

5912--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 9, 2015

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Introduced by M. of A. GUNTHER -- 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 authorizing the town of Fallsburg, county of Sullivan to alienate and convey certain parcels of land used as parkland

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

1     Section 1. The town of Fallsburg, in the county of Sullivan, is here-  
2 by authorized to discontinue use of certain parklands more particularly  
3 described in section three of this act and sell and convey in fee simple  
4 for its fair market value and upon such terms and conditions as deter-  
5 mined by the town board to SYDA Foundation such lands which are no long-  
6 er useful for parkland recreation purposes.  
7     S 2. The authorization contained in section one of this act shall take  
8 effect only upon the condition that the town of Fallsburg dedicate an  
9 amount equal to or greater than the fair market value of the property  
10 being alienated in section three of this act toward acquisition of addi-  
11 tional parkland and/or capital improvements to existing parkland.  
12     S 3. The lands to be discontinued as parklands and alienated and  
13 conveyed pursuant to section one of this act are bounded and described  
14 as follows:  
15 Parcel One:  
16 ALL that tract or parcel of land situate in the Town of Fallsburg, Coun-  
17 ty of Sullivan and State of New York, intended to be a portion of the  
18 premises as described in a deed from Samuel Carmel and Max Cohen to Town  
19 of Fallsburg, dated July 18, 1958, recorded in the Sullivan County  
20 Clerk's Office in Deed Liber 571 at Page 13, being the 0.810 Acre Parcel  
21 as designated on a map entitled "Survey Map of a Lot Improvement Involving  
22 Lands of Town of Fallsburg & SYDA Foundation", last revised July  
23 28, 2014, proposed to be filed in the Sullivan County Clerk's Office,  
24 more particularly bound and described as follows:

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

LBD06022-07-5

1 BEGINNING at a point in the approximate center of Purvis Brook on the  
2 assumed southwesterly bounds of Seldon Road (County Road No. 52), also  
3 known as Brickman Road, said point being at a northwesterly corner  
4 (after highway taking) of said lands of Town of Fallsburgh and the most  
5 easterly corner of a certain parcel of land now of SYDA Foundation (see  
6 Deed Liber 921 at Page 6), formerly known as Siddha Yoga Dham of New  
7 York, Inc., and running thence from said point of beginning along the  
8 approximate center of the main channel of Purvis Brook, running along  
9 the common line separating lands described in said Deed Liber 571 at  
10 Page 13 and lands described in said Deed Liber 921 at Page 6, the  
11 following twenty-one courses and distances:

- 12 (1) South 25 degrees 06 minutes 41 seconds West 106.31 feet,
- 13 (2) South 33 degrees 42 minutes 38 seconds West 60.56 feet,
- 14 (3) South 45 degrees 36 minutes 12 seconds West 33.23 feet,
- 15 (4) South 60 degrees 43 minutes 16 seconds West 62.68 feet,
- 16 (5) South 42 degrees 45 minutes 37 seconds West 202.33 feet,
- 17 (6) South 51 degrees 44 minutes 11 seconds West 29.17 feet,
- 18 (7) South 46 degrees 20 minutes 48 seconds West 53.71 feet,
- 19 (8) South 28 degrees 40 minutes 09 seconds West 34.28 feet,
- 20 (9) South 59 degrees 35 minutes 27 seconds West 24.76 feet,
- 21 (10) South 86 degrees 27 minutes 29 seconds West 19.43 feet,
- 22 (11) North 64 degrees 40 minutes 33 seconds West 39.04 feet,
- 23 (12) North 61 degrees 12 minutes 09 seconds West 55.02 feet,
- 24 (13) South 55 degrees 05 minutes 43 seconds West 20.62 feet,
- 25 (14) South 30 degrees 37 minutes 48 seconds West 50.48 feet,
- 26 (15) South 41 degrees 28 minutes 18 seconds West 28.95 feet,
- 27 (16) South 35 degrees 06 minutes 48 seconds West 47.11 feet,
- 28 (17) South 25 degrees 26 minutes 48 seconds West 32.26 feet,
- 29 (18) South 40 degrees 32 minutes 38 seconds West 95.01 feet,
- 30 (19) South 36 degrees 51 minutes 28 seconds West 50.42 feet,
- 31 (20) South 20 degrees 20 minutes 18 seconds West 13.57 feet, and
- 32 (21) South 47 degrees 28 minutes 08 seconds West 32.91 feet

33 to a point in the approximate center of said Purvis Brook on the common  
34 line separating lands described in said Deed Liber 571 at Page 13 and  
35 lands described in said Deed Liber 921 at Page 6;

