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

10308--A

I N A S S E M B L Y

May 20, 2016

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the town of Irondequoit, in the county of Monroe, to lease parklands to T-Mobile Northeast LLC as successor in interest to Omnipoint Communications Incorporated

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 Irondequoit, located in the county of Monroe, is hereby authorized, acting by and through its town board, and upon such terms and conditions as the town board deems appropriate, to discontinue the use of certain municipality owned parkland, and to lease, at fair market value to T-Mobile Northeast LLC, as successor in interest to Omnipoint Communications Incorporated, for a term not exceeding twenty-six years, such parkland described in section four of this act, for the purpose of erecting, maintaining and operating a wireless communications facility. In addition, the town of Irondequoit, in the county of Monroe, acting by and through its town board is hereby authorized to convey easements to T-Mobile Northeast LLC, as successor in interest to Omnipoint Communications Incorporated, over parklands described in section five of this act for access and utility purposes.

S 2. Notwithstanding the failure of the town of Irondequoit to seek and receive state legislative authorization to alienate certain parklands as described in section four of this act prior to the parklands being leased to Omnipoint Communications Incorporated, the predecessor in interest to T-Mobile Northeast LLC, such alienation is hereby validated, legalized, ratified and confirmed.

S 3. The authorization provided in section one of this act shall be effective only upon the condition that the town of Irondequoit, county of Monroe, dedicate an amount equal to the fair market value of those interests being transferred by this act, for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

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

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S 4. The parklands authorized by section one of this act to be leased to T-Mobile Northeast LLC are as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Irondequoit, County of Monroe and State of New York more particularly described as follows:

COMMENCING at a point in the easterly highway boundary of Winton Road-Seabreeze Expressway, State Route 590, said point being the southwesterly corner of lands now or formerly owned by Town of Irondequoit, also known as Lot 1 of the McAvoy Park Subdivision as filed in the Monroe County Clerk's Office as Liber 320 of maps page 86; thence, A. North 19°49'44" East, along the easterly highway boundary of Winton Road-Seabreeze Expressway, State Route 590, a distance of 96.53 feet to the point of BEGINNING; thence

the following courses and distances through Lot 1 of said McAvoy Park Subdivision;

1. North 19°49'44" East, along the easterly highway boundary of Winton Road-Seabreeze Expressway, a distance of 67.44 feet to a point; thence,
2. North 78°36'37" East, a distance of 28.63 feet to a point; thence,
3. South 27°04'38" East, a distance of 36.30 feet to a point; thence,
4. South 21°04'29" West, a distance of 39.18 feet to a point; thence,
5. South 89°45'43" West, a distance of 53.38 feet to the PLACE AND POINT OF BEGINNING, containing 0.073 acres of land more or less.

S 5. The easements to be conveyed by the town of Irondequoit pursuant to section one of this act for access and utilities are described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Irondequoit, County of Monroe and State of New York more particularly described as follows:

COMMENCING at a point in the westerly highway boundary of Winton Road North, said point being the northeasterly corner of lands now or formerly owned by Church of Jesus Christ, also known as Lot 2 of the McAvoy Park Subdivision as filed in the Monroe County Clerk's Office as Liber 320 of maps page 86; thence, A. North 20°58'45" East, along the westerly highway boundary of Winton Road North, a distance of 217.79 feet to the point of BEGINNING; thence

the following courses and distances through Lot 1 of said McAvoy Park Subdivision;

1. North 68°53'15" West, a distance of 46.51 feet to a point; thence,
2. South 21°06'45" West, a distance of 106.96 feet to a point; thence,
3. South 85°28'03" West, a distance of 62.06 feet to a point; thence,
4. South 21°07'25" West, a distance of 70.00 feet to a point; thence,
5. South 68°41'11" West, a distance of 88.86 feet to a point; thence,
6. South 33°48'05" West, a distance of 186.72 feet to a point; thence,
7. North 61°57'49" West, a distance of 110.62 feet to a point; thence,
8. South 27°58'44" West, a distance of 20.52 feet to a point; thence,
9. North 62°1'14" West, a distance of 28.00 feet to a point; thence,
10. North 27°58'44" East, a distance of 16.34 feet to a point; thence,
11. North 89°45'43" East, along the south line of Lease parcel, a distance of 1.14 feet to a point; thence,
12. North 21°4'29" East, along the easterly line of Lease parcel, a distance of 18.81 feet to a point; thence,
13. South 61°57'49" East, a distance of 126.34 feet to a point; thence,
14. North 33°48'05" East, a distance of 177.87 feet to a point; thence,
15. North 68°41'11" East, a distance of 86.97 feet to a point; thence,
16. North 21°07'25" East, a distance of 72.83 feet to a point; thence,
17. North 85°28'03" East, a distance of 62.06 feet to a point; thence,

18. North 21°06'45" East, a distance of 112.52 feet to a point; thence,
19. South 68°53'15" East, a distance of 61.47 feet to a point; thence,
20. South 20°58'45" West, along the westerly highway boundary of Winton Road North, a distance of 15.00 feet to the PLACE AND POINT OF BEGINNING, containing 0.254 acres of land more or less.

Also, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Irondequoit, County of Monroe and State of New York more particularly described as follows:

COMMENCING at a point in the westerly highway boundary of Winton Road North, said point being the northeasterly corner of lands now or formerly owned by Church of Jesus Christ, also known as Lot 2 of the McAvoy Park Subdivision as filed in the Monroe County Clerk's Office as Liber 320 of maps page 86; thence, A. North 20°58'45" East, along the westerly highway boundary of Winton Road North, a distance of 18.06 feet to the point of BEGINNING; thence

the following courses and distances through Lot 1 of said McAvoy Park Subdivision;

1. South 55°10'27" West, a distance of 27.74 feet to a point; thence,
2. South 87°01'59" West, a distance of 157.35 feet to a point; thence,
3. South 84°57'09" West, a distance of 170.84 feet to a point; thence,
4. South 47°28'14" West, a distance of 59.04 feet to a point; thence,
5. North 61°57'49" West, a distance of 7.93 feet to a point; thence,
6. North 21°04'29" East, along the easterly line of Lease parcel, a distance of 20.37 feet to the point; thence,
7. North 27°04'38" West, along the northeasterly line of Lease Parcel, a distance of 9.65 feet to a point; thence,
8. North 67°09'26" East, a distance of 47.00 feet to a point; thence,
9. North 84°57'09" East, a distance of 174.41 feet to a point; thence,
10. North 87°01'59" East, a distance of 154.68 feet to a point; thence,
11. North 55°10'27" East, a distance of 39.60 feet to a point; thence,
12. South 20°58'45" West, along the westerly highway boundary of Winton Road North, a distance of 17.79 feet to the PLACE AND POINT OF BEGINNING, containing 0.107 acres of land more or less.

S 6. Should the leased lands described in sections four and five 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 Irondequoit for public park and recreational purposes, and the easement described in section five of this act for access shall also revert and be extinguished. At the time of such reversion, the removal of such wireless communications facility, including the removal of any equipment and related facilities, shall take place and the property shall be returned to its previous state, consistent with parks and recreational purposes.

S 7. If the parkland that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of parkland authorized by the provisions of this act shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of parklands, 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 8. This act shall take effect immediately.