

2223--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 15, 2015

Introduced by M. of A. LUPINACCI, RAIA -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the county of Suffolk to alienate certain parcels of land used as parkland and to acquire other parcels of land to replace such parkland

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

1 Section 1. Subject to the provisions of this act, the county of
2 Suffolk, acting by and through its governing body, is hereby authorized
3 to discontinue as parklands and alienate the lands more particularly
4 described in section three of this act, and to sell and convey such
5 parklands at fair market value and upon such other terms and conditions
6 as determined by the governing body of Suffolk County to the Elwood
7 Public Library.
8 S 2. The authorization contained in section one of this act shall take
9 effect only upon the condition that the county of Suffolk shall acquire
10 and dedicate the lands described in section four of this act as addi-
11 tional parklands of the county.
12 S 3. The lands authorized by section one of this act to be discontin-
13 ued as parklands and conveyed to the Elwood Public Library consist of
14 1.2 acres and are described as follows:
15 BEGINNING at a point on the westerly side of Cuba Hill Road distant,
16 187.00 Feet southerly as measured along the westerly side of Cuba Hill
17 Road from the extreme southerly end of the arc of a curve which connects
18 the southerly side of Elbormar Drive with the westerly side of Cuba Hill
19 Road.

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

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1 RUNNING THENCE South 12 degrees 38 minutes 40 seconds East along the
2 westerly side of Cuba Hill Road, 6.90 Feet to a point;
3 THENCE South 20 degrees 26 minutes 00 seconds East, still along the
4 westerly side of Cuba Hill Road, 91.57 Feet to land now or formerly of
5 Sisters of St. Benedict;
6 THENCE the following two (2) courses and distances along last
7 mentioned land:
8 1. South 85 degrees 53 minutes 40 seconds West, 227.95 Feet to a
9 point;
10 2. South 86 degrees 16 minutes 00 seconds West, 329.76 Feet to the
11 southeast corner of Lot No. 9, as shown on a certain map entitled, "Map
12 of Elbormar" and filed in the Suffolk County Clerk's Office on 5/16/1947
13 as Map No. 1543;
14 THENCE the following two (2) courses and distances along Lot No. 9,
15 No. 10 and No. 11 as shown on aforesaid map;
16 1. North 6 degrees 45 minutes 40 seconds West, 101.66 Feet to a point;
17 2. North 86 degrees 51 minutes 20 seconds East, 535.71 Feet to the
18 westerly side of Cuba Hill Road at the point or place of BEGINNING.
19 S 4. The county of Suffolk, acting by and through its governing body,
20 shall dedicate the replacement lands for use as parkland for public park
21 purposes consisting of 44.38 acres described as follows:
22 All that certain plot, piece or parcel of land, with the buildings and
23 improvements thereon erected, situate, lying and being at Mt. Sinai,
24 Town of Brookhaven, County of Suffolk and State of New York being more
25 particularly bounded and described as follows:
26 BEGINNING at a monument on the southerly side of Bayview Avenue (Old
27 Post Lane) where the same is intersected by the easterly line of lands
28 of the order of Poor Brethren of St. Francis, now known as the Society
29 of St. Francis, American Province, Inc. and the westerly side of the
30 premises herein described;
31 RUNNING THENCE from said point and place of beginning along the south-
32 erly side of Bayview Avenue (Old Post Lane) the following three (3)
33 courses and distances;
34 1) North 74 degrees 51 minutes 00 seconds east a distance of 98.00
35 feet;
36 2) South 72 degrees 07 minutes 10 seconds east a distance of 52.09
37 feet;
38 3) South 28 degrees 48 minutes 00 seconds east a distance of 35.87
39 feet to lands now or formerly of Salmon;
40 THENCE along land of Salmon, along land now or formerly of Takach and
41 lands now or formerly of Kowaleski the following four (4) courses and
42 distances;
43 1) South 20 degrees 56 minutes 26 seconds west a distance of 300.41
44 feet;
45 2) South 28 degrees 50 minutes 38 seconds east a distance of 446.83
46 feet;
47 3) South 42 degrees 53 minutes 14 seconds east a distance of 90.60
48 feet;
49 4) North 42 degrees 40 minutes 00 seconds east a distance of 36.05
50 feet to lands now or formerly of Brazier family 2009 irrevocable trust;
51 THENCE along said last mentioned land, along lands now or formerly of
52 Scaglione and lands now or formerly of Daddino the following five (5)
53 courses and distances;
54 1) South 33 degrees 10 minutes 00 seconds east a distance of 64.30
55 feet;

