provision of law to the contrary, the commissioner of general services is hereby authorized to transfer and convey to the county of Monroe, the state property at the Industry Residential Center in the town of Rush and the county of Monroe described in section two of this act, declared to be abandoned state land by the office of children and family services. The transfer and conveyance of the land described in section two of this act shall be made upon payment of such consideration as may be determined by the commissioner of general services, but not less than fifty-one percent of the total expenditures of the state in rehabilitating the premises for occupancy by the county of Monroe, and upon such other conditions as the commissioner of general services and the office of children and family services may deem proper. In the event the county of Monroe does not provide full payment of at least fifty-one percent of the aforementioned expenditures in exchange for transfer of the property, the office of children and family services may deduct the amounts owing from monies that would otherwise be distributed from such office to the county of Monroe pursuant to the social services law or any other applicable law irrespective of whether the county of Monroe takes ownership of such property.

S 2. The lands authorized by section one of this act to be transferred and conveyed are as follows:

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

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All that piece or parcel of land situate in the Rush, county of Monroe and the state of New York, being a portion of Lot Number 58 in Township Number 11, Range 7 of the Phelps and Gorham Purchase, and being more particularly bounded and described as follows:

Beginning at a reinforcing rod in the northerly bounds of Scottsville-Rush Road at the southeast corner of lands granted to Glen T. Weaver and Patricia Weaver by letters patent dated March 2, 1994 and recorded in the Department of State in Book 97 of Patents at page 25 and recorded in the Monroe county clerk's office on March 24, 1994 in liber 8456 of deeds at page 223, thence from said point of beginning along the aforesaid lands granted to Weaver the following six (6) courses;

1.N 00° 58' 08" W, a distance of 544.84 feet to a point;
2.N 05° 13' 59" E, a distance of 272.81 feet to a point;
3.N 23° 37' 35" E, a distance of 350.68 feet to a point;
4.N 33° 14' 39" E, a distance of 210.99 feet to a point;
5.N 24° 21' 06" E, a distance of 425.53 feet to a reinforcing rod; and
6.N 89° 93' 00" E, a distance of 1,051.72 feet

To a point at the northwesterly corner of lands granted to German Chernavin by deed as recorded in the Monroe county clerk's office on October 19, 2010 in liber 10932 of deeds at page 685, thence S 00° 20' 40" W along the westerly bounds of said lands of German Chernavin and to and along the westerly bounds of lands, now or formerly, of Richard P. Foster & Judith C. Foster and lands, now or formerly, of Gary Feldt, a distance of 1,704.50 feet to a point in the aforementioned northerly bounds of Scottsville-Rush Road, thence westerly along said northerly bounds, a distance of 1,488.74 feet to the point and place of beginning, containing 53.651 acres of land, more or less, all as shown on a map entitled "Survey of a Portion of Lands of the People of the State of New York to be Conveyed to the County of Monroe" by Arthur M. English, PLS, dated December 12, 2013 and having drawing number 200.04-1-4.

Together with an easement for ingress, egress and regress over a strip of land 60 feet in width (perpendicular measurement) being bounded and described as follows;

Beginning at a point in the westerly bounds of East River Road at the northeast corner of a parcel of land granted to Glen T. Weaver and Patricia Weaver by Letters Patent dated March 2, 1994 and recorded in the Department of State in Book 97 of Patents at page 25; said point also being at the southeast corner of a parcel of land granted to the Board of Cooperative Educational Service, First Supervisory District, Monroe County, New York by Letters Parent dated January 17, 1995 and recorded in the Department of State in Book 98 of Patents at page 22, thence from said Point of Beginning westerly along the northerly bounds of said lands granted to Weaver, S 89° 03' 00" W, a distance of 2,100.00 feet to a point; thence S 00° 57' 00" E through said lands granted to Weaver, thence N 89° 03' 00" E along said southerly bounds of Weaver, a distance of 2,112.68 feet to a point in the westerly bounds of East River Road, thence N 12° 52' 51" W along the westerly bounds of East River Road, a distance of 61.32 feet to the point and place of beginning.

S 3. The description in section two of this act is not intended to be a legal description but is intended to identify the land to be conveyed. As a condition of the transfer, the county of Monroe may submit to the commissioner of general services, for his or her approval, an accurate survey and description of the land to be conveyed, which may be used in the conveyance thereof.

S 4. The office of general services shall not transfer or convey the aforesaid land unless application is made by the county of Monroe therefore within one year of the effective date of this act.

S 5. The transfer and conveyance made pursuant to this act shall be subject to the following use restrictions and reverter:

(a) The land described in section two of this act shall be used exclusively for the purposes of operating and maintaining a Monroe county certified juvenile detention facility.

(b) The county of Monroe shall own and operate a certified juvenile detention facility on the land for so long as any payment obligations are due from the county to the state under section one of this act. The county of Monroe shall not contract with a private entity to operate all or part of the certified detention facility on the county's behalf without prior written consent from the state office of children and family services. Any such private entity must be a not-for-profit organization. Such certified juvenile detention facility shall be subject to section 218-a of the county law, section 503 of the executive law and all other laws governing such facilities for, and the detention of, youths and, notwithstanding the provisions of any other law, shall be a detention facility within the meaning of subdivision three of section 502 of the executive law.

(c) In the event the premises are not accepted and/or used in accordance with such provisions, it shall revert to the state of New York.

(d) The conveyance of the land described in this act shall contain covenants and restrictions consistent with the provisions set forth in subdivisions (a) through (c) of this section.

S 6. This act shall take effect immediately.