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

8400--B

I N A S S E M B L Y

January 15, 2014

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the town of Smithtown, county of Suffolk to alienate and convey certain parcels of land used as parkland and to acquire other parcels of land to replace such parkland

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

Section 1. The town of Smithtown, county of Suffolk, is hereby authorized to discontinue as parklands, alienate and convey the lands described in section three of this act.

S 2. The authorization contained in section one of this act shall only be effective on the condition that the town of Smithtown acquire and dedicate as new parklands the lands described in section four of this act, such land to be used for park purposes.

S 3. The lands to be discontinued as parklands and alienated and conveyed are described as follows:

All that certain Plot or Parcel of Land with the buildings and improvements thereon erected, situate, lying and being at Smithtown, Town of Smithtown, Suffolk County and State of New York being designated as part of Lot 39, "Map of Timbercroft, Addition 2" filed in the Suffolk County Clerks Office October 14, 1942 as File No. 1378, more particularly bounded and described as follows:

BEGINNING on the dividing line of Lot 39 and Lot 40 of said map, "Map of Timbercroft, Addition 2", being on the north side of Mobery Avenue south 87 degrees 47' minutes 10" seconds west a distance of 1006.62' feet from the end of a curve connecting the westerly side of Old Willets Path and the northerly side of Mobrey Avenue;

Thence, westerly along the northerly side of Mobrey Avenue, south 87 degrees 47' minutes 10" seconds west a distance of 100.00' feet to the west side of Lot 39,

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

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Thence, northerly, along the west side of Lot 39, north 2 degrees 13' minutes 10" seconds west a distance of 335.00' feet,

Thence, easterly, through Lot 39, north 87 degrees 47' minutes 10" seconds east a distance of 100.00' feet to the dividing line of Lot 39 and Lot 40,

Thence, southerly, along said dividing line, south 2 degrees 13" minutes 10" seconds east a distance of 335.00' feet to the POINT OF BEGINNING.

Consisting of .77 acres±.

S 4. The replacement lands to be acquired and dedicated by the town of Smithtown, county of Suffolk to use as new parkland for public park purposes are described as follows:

All that certain Plot or Parcel of Land with the buildings and improvements thereon erected, situate, lying and being at Smithtown, Town of Smithtown, Suffolk County and State of New York being designated as part of Lot 42, "Map of Timbercroft, Addition 2" filed in the Suffolk County Clerks Office October 14, 1942 as File No. 1378, more particularly bounded and described as follows:

BEGINNING on the dividing line of Lot 42 and Lot 43 of said map, "Map of Timbercroft, Addition 2", being located the following two (2) courses from the end of a curve connecting the westerly side of Old Willets Path and the northerly side of Mobrey Avenue:

1. South 87 degrees 47' minutes 10" seconds west a distance of 706.62' along the northerly side of Mobrey Avenue to the dividing line of Lot 42 and Lot 43,

2. Northerly, along said dividing line, north 2 degrees 13' minutes 10" seconds west a distance of 335.00' feet to the POINT OF BEGINNING.

Thence, westerly, through Lot 42, south 87 degrees 47' minutes 10" seconds west a distance of 100.00' feet to the dividing line of Lot 42 and Lot 41,

Thence, northerly, along said dividing line, north 2 degrees 13' minutes 10" seconds west a distance of 387.89' feet,

Thence, easterly, south 79 degrees 36' minutes 20" seconds east a distance of 102.47' to the dividing line of Lot 42 and Lot 43.

Thence, southerly, along said dividing line, south 2 degrees 13" minutes 10" seconds east a distance of 365.53' feet to the POINT OF BEGINNING.

Consisting of .86 acres±.

S 5. In the event that the lands to be acquired, as described in section four of this act, are not equal or greater in fair market value than the lands being alienated, as described in section three of this act, the town of Smithtown shall dedicate the difference in the fair market value for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 6. If the land that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of parklands 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 will include 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 7. This act shall take effect immediately.