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

5812

2015-2016 Regular Sessions

I N S E N A T E

June 4, 2015

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

AN ACT in relation to authorizing the city of Poughkeepsie, in the county of Dutchess, to discontinue the use of certain lands as parklands and to sell and convey such lands, which are no longer needed for park purposes

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 but notwithstanding any provision of general, special or local law to the contrary, the city of Poughkeepsie, in the county of Dutchess is hereby authorized, acting by and through its Common Council and upon such terms and conditions as determined by such legislative body, to discontinue the use of the municipally owned parklands more particularly described n section three of this act, and to sell and convey such lands, including the historic residence known as the "Pelton Mansion" located at 36 North Clover Street in the city of Poughkeepsie, which are no longer needed for park purposes, upon such other terms and conditions as may be determined by such legislative body, but at fair market value.

S 2. The authorization provided in section one of this act shall be effective only upon the condition that the city of Poughkeepsie dedicate all proceeds and consideration received from the sale of the property being alienated by this act for the acquisition of additional parklands of equal or greater fair market value, and/or for capital improvements to existing parklands and recreational purposes within the city.

S 3. The property authorized by this act to be discontinued as parklands by the city of Poughkeepsie are generally described as follows:

All that tract or parcel of land situated in the City of Poughkeepsie, County of Dutchess, and the State of New York, bounded and described as follows:

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

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Beginning at a point in the Westerly line of North Clover Street, said point being the Southeasterly corner of lands now or formerly Provenzano (Liber 1973, cp 419); thence along the said Westerly line of North Clover Street South 29-28-25 West 32.00 feet to a point; thence along the Northerly line of lands now or formerly Delleo (Deed Document Number 22008/1137) North 60-31-35 West 150.00 feet to a point; thence along the Westerly lines of the said lands now or formerly Delleo (Deed Document Number 22008/1137), lands now or formerly Villano (Deed Document Number 22010/3925) and lands now or formerly Trocino & Milea (Deed Document Number 22008/2923), South 29-28-25 West 187.17 feet to a point; thence along the Northerly line of lands now or formerly Holy Comforter Church (Liber 373, cp 347) North 83-19-10 West; 173.50 feet to a point in the Easterly line of Davies Place; thence along the said Easterly line of Davies Place, generally along a stone retaining wall, the following two courses: North 11-55-00 East 8.06 feet to an angle in the said retaining wall and North 5-43-30 West 238.88 feet to a point at the Southerly end of a curve to the right connecting the said Easterly line of Davies Place with the Southerly line of Dongan Place; thence, continuing along the said stone retaining wall, along the said curve to the right, having a radious of 105.00 feet, a length of 201.74 feet to a point in the said Southerly line of Dongan Place; thence along the said Southerly line of Dongan Place, continuing generally along the said stone retaining wall, the following courses: South 75-42-00 East 167.71 feet to a point, South 72-23-10 East 34.97 feet to a point, South 68-42-40 East 39.88 feet to a point, South 64-56-50 East 32.46 feet to a point, South 61-35-50 East 44.04 feet to a point, and South 56-45-00 East 62.07 feet to a point; thence, generally along the said stone retaining wall, South 26-29-50 East 17.67 feet to a point, and, leaving the said stone retaining wall, South 11-58-40 West 10.48 feet to a point in the said Westerly line of North Clover Street, said point being the Northeasterly corner of a 3 story brick building situate on lands now or formerly GCAABB LLC (Deed Document Number 22009/5257); thence along the Northerly line of the said lands now or formerly GCAABB LLC (Deed Document Number 22009/5257), partially along the Northerly face of the said 3 story brick building, North 60-31-35 West 150.00 feet to a point; thence along the Westerly lines of the said lands now or formerly GCAABB LLC (Deed Document Number 22009/5257) and lands now or formerly TJ Associates Inc. (Liber 1992, cp 207) South 29-28-25 West 80.00 feet to a point; thence along the Southerly line of the said lands now or formerly TJ Associates Inc. (Liber 1992, cp 207) South 60-31-35 East 25.50 feet to a point; thence along the Westerly and Southerly lines of the said lands now or formerly Provenzano (Liber 1973, cp 419) the following two courses: South 29-28-25 West 34.50 feet to a point and South 60-31-35 East 124.50 feet to the point or place of beginning. Containing 2.45 acres of land.

Subject to and together with the existing easements and rights-of-way of record, if any.

S 4. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the city of Poughkeepsie has complied with any federal or state requirements pertaining to the alienation or conversion of 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 that the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

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

S 6. This act shall take effect immediately.