

7813--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 27, 2015

Introduced by M. of A. BARCLAY -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities 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 city of Fulton to discontinue its use of certain waterfront parklands

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

1 Section 1. 1. Subject to the provisions of this act, the city of
2 Fulton, located in the county of Oswego, is hereby authorized, acting by
3 and through its city council, to discontinue its use of the waterfront
4 parklands described in section two of this act, and to enter into a
5 contract to convey its interest in such real property, along with a
6 permanent easement and right-of-way for ingress and egress over the
7 parkland, to the town of Granby, located in the county of Oswego, upon
8 terms agreed to by the city of Fulton and the town of Granby; provided
9 that the town of Granby continue to use the property as parkland, and
10 that the town shall continue to provide access to such parkland to the
11 general public; provided further that the city of Fulton agrees that the
12 town of Granby may enact fees that are higher for residents of the city
13 notwithstanding