1 2) South 8 degrees 31 minutes 00 seconds east a distance of 68.50
2 feet;
3 3) South 12 degrees 13 minutes 00 seconds east a distance of 82.00
4 feet;
5 4) South 22 degrees 53 minutes 00 seconds east a distance of 145.70
6 feet;
7 5) South 31 degrees 00 minutes 00 seconds east a distance of 121.40
8 feet to lands now or formerly of Jean M. Caliguri living trust;
9 THENCE still along lands now or formerly of Jean M. Caliguri living
10 trust and lands now or formerly of Alfano, lands now or formerly of
11 Varland, lands now or formerly of Coleman, lands now or formerly of
12 Spero and lands now or formerly of Hecht, the following seven (7) courses
13 and distances;
14 1) South 66 degrees 06 minutes 00 seconds west a distance of 135.00
15 feet;
16 2) South 66 degrees 16 minutes 00 seconds west a distance of 97.78
17 feet;
18 3) South 61 degrees 33 minutes 00 seconds west a distance of 138.70
19 feet;
20 4) South 60 degrees 16 minutes 00 seconds west a distance of 131.65
21 feet;
22 5) South 51 degrees 05 minutes 00 seconds west a distance of 56.20
23 feet;
24 6) South 72 degrees 31 minutes 00 seconds west a distance of 168.20
25 feet;
26 7) South 83 degrees 03 minutes 00 seconds west a distance of 93.50
27 feet to a point;
28 THENCE still along lands now or formerly of Hecht and lands of others
29 the following eight (8) courses and distances to a point and the
30 northwesterly line of Shore Road west;
31 1) South 00 degrees 00 minutes 56 seconds east a distance of 356.36
32 feet;
33 2) South 13 degrees 18 minutes 00 seconds west a distance of 78.50
34 feet;
35 3) South 26 degrees 55 minutes 00 seconds west a distance of 44.57
36 feet;
37 4) North 67 degrees 32 minutes 00 seconds west a distance of 80.20
38 feet;
39 5) North 73 degrees 22 minutes 00 seconds west a distance of 88.30
40 feet;
41 6) South 27 degrees 46 minutes 00 seconds east a distance of 209.30
42 feet;
43 7) South 58 degrees 49 minutes 00 seconds west a distance of 260.40
44 feet;
45 8) South 19 degrees 32 minutes 00 seconds east a distance of 209.84
46 feet;
47 THENCE along the northwesterly line of shore road west, south 46
48 degrees 10 minutes 00 seconds west a distance of 61.36 feet to a monu-
49 ment and lands now or formerly of Herwerth; thence along lands now or
50 formerly of Herwerth the following three (3) courses and distances;
51 1) North 65 degrees 12 minutes 00 seconds west a distance of 121.72
52 feet;
53 2) North 65 degrees 47 minutes 00 seconds west a distance of 136.10
54 feet;
55 3) North 72 degrees 12 minutes 00 seconds west a distance of 65.12
56 feet to lands know or formerly of Bruni;

