

3859--A

Cal. No. 330

2013-2014 Regular Sessions

I N S E N A T E

February 25, 2013

Introduced by Sens. DeFRANCISCO, VALESKY -- 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 New York state thruway authority to convey certain land located in the village of Canastota, county of Madison

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

1 Section 1. Declaration of purpose. The state of New York has deter-
2 mined that the development of the village of Canastota's underutilized
3 property, uniquely located near the New York state thruway, may provide
4 benefits to the local economy, such as job opportunities, expand tourism
5 and recreational related industry, and increase municipal revenue for
6 the residents of the village of Canastota and the overall Central New
7 York region. In general, the state of New York desires to improve this
8 corridor to create opportunities for tourism and recreation. A parcel
9 of such certain land has been identified, which is under its present
10 jurisdiction and owned by the people of the state of New York, that may
11 be utilized by the International Boxing Hall of Fame to allow realiza-
12 tion of such opportunities for tourism and recreation. The county of
13 Madison has established an industrial development agency pursuant to
14 section 893 of the general municipal law with the intention of using
15 such agency for the purposes of relieving and reducing unemployment,
16 promoting and providing for additional and maximum employment, bettering
17 and maintaining job opportunities, and such other purposes as may be
18 authorized by section 893 of the general municipal law.

19 S 2. Notwithstanding any other law to the contrary, the New York
20 state thruway authority shall transfer and convey to the Madison county

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

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1 industrial development agency, created pursuant to section 893 of the
2 general municipal law, those parcels of certain lands referenced and
3 described in section four of this act.

4 S 3. Within 180 days of such transfer and conveyance by the authori-
5 ty, the Madison county industrial development agency shall transfer and
6 convey such land to the International Boxing Hall of Fame, Inc., a
7 domestic not-for-profit corporation, upon terms and conditions as may be
8 required by the agency.

9 S 4. The lands authorized to be conveyed pursuant to section two of
10 this act are generally described as follows:

11 1. All that tract or parcel of land, situated, lying, and being in
12 the Village of Canastota, Town of Lenox, County of Madison, State of New
13 York, more particularly bounded and described as follows:

14 Beginning at an iron pin set at the northeasterly corner of Parcel No.
15 273 heretofore appropriated by the People of the State of New York
16 ("State") by virtue of Map No. 220 (Mohawk Thruway-Madison County) filed
17 in the Madison County Clerk's Office ("Clerk's Office") on August 20,
18 1952, said pin also being set at the northwesterly corner of lands
19 conveyed to The International Boxing Hall of Fame, Inc. ("IBHF") by deed
20 recorded in the Clerk's Office on October 6, 1987 in Liber 848 at page
21 218, and at a point in the easterly boundary of state Route 13 (a/k/a
22 North Peterboro Street); thence along said easterly boundary, North
23 7°-13'-07" East, 150.08 feet to an iron pin; thence through lands appro-
24 priated by the State the following four courses and distances: (1) North
25 47°-35'-00" East, 488.85 feet to an iron pin; (2) South 6°-35'-00" West,
26 52.00 feet to an iron pin; (3) South 42°-25'-00" East, 250.00 to an iron
27 pin; and (4) South 47°-35'-00" West, 650.00 feet to an iron pin set at a
28 point in the aforesaid easterly boundary of state Route 13; thence along
29 said easterly boundary North 7°-13'-07" West, 97.60 feet to an iron pin
30 set at the southeasterly corner of the aforesaid Parcel No. 273, said
31 pin also being set at the southwesterly corner of the aforementioned
32 lands conveyed to the IBHF; thence along the division line between lands
33 appropriated by the State and lands conveyed to the IBHF the following
34 three courses and distances: (1) North 52°-01'-00" East, 158.74 feet to
35 an iron pin; (2) North 8°-27'-51" West, 98.75 feet to an iron pin; and
36 (3) South 52°-01'-00" West, 156.25 feet to the point and place of begin-
37 ning; containing 3.29 acres, more or less, all as shown on a map made by
38 Myers and Associates, P.C., dated April 22, 1998 and last revised Decem-
39 ber 18, 1998, entitled "Portion of Lands of the New York State Thruway
40 Authority," filed in the Clerk's Office on June 17, 2002 under Control
41 No. 3867.

42 Being all of Parcel No. 274 appropriated by the State in fee without
43 the right of access reserved to abutting owners, by virtue of Map No.
44 227 (Mohawk Thruway-Madison County) filed in the Clerk's Office on
45 August 20, 1952; and a portion of Parcel Nos. 276 and 277 appropriated
46 by the State in fee without the right of access reserved to abutting
47 owners, by virtue of Map Nos. 222 and 223 (Mohawk Thruway-Madison Coun-
48 ty), respectively, filed in the Clerk's Office on August 20, 1952 and
49 November 10, 1952, respectively.

50 Access to and/or from the above-described lands is restricted to the
51 following described boundaries: North 7°-13'-07" West, 97.60 feet; North
52 52°-01'-00" East, 158.74 feet; North 8°-27'-51" West, 98.75 feet; South
53 52°-01'-00" West, 156.25 feet; and North 7°-13'-07" West, 150.08 feet.
54 Access, therefore, is strictly prohibited across all other boundaries
55 described hereinabove.

1 Such conveyance shall be subject to all covenants, conditions, ease-
2 ments and restrictions of record; and

3 2. All that tract or parcel of land, situated, lying, and being in
4 the village of Canastota, town of Lenox, county of Madison, state of New
5 York, abutting and bounded generally on the south by lands described in
6 subdivision 1 of this section, state route 13 on the west, the thruway
7 on the north, and other lands under the authority's jurisdiction on the
8 east, having an area not to exceed five acres. Such specific area,
9 configuration, and boundaries shall be determined by the authority.

10 Such conveyance shall be subject to all covenants, conditions, ease-
11 ments and restrictions of record.

12 S 5. The authorizations to transfer and convey land pursuant to this
13 act shall be subject to the requirement that such lands shall be used
14 exclusively by the International Boxing Hall of Fame for the purposes of
15 developing, expanding and operating a boxing hall of fame and museum. In
16 the event that the lands cease to be used for such purposes, or if such
17 lands are not developed within 5 years from the effective date of this
18 act, title to such lands and any improvements thereon shall revert to
19 the people of the state of New York under the jurisdiction of the New
20 York state thruway authority.

21 S 6. This act shall take effect immediately.