

2345--A

Cal. No. 432

2013-2014 Regular Sessions

I N   S E N A T E

January 16, 2013

---

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT in relation to the alienation and substitution of certain parklands in the town of Amherst in the county of Erie

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

1     Section 1. Subject to the provisions of this act, the town of Amherst,  
2     in the county of Erie, acting by and through its town board, is hereby  
3     authorized to discontinue as parklands and alienate, the lands described  
4     in section three of this act.  
5     S 2. The authorization contained in section one of this act shall take  
6     effect only upon the condition that the town of Amherst shall acquire  
7     and dedicate the lands of equal or greater fair market value described  
8     in section four of this act as additional parklands of the town.  
9     S 3. The lands authorized by section one of this act to be discontinued  
10    as parklands are as follows:  
11    ALL THAT TRACT OF PARCEL OF LAND situate in the Town of Amherst, Coun-  
12    ty of Erie and State of New York being part of Lot No. 27, Township 13,  
13    Range 7 of the Holland Land Company Survey, described as follows:  
14    Beginning at the point of beginning of the New York State Canal Corpo-  
15    ration Abandonment of the Town of Amherst by Deed recorded in Liber  
16    11007 of Deeds at page 740 on May 29, 2002; thence north 62° 50' 00"  
17    east a distance of 27.66 feet to a point; thence north 64° 39' 00" east  
18    a distance of 65.05 feet to a point; thence north 67° 29' 00" east a  
19    distance of 64.65 feet to a point; thence north 70° 57' 00" east a  
20    distance of 64.72 feet to a point thence north 73° 31' 00" east a  
21    distance of 197.15 feet to a point; thence north 75° 31' 00" east a

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

LBD05562-07-3

1 distance of 65.20 feet to a point; thence north 77° 29' 00" east a  
2 distance of 64.98 feet to a point; thence north 80° 15' 00" east a  
3 distance of 65.43 feet to a point; thence north 80° 24' 00" east a  
4 distance of 65.68 feet to a point; thence north 82° 17' 00" east a  
5 distance of 65.63 feet to a point; thence north 82° 49' 00" east a  
6 distance of 65.80 feet to a point; thence north 83° 30' 00" east a  
7 distance of 65.47 feet to a point; thence north 85° 02' 00" east a  
8 distance of 65.50 feet to a point; thence north 85° 24' 00" east a  
9 distance of 329.65 feet to a point; thence north 89° 02' 00" east a  
10 distance of 265 feet to a point; thence south 00° 00' 00" west a  
11 distance of 177.55 feet to a point in the northerly line of Tonawanda  
12 Creek Road; thence south 84° 30' 37" west and along the northerly line  
13 of Tonawanda Creek Road a distance of 275.35 feet to a point; thence  
14 continuing southwesterly along the radius of the north line of Tonawanda  
15 Creek Road a distance of 689.94 feet to a point; thence south 62° 56'  
16 39" west and continuing along the northerly line of Tonawanda Creek Road  
17 a distance of 607.01 feet to a point; thence southerly 75° 52' 37" west  
18 a distance of 58.54 feet to the southwest corner of lands conveyed by  
19 Liber 3030 of Deeds at page 441; thence north 07° 06' 50" east and along  
20 the westerly line of lands conveyed by Deed recorded in Liber 3030 of  
21 Deeds at page 441 a distance of 153.14 feet to the northwest corner of  
22 lands conveyed by the last mentioned deed; thence north 75° 28' 00" east  
23 and along the northerly line of lands conveyed by Deed recorded in Liber  
24 3030 at page 441 a distance of 22.21 feet to a point; thence north 01°  
25 06' 56" east and along the easterly line of New York State Canal Corpo-  
26 ration's Abandonment to the Town of Amherst by Deed recorded in Liber  
27 11,007 at page 0740 a distance of 275.22 feet to the point or place of  
28 beginning.

29 Containing 9.18 acres more or less.

30 Excepting therefrom those lands conveyed by Deed recorded in the Erie  
31 County Clerk's Office in Liber 3030 of Deeds at Page 441; Liber 9090 of  
32 Deeds at page 545 and Liber 9164 of Deeds at page 580.

33 Excepting therefrom, the Reservations contained in a Deed to the gran-  
34 tor herein recorded in Liber 11007 of Deeds at page 074 and further  
35 subject to designation as parkland in a contract between the Town of  
36 Amherst and the New York State Office of Parks, Recreation, and Historic  
37 Preservation, dated June 27, 2001, and providing that the grantor will  
38 provide continued maintenance of the existing eight foot wide macadam  
39 Bike Path transversing the property hereby conveyed in accordance with  
40 the Trail Guidelines contained in the Canal Recreation Way Plan as such  
41 plan exists on the date of this conveyance.

42 S 4. Prior to the discontinuance and alienation of the parkland  
43 described in section three of this act, the town of Amherst, acting  
44 through its town board, shall acquire and dedicate replacement lands for  
45 use as parkland for public park purposes, with such replacement lands,  
46 being of equal or greater fair market value, as follows:

47 ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Amherst,  
48 County of Erie, State of New York being part of Lot 102, Township 12,  
49 Range 7 of the Holland Land Survey (so-called) bounded and described as  
50 follows:

51 Beginning at a point in the west line of Lot 102 at its intersection  
52 with the south line of lands conveyed to George Biser by Deed recorded  
53 in the Erie County Clerk's Office in Liber 154 of Deeds at page 429;

54 THENCE: S-88°-17'-07"-E, along said south line and the south line of  
55 lands shown on a subdivision map of Hunter's Woods East recorded in the

1 Erie County Clerk's Office under Cover No. 2395 a distance of 2,367.45  
2 feet to the centerline of Smith Road;  
3 THENCE: S-47°-10'-26"-E, along said centerline a distance of 549.63  
4 feet to the south line of lands conveyed to Joseph Neuhaus by Deed  
5 recorded in Liber 1270 of Deeds at page 370;  
6 THENCE: N-88°-09'-11"-W, along said south line a distance of 2,780±  
7 feet to the west line of lot 102;  
8 THENCE: N-00°-24'-46"-E, along said west line a distance of 355.08  
9 feet to the point of beginning containing 19.95 acres more or less  
10 exclusive of the area lying within the bounds of Smith Road.  
11 Containing 20.95 acres more or less.  
12 S 5. In the event that the parklands to be dedicated by the town of  
13 Amherst pursuant to this act are not equal to or greater than the fair  
14 market value of the parkland to be discontinued, the town of Amherst  
15 shall dedicate the difference of the fair market value of the lands to  
16 be alienated and the lands to be dedicated for the acquisition of addi-  
17 tional parklands and/or for capital improvements to existing park and  
18 recreational facilities.  
19 S 6. In the event that the town of Amherst received any funding  
20 support or assistance from the federal government for the purchase,  
21 maintenance or improvement of the parklands set forth in section three  
22 of this act, the discontinuance and alienation of such parkland author-  
23 ized by the provisions of section three of this act shall not occur  
24 until the town of Amherst has complied with any federal requirements  
25 pertaining to the alienation or conversion of such parklands, including  
26 satisfying the secretary of the interior that the alienation or conver-  
27 sion complies with all conditions which the secretary of the interior  
28 deems necessary to assure the substitution of other lands shall be  
29 equivalent in fair market and usefulness to the lands being alienated or  
30 converted.  
31 S 7. This act shall take effect immediately.