36 thence running through lands described in said Deed Liber 571 at Page  
37 13, North 63 degrees 06 minutes 58 seconds East 36.23 feet to the  
38 approximate top of the bank on the southeasterly side of said Purvis  
39 Brook;

40 thence continuing through lands described in said Deed Liber 571 at Page  
41 13, running along the approximate top of the bank on the southeasterly  
42 side of said Purvis Brook, the following four courses and distances:

- 43 (1) North 28 degrees 55 minutes 38 seconds East 22.71 feet,
- 44 (2) North 38 degrees 56 minutes 28 seconds East 63.16 feet,
- 45 (3) North 44 degrees 52 minutes 28 seconds East 66.22 feet, and
- 46 (4) North 52 degrees 24 minutes 38 seconds East 61.90 feet;

47 thence continuing through lands described in said Deed Liber 571 at Page  
48 13, North 49 degrees 30 minutes 28 seconds East 89.06 feet to a point on  
49 a chain link fence;

50 thence continuing through lands described in said Deed Liber 571 at Page  
51 13, running along said chain link fence, the following nine courses and  
52 distances:

- 53 (1) South 80 degrees 13 minutes 50 seconds East 46.24 feet,
- 54 (2) North 71 degrees 51 minutes 21 seconds East 62.10 feet,
- 55 (3) North 48 degrees 57 minutes 56 seconds East 128.19 feet,
- 56 (4) South 86 degrees 48 minutes 23 seconds East 18.42 feet,

1 (5) North 38 degrees 06 minutes 45 seconds East 43.65 feet,  
2 (6) North 43 degrees 41 minutes 37 seconds East 82.55 feet,  
3 (7) North 40 degrees 07 minutes 25 seconds East 99.40 feet,  
4 (8) North 52 degrees 45 minutes 39 seconds East 69.86 feet, and  
5 (9) North 35 degrees 46 minutes 00 seconds East 166.58 feet  
6 to a point on said chain link fence on the assumed southwesterly bounds  
7 of said Brickman Road;  
8 thence running along the assumed southwesterly bounds of said Brickman  
9 Road, being the southwesterly bounds of Parcel No. 52-26-A as designated  
10 on R.O.W. Map No. 52-26-A on file in the Sullivan County Department of  
11 Public Works Office, North 59 degrees 55 minutes 49 seconds West 53.74  
12 feet to the point of beginning, containing 0.810 acre of land.

13 Parcel Two:

14 ALL that tract or parcel of land situate in the Town of Fallsburg,  
15 County of Sullivan and State of New York, intended to be a portion of  
16 the premises as described in a deed from Samuel Carmel and Max Cohen to  
17 Town of Fallsburgh, dated July 18, 1958, recorded in the Sullivan County  
18 Clerk's Office in Deed Liber 571 at Page 13, being the 0.811 Acre Parcel  
19 as designated on a map entitled "Survey Map of a Lot and Improvement  
20 Involving Lands of Town of Fallsburgh & SYDA Foundation", last revised  
21 July 28, 2014, proposed to be filed in the Sullivan County Clerk's  
22 Office, more particularly bound and described as follows:

23 BEGINNING at a point in the approximate center of Smith Brook, also  
24 known as Sheldrake Stream, at a northwesterly corner of said lands of  
25 Town of Fallsburgh and the most westerly corner of a certain parcel of  
26 land now of SYDA Foundation (see Deed Liber 921 at Page 6), formerly  
27 known as Siddha Yoga Dham of New York, Inc., on the southeasterly bounds  
28 of the first described parcel of land in a deed to SYDA Foundation  
29 recorded in Land Records Liber 3193 at Page 77, said point being North  
30 25 degrees 13 minutes 03 seconds East 101.13 feet, as measured along the  
31 southeasterly bounds of said first described parcel in Land Records  
32 Liber 3193 at Page 77 and the northwesterly bounds of said lands of Town  
33 of Fallsburgh, from a 3/4-inch diameter iron rod set, said point also  
34 being South 73 degrees 35 minutes 33 seconds West 1314.63 feet from a  
35 point in the approximate center of Purvis Brook on the assumed southwes-  
36 terly bounds of Seldon Road (County Road No. 52), also known as Brickman  
37 Road, at the point of beginning of the above described 0.810 Acre  
38 Parcel, and running thence from said point of beginning along the  
39 approximate center of the main channel of Smith Brook, running along the  
40 common line separating lands described in said Deed Liber 571 at Page 13  
41 and lands described in said Deed Liber 921 at Page 6, the following  
42 twenty-five courses and distances:

