

7472

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 21, 2013

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Introduced by M. of A. RYAN -- read once and referred to the Committee  
on Local Governments

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.

LBD10922-01-3

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 ± 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 ± 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.