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

7238--A

Cal. No. 1130

I N S E N A T E

May 7, 2014

Introduced by Sen. FARLEY -- 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 Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT in relation to authorizing the town of Clifton Park in the county of Saratoga, to convey a permanent easement under and through certain parkland for wires, conduit and facilities necessary to support the construction and operation of a wireless communications facility

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

Section 1. The town of Clifton Park, Saratoga county, acting by and through its town board, is hereby authorized to convey by appropriate instruments to Independent Towers, LLC, a permanent easement in town parkland described in section three of this act for the underground installation of conduit, wires and fiber optic lines to transport utilities and telecommunication signals necessary to the operation of a wireless communication facility located adjacent to town parkland. Upon completion of construction, the surface of the lands shall be restored and the lands shall continue to be used for park purposes.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Clifton Park dedicate an amount equal to or greater than the fair market value of the easement interest being alienated pursuant to section one of this act to the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

S 3. The permanent easement to be conveyed by the town of Clifton Park pursuant to the provisions of this act is described as follows:

ALL That piece or parcel of land located within the Town of Clifton Park, county of Saratoga, state of New York. Said parcel lying on the westerly side of Macelry Road and being more particularly described as follows:

COMMENCING at the intersection of the westerly line and southerly lines of lands of Clifton Park Lodge No. 2466 Benevolent and Protective

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

LBD15000-08-4

Order of Elks of the United States of America Inc. (L. 1373, P. 715) with an easterly line of the Town of Clifton Park (L. 1430, P. 416). Said point of commencement being further described as the southwesterly corner of said lands of Clifton Park Lodge No. 2466, Benevolent and Protective Order of Elks of the United States of America Inc. (L. 1373, P. 715). Thence; south 19°16'00" east, along the division line between said lands of Clifton Park Lodge No. 2466, Benevolent and Protective Order of Elks of the United States of America Inc. (L. 1373, P. 715) on the north and said lands of the town of Clifton Park (L. 1430, P. 416) on the south, a distance of 312.45 to the point or place of beginning of the herein described access easement. THENCE; south at 19°16'00" east, along said division line, a distance of 486.22' to a non-tangent curve. THENCE; through said lands of the town of Clifton Park the following three courses and distances:

1. Along a curve to the right having a radius of 170.00' and an arc length of 102.54' (CH = 101.00', south 83°27'12" west) to a point.

2. North 19°16'00" west, a distance of 306.71' to a point of curvature.

3. Along a curve to the right having a radius of 130.00' and an arc length of 90.12' (CH = 88.33', north 59°24'41" west) to a point or place of beginning and containing 12,871± sqft or 0.03± acre of land.

S 4. The conveyance of the easement authorized by the provisions of this act shall not occur until the town of Clifton Park has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior with all conditions which the secretary of the interior deems necessary to assure that the substitution of other lands be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

S 5. This act shall take effect immediately.