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

5142

2013-2014 Regular Sessions

I N S E N A T E

May 10, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

Section 1. (a) The town of Hamburg, County of Erie, acting by and through its town board, is hereby authorized to convey by appropriate instruments to Sharma Development, LLC, an easement over certain town parkland, described in section three of this act, for the purpose of enabling Sharma Development, LLC to bore underneath said parkland and install, and repair when necessary, a private sanitary sewer line that would connect the proposed medical park property to the existing sanitary sewer infrastructure in the Coachmans Lane Right of Way. Upon completion of installation, the town of Hamburg shall restore the surface of the lands and the lands shall continue to be used for park purposes.

(b) Should the grantee cease to use the lands for the private sanitary sewer easement purposes stated above, pursuant to this act, the easement shall immediately terminate and the lands shall revert to the town of Hamburg.

(c) All revenues received by the town from the easement shall be used for the acquisition of additional park and recreational facilities, or the financing of capital improvements for public park and recreational purposes, as required.

S 2. The authorization provided in section one of this act shall be subject to the requirement that upon alienation of the lands more 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

shall dedicate an amount equal to or greater than the fair market value of the easement interest being alienated pursuant to section one of this act to the acquisition of new parklands and/or capital improvements to existing park and recreational facilities within the town of Hamburg.

S 3. The easement to be conveyed by the town of Hamburg pursuant to the provisions of this act is over lands described as follows:

ALL that certain plot or parcel of land located in the Town of Hamburg, County of Erie, State of New York, being part of Lot number 34, Township, 9 Range 8 of the Holland Land Company's survey bounded and described as follows:

Beginning at a point on the southerly line of Coachman's Lane at the northeast corner of sub lot 97 as shown on Map Cover 2543 filed at the Erie County Clerk's office; said point also being the northwest corner of a 20 foot wide access strip owned by the Town of Hamburg; thence running southerly along the east line of said sub lot 97 125.00 feet to a point marking the southeast corner of said sub lot 97; thence running southerly, 95 feet west of and parallel to the easterly line of lands of the Town of Hamburg recorded in the Erie County Clerk's office at liber 10995, page 8000 of deeds, 1,360 ± feet to a point on the north line of lands conveyed to Sharma Development LLC by deed recorded in the Erie County Clerk's office at liber 11208 page 397 of deeds, thence running easterly along said north line of Sharma 20 feet to a point; thence running northerly and parallel to the said easterly line of lands of the Town of Hamburg, 1,362 ± feet to a point, said point being the southwesterly corner of sub lot 98 as shown on Map Cover 2543; thence running northerly along the westerly line of said sub lot 98, 125.00 feet to a point on the southerly line of Coachman's Lane; thence running westerly along the southerly line of Coachman's Lane 20 feet to the place or point of beginning. The aforementioned description refers to a 20 foot wide easement through lands currently owned by the Town of Hamburg for the purpose of constructing a private sanitary sewer service.

S 4. This act shall take effect immediately.