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

7238

I N S E N A T E

May 7, 2014

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

AN ACT in relation to authorizing the town of Clifton Park in the county of Saratoga, to convey a permanent easement under and through certain parkland for wires, conduit and facilities necessary to support the construction and operation of a wireless communications facility

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

Section 1. a. The town of Clifton Park, located in the county of Saratoga, is hereby authorized, acting by and through its town board and upon such terms and conditions as determined by such board, to convey an easement across, under and through parkland as described in section two of this act for the purpose of providing access to a wireless communication facility to be constructed upon adjacent land, and for the underground installation of conduit, wires and fiber optic lines to transport utilities and telecommunication signals necessary to the operation of the wireless communications facility to be constructed on land immediately adjacent to the municipally owned parkland.

b. All proceeds from the conveyance of such easement shall be used for capital improvements to existing park and recreation facilities, and the town of Clifton Park shall dedicate an amount equal or greater than the fair market value of the easement interests being conveyed by this section for capital improvements to existing park and recreational facilities and/or for the acquisition of additional park and recreational facilities within the town.

S 2. The park lands authorized by section one of this act to be leased are more particularly described as follows:

ALL That piece or parcel of land located within the Town of Clifton Park, county of Saratoga, state of New York. Said parcel lying on the westerly side of Macelry Road and being more particularly described as follows:

COMMENCING at the intersection of the westerly line and southerly lines of lands of Clifton Park Lodge No. 2466 Benevolent and Protective Order of Elks of the United States of America Inc. (L. 1373, P. 715)

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

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with an easterly line of the Town of Clifton Park (L. 1430, P. 416). Said point of commencement being further described as the southwesterly corner of said lands of Clifton Park Lodge No. 2466, Benevolent and Protective Order of Elks of the United States of America Inc. (L. 1373, P. 715). Thence; south 19°16'00" east, along the division line between said lands of Clifton Park Lodge No. 2466, Benevolent and Protective Order of Elks of the United States of America Inc. (L. 1373, P. 715) on the north and said lands of the town of Clifton Park (L. 1430, P. 416) on the south, a distance of 312.45 to the point or place of beginning of the herein described access easement. THENCE; south at 19°16'00" east, along said division line, a distance of 486.22' to a non-tangent curve. THENCE; through said lands of the town of Clifton Park the following three courses and distances:

1. Along a curve to the right having a radius of 170.00' and an arc length of 102.54' (CH = 101.00', south 83°27'12" west) to a point.

2. North 19°16'00" west, a distance of 306.71' to a point of curvature.

3. Along a curve to the right having a radius of 130.00' and an arc length of 90.12' (CH = 88.33', north 59°24'41" west) to a point or place of beginning and containing 12,871± sqft or 0.03± acre of land.

S 3. Should the leased lands described in section two of this act cease to be used for the purposes described in section one of this act, the lease shall terminate and those lands shall revert to the town of Clifton Park for public park and recreational purposes.

S 4. If the park land that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of park land authorized by the provisions of this act shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of park lands including satisfying to 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 5. This act shall take effect immediately.