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

S. 7774--B A. 10147--B
Cal. No. 1307

S E N A T E - A S S E M B L Y

May 12, 2016

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. PALUMBO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the town of Brookhaven to transfer ownership of certain parklands to SMW Property Holdings

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

Section 1. Subject to the provisions of this act, the town of Brookhaven, county of Suffolk, acting by and through its town board, is hereby authorized to discontinue as parklands and alienate the lands more particularly described in section three of this act, and convey such parklands, upon such terms and conditions as deemed appropriate by the governing body of the town of Brookhaven, to SMW Property Holdings LLC.

S 2. The authorization contained in section one of this act shall take effect only upon the condition that the town of Brookhaven shall acquire and dedicate the lands described in section four of this act as additional parklands of the town.

S 3. The lands known as Suffolk County Tax Map Number 0200-101.00-01.00-002.000 that are to be discontinued as parkland and alienated and conveyed to SMW Property Holdings LLC pursuant to section one of this act are bounded and described as follows:

ALL that certain plot, piece or parcel of land, with the buildings thereon erected, situate, lying and being at Rocky Point, Town of Brookhaven, County of Suffolk and State of New York more particularly bounded and described as follows:

BEGINNING at a point on the northerly line of New York State Route 25A, distant 979.33 feet westerly from the westerly end of a curve

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

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having a radius of 20.00 feet and arc length of 32.07 feet which connects the northerly line of New York State Route 25A and the westerly line of Fairway Drive;

RUNNING THENCE North 79 degrees 25 minutes 00 seconds West, along New York State Route 25A, 150.00 feet;

RUNNING THENCE North 10 degrees 35 minutes 00 seconds East, 250.00 feet;

RUNNING THENCE South 79 degrees 25 minutes 00 seconds East, 150.00 feet;

RUNNING THENCE South 10 degrees 35 minutes 00 seconds West, 250.00 feet to the northerly line of New York State Route 25A, at the point or place of BEGINNING. The said parcel containing 37,500.00 square feet or 0.86 acres.

S 4. The lands known as Suffolk County Tax Map Number 0200-096.00-07.00-001.000 that are to be acquired by the town of Brookhaven, county of Suffolk, and dedicated as parkland pursuant to section two of this act are bounded and described as follows:

ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, situate, lying, and being at Miller Place, town of Brookhaven, county of Suffolk and state of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the easterly side of Pipe Stave Hollow Road (also known as Hopkins Road) and the southerly side of Echo Avenue (Hallock Avenue);

RUNNING THENCE from said point or place of beginning along the southerly side of Echo Avenue, north 62 degrees 11 minutes 15 seconds east 316.00 feet to land now or formerly of town of Brookhaven;

RUNNING THENCE along said land, south 09 degrees 57 minutes 45 seconds east along said land 394.31 feet to the northerly side of the Long Island power authority right of way;

THENCE along said right of way, south 89 degrees 40 minutes 30 seconds west 230.00 feet to the easterly side of Pipe Stave Hollow Road (also known as Hopkins Road);

THENCE along the easterly side of Pipe Stave Hollow Road, north 25 degrees 55 minutes 06 seconds west 269.32 feet to the point or place of beginning. The said parcel containing 87,234 square feet or 2.002 acres.

S 5. In the event that the parklands to be acquired and dedicated by the town of Brookhaven pursuant to this act are not of equal or greater fair market value to the parklands to be discontinued and conveyed, the town of Brookhaven shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 6. In the event that the town of Brookhaven received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the town of Brookhaven has complied with any federal requirements pertaining to the alienation or conversion of such parklands, including satisfying the secretary of the interior that the alienation or conversion complies with 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 usefulness to the lands being alienated or converted.

S 7. This act shall take effect immediately.