43 (1) South 59 degrees 42 minutes 52 seconds East 61.12 feet,  
44 (2) South 83 degrees 28 minutes 32 seconds East 11.53 feet,  
45 (3) South 50 degrees 27 minutes 02 seconds East 77.08 feet,  
46 (4) South 45 degrees 41 minutes 02 seconds East 36.28 feet,  
47 (5) South 62 degrees 36 minutes 22 seconds East 25.16 feet,  
48 (6) South 23 degrees 30 minutes 42 seconds East 33.64 feet,  
49 (7) South 12 degrees 59 minutes 38 seconds West 11.11 feet,  
50 (8) South 44 degrees 45 minutes 42 seconds East 42.93 feet,  
51 (9) South 71 degrees 32 minutes 32 seconds East 14.99 feet,  
52 (10) North 68 degrees 04 minutes 18 seconds East 38.19 feet,  
53 (11) North 15 degrees 28 minutes 58 seconds East 10.01 feet,  
54 (12) North 43 degrees 28 minutes 48 seconds East 20.38 feet,  
55 (13) North 70 degrees 46 minutes 48 seconds East 38.38 feet,  
56 (14) North 32 degrees 50 minutes 08 seconds East 74.54 feet,

1 (15) North 79 degrees 46 minutes 08 seconds East 10.82 feet,  
2 (16) South 62 degrees 06 minutes 32 seconds East 18.84 feet,  
3 (17) South 28 degrees 16 minutes 52 seconds East 47.82 feet,  
4 (18) South 01 degrees 06 minutes 28 seconds West 32.63 feet,  
5 (19) South 34 degrees 48 minutes 48 seconds West 57.85 feet,  
6 (20) South 58 degrees 15 minutes 48 seconds West 11.98 feet,  
7 (21) South 28 degrees 33 minutes 08 seconds West 82.49 feet,  
8 (22) South 21 degrees 17 minutes 38 seconds West 25.16 feet,  
9 (23) South 73 degrees 46 minutes 12 seconds East 34.86 feet,  
10 (24) South 19 degrees 30 minutes 12 seconds East 24.38 feet, and  
11 (25) South 04 degrees 41 minutes 32 seconds East 20.98 feet

12 to a point in the approximate center of the main channel of said Smith  
13 Brook on the common line separating lands described in the said Deed  
14 Liber 571 at Page 13 and lands described in said Deed Liber 921 at Page  
15 6, the last mentioned point being South 77 degrees 33 minutes 57 seconds  
16 West 187.82 feet from a point in the approximate center of Purvis Brook  
17 at the most southerly corner of the above described 0.810 Acre Parcel;  
18 thence running through lands described in said Deed Liber 571 at Page 13  
19 the following six courses and distances:

20 (1) North 62 degrees 26 minutes 22 seconds West 6.71 feet,  
21 (2) North 45 degrees 51 minutes 52 seconds West 75.42 feet,  
22 (3) North 47 degrees 15 minutes 32 seconds West 44.46 feet,  
23 (4) North 36 degrees 19 minutes 52 seconds West 70.85 feet,  
24 (5) North 44 degrees 21 minutes 32 seconds West 77.94 feet, and  
25 (6) North 36 degrees 12 minutes 22 seconds West 15.92 feet

26 to a point in the approximate center of a secondary channel of Smith  
27 Brook;

28 thence running along the approximate center of said secondary channel  
29 the following seven courses and distances;

30 (1) North 74 degrees 14 minutes 22 seconds West 28.19 feet,  
31 (2) North 59 degrees 58 minutes 32 seconds West 49.99 feet,  
32 (3) North 70 degrees 14 minutes 52 seconds West 16.98 feet,  
33 (4) North 54 degrees 54 minutes 52 seconds West 87.46 feet,  
34 (5) North 06 degrees 09 minutes 12 seconds West 35.52 feet,  
35 (6) North 14 degrees 17 minutes 38 seconds East 16.04 feet, and  
36 (7) North 02 degrees 13 minutes 07 seconds West 15.06 feet

37 to the point of beginning, containing 0.811 acre of land.

38 S 4. In the event that the town of Fallsburg received any funding  
39 support or assistance from the federal government for the purchase,  
40 maintenance or improvement of the parklands set forth in section three  
41 of this act, the discontinuance and conveyance of parkland authorized by  
42 the provisions of this act shall not occur until the town of Fallsburg  
43 has complied with any federal requirements pertaining to the alienation  
44 or conversion of parklands, including satisfying the secretary of the  
45 interior that the alienation or conversion complies with all conditions  
46 which the secretary of the interior deems necessary to assure the  
47 substitution of other lands shall be equivalent in fair market value and  
48 recreational usefulness to the lands being alienated or converted.

49 S 5. This act shall take effect immediately.