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

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:

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

S 2. Notwithstanding any other law to the contrary, the New York 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.

LBD09302-03-3

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

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

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

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

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

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

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

Such conveyance shall be subject to all covenants, conditions, easements and restrictions of record; and

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

Such conveyance shall be subject to all covenants, conditions, easements and restrictions of record.

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

S 6. This act shall take effect immediately.