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

7210--A

2015-2016 Regular Sessions

I N A S S E M B L Y

April 28, 2015

Introduced by M. of A. WALTER -- 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 Amherst, county of Erie to alienate certain parcels of lands used as parklands and to replace such parkland with other parcels of land

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

Section 1. The town of Amherst, county of Erie, is hereby authorized, acting by and through its town board, to discontinue as parklands and alienate the municipally owned parklands described in section three of this act and to utilize such lands for other municipal purposes.

S 2. The authorization contained in section one of this act shall only be effective on the condition that the town of Amherst dedicate as parklands the lands described in section four of this act, such land to be used for park purposes.

S 3. The lands to be discontinued as parklands and alienated are described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York being part of Lot 65, Township 12, Range 7 and part of Lot 51, Township 13, Range 7 of the Holland Land Company Survey bounded and described as follows:

BEGINNING at the point of intersection of the westerly line of lands conveyed to Niagara Mohawk Power Corp. by deed recorded in Liber 7239 of Deeds at page 641 with the northerly line of lands conveyed to Rockingham Estates, LLC by Deed recoded in Liber 11042 of Deeds at page 4636;

THENCE: S 02°00'41" E, along the westerly line of said Niagara Mohawk Power Corp. lands, a distance of 331.94 feet to a point on the northwesterly boundary line of Lockport Expressway;

THENCE: southwesterly, along the northwesterly boundary line of Lockport Expressway, on a curve to the left having a radius of 4,069.72

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

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feet, an arc distance of 476.20 feet to the southerly line of lands conveyed to Rockingham Estates, LLC by Deed recorded in Liber 11044 of Deeds at page 118;

THENCE: N 89°03'00" W, along the southerly line of said Rockingham Estates, LLC lands, a distance of 137.48 feet to a point;

THENCE: N 00°57'00" E, through said Rockingham Estates, LLC lands and through lands conveyed to Rockingham Estates, LLC by Deed recorded in Liber 11042 of Deeds at page 4636, a distance of 175.00 feet to a point;

THENCE: S 89°03'00" E, through last said Rockingham Estates lands, a distance of 88.50 feet to a point;

THENCE: N 00°57'00" E, through last said Rockingham Estates lands, a distance of 472.61 feet to a point on the northerly line thereof;

THENCE: N 89°56'23" E, along the northerly line of last said Rockingham Estates, LLC lands, a distance of 381.57 feet to the POINT OR PLACE OF BEGINNING. Containing 4.903 acres more or less.

S 4. The replacement lands to be dedicated by the town of Amherst, county of Erie to use as parkland for public park purposes are described as follows:

ALL THAT TRACT OF PARCEL OF LAND situate in the Town of Amherst, County of Erie, State of New York being park of Lot 102, Township 12, Range 7 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING at a point in the Centerline of Smith Road at the intersection with the westerly line of lands conveyed to Richard J. Aquino by Deed recorded in Liber 7015 at page 697;

THENCE: S-19°-06'-29"-W, along said westerly line and the westerly line of lands conveyed to Edward J. Zabel Jr. by Deed recorded in Liber 8503 of Deeds at page 549 a distance of 501.23 feet to the north line of lands conveyed to Daniel J. Trawinski by Deed recorded in Liber 7139 of Deeds at page 177;

THENCE: N-89°-28'-45"-W, along said north line and a north line of lands shown on a subdivision map of Mosier Subdivision recorded in the Erie County Clerk's Office under cover 2138 a distance of 1,697.66 feet to an easterly line of Map Cover 2138;

THENCE: N-00°-32'-55"-E, along said easterly line a distance of 820.39 feet to the south line of lands conveyed to Joseph Neuhaus by Deed recorded in Liber 1270 of Deeds at page 370;

THENCE: easterly along the aforementioned lands conveyed to Joseph Nuehaus a distance of 1292+/- feet to the northwest corner of lands conveyed to Kenneth W. and Doris P. Fentner recorded in Liber 8645 of Deeds at Page 549;

THENCE S-08°-01'-15"-E, along the west line of said Fentner lands a distance of 394.72 feet to the southwest corner thereof;

THENCE: S-88°-03'-10"-E, along the south line of said Fentner lands and the south line of lands conveyed to Charles W. Herberger by Deed recorded in Liber 9893 of Deeds at page 264 a distance of 336.74 feet to the southeast corner of said Herberger lands;

THENCE: N-22°-58'-04"-E, along the east line of said Herberger lands a distance of 160.74 feet to the centerline of Smith Road;

THENCE: S-47°-10'-26" along the centerline of Smith Road a distance of 95.61 feet to the point of beginning containing 28.7± acres more or less, exclusive of the area lying within the bounds of Smith Road. Excepting there from that part of premises lying in the Smith road right-of-way. Containing 28.7 acres more or less.

S 5. In the event that the lands to be dedicated, as described in section four of this act, are not equal or greater in fair market value

than the lands being alienated, as described in section three of this act, the town of Amherst shall dedicate the difference in the fair market value for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 6. If the land that is the subject of this legislation has received funding pursuant to the federal land and water conservation fund, the discontinuance of parklands authorized by the provisions of this legislation shall not occur until the municipality has complied with the federal requirements pertaining to the conversion of parklands, including satisfying 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 7. This act shall take effect immediately.