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

S. 7774 A. 10147

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

IN ASSEMBLY -- Introduced by M. of A. PALUMBO -- read once and referred to the Committee on Local Governments

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 authorized to transfer and convey its interest in parkland that is a vacant parcel located at Route 25A, Rocky Point, and more particularly described as SCTM 0200-101.00-01.00-002.000 to Soundview Pipe Stave Hollow LLC, S. Weissman EM Property LLC and V. Howard LLC, also known as SMW Property Holdings (hereinafter SMW), in exchange for the transfer and conveyance to the town of Brookhaven by SMW, of SMW's interest in property located at 32 Echo Avenue, Miller Place, and more particularly described as SCTM 0200-096.00-07.00-001.000, that is contiguous to an existing park in the town of Brookhaven and can accommodate an expansion of such park. Such exchange shall be made upon such terms and conditions as shall be agreed upon between the parties and as set forth in section three of this act.

S 2. In the event that the fair market value of the property acquired by the town of Brookhaven from SMW is not equal to or greater than the fair market value of the property transferred from the town of Brookhaven to SMW, the town of Brookhaven shall dedicate the difference between the fair market value of the property transferred to SMW and the fair market value of the property acquired from SMW, for the acquisition of additional parkland and/or for capital improvements to existing park and recreational facilities within the town of Brookhaven.

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

LBD15364-01-6

S 3. The transfer and conveyance of the properties described and set forth in section one of this act shall be subject to the following terms:

1. The town of Brookhaven shall convey title to the vacant parcel of land on Route 25A, Rocky Point, known as SCTM #0200-101.00-01.00-002.000.

2. SMW will convey 32 Echo Avenue, Rocky Point, with all structures and buildings removed to the town of Brookhaven as parkland.

3. SMW shall repave, restripe, landscape and curb the town of Brookhaven parking field adjacent to SCTM 0200-101.00-01.00-002.000.

4. SMW shall repave all cart paths at Rolling Oaks Golf Course.

5. SMW shall pay to the town of Brookhaven one hundred thousand dollars ($100,000.00) for park purposes.

S 4. If the parkland that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the transfer authorized by the provisions of this act shall not occur until the town of Brookhaven has complied with the federal requirements pertaining to the conversion of parklands, including satisfying the secretary of the interior that the transfer 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.