1 THENCE along lands now or formerly of Bruni and lands of other the
2 following four (4) courses and distances;
3 1) North 66 degrees 22 minutes 00 seconds west a distance of 149.70
4 feet;
5 2) North 67 degrees 24 minutes 00 seconds west a distance of 131.45
6 feet;
7 3) North 65 degrees 33 minutes 00 seconds west a distance of 129.50
8 feet;
9 4) North 68 degrees 12 minutes 00 seconds west a distance of 178.40
10 feet to the easterly line of "map of Mt. Sinai Hills section 3", filed
11 in the office of the Suffolk County Clerk as map no. 8071;
12 THENCE along the Easterly line of said map the following six (6)
13 courses and distances;
14 1) North 05 degrees 54 minutes 00 seconds west a distance of 100.00
15 feet;
16 2) North 07 degrees 29 minutes 00 seconds west a distance of 140.80
17 feet;
18 3) North 05 degrees 55 minutes 00 seconds east a distance of 29.20
19 feet;
20 4) North 21 degrees 03 minutes 00 seconds east a distance of 104.20
21 feet;
22 5) North 20 degrees 19 minutes 00 seconds east a distance of 177.50
23 feet;
24 6) North 18 degrees 42 minutes 00 seconds east a distance of 236.80
25 feet to a monument and lands now or formerly of Society of St. Francis,
26 American Province, Inc.;
27 THENCE along lands now or formerly of Society of St. Francis, American
28 Province, Inc. the following sixteen (16) courses and distances;
29 1) South 87 degrees 00 minutes 00 seconds east a distance of 199.90
30 feet;
31 2) South 82 degrees 38 minutes 00 seconds east a distance of 58.00
32 feet;
33 3) South 87 degrees 32 minutes 00 seconds east a distance of 230.60
34 feet;
35 4) North 3 degrees 58 minutes 00 seconds west a distance of 104.30
36 feet;
37 5) North 26 degrees 21 minutes 00 seconds east a distance of 98.20
38 feet;
39 6) North 0 degrees 45 minutes 00 seconds east a distance of 127.90
40 feet;
41 7) North 8 degrees 10 minutes 00 seconds east a distance of 133.70
42 feet;
43 8) North 87 degrees 54 minutes 00 seconds east a distance of 110.00
44 feet;
45 9) North 9 degrees 55 minutes 00 seconds east a distance of 367.01
46 feet;
47 10) South 82 degrees 44 minutes 00 seconds east a distance of 12.00
48 feet;
49 11) North 31 degrees 50 minutes 00 seconds east a distance of 35.00
50 feet;
51 12) North 59 degrees 55 minutes 00 seconds east a distance of 48.50
52 feet;
53 13) South 89 degrees 30 minutes 00 seconds east a distance of 112.20
54 feet;
55 14) North 20 degrees 08 minutes 00 seconds east a distance of 207.75
56 feet;

1 15) North 36 degrees 57 minutes 00 seconds east a distance of 348.00
2 feet;

3 16) North 13 degrees 55 minutes 00 seconds east a distance of 46.44
4 feet to the point and place of BEGINNING.

5 S 5. In the event that the parklands to be dedicated by the county of
6 Suffolk pursuant to this act are not equal to or greater than the fair
7 market value of the parkland to be discontinued and conveyed, the county
8 of Suffolk shall dedicate the difference of the fair market value of the
9 lands to be alienated and the lands to be dedicated for the acquisition
10 of additional parklands and/or for capital improvements to existing park
11 and recreational facilities.

12 S 6. In the event that the county of Suffolk received any funding
13 support or assistance from the federal government for the purchase,
14 maintenance or improvement of the parklands set forth in section three
15 of this act, the discontinuance and alienation of such parkland author-
16 ized by the provisions of this act shall not occur until the county of
17 Suffolk has complied with any federal requirements pertaining to the
18 alienation or conversion of such parklands, including satisfying the
19 secretary of the interior that the alienation or conversion complies
20 with all conditions which the secretary of the interior deems necessary
21 to assure the substitution of other lands shall be equivalent in fair
22 market value and usefulness to the lands being alienated or converted.

23 S 7. This act shall take effect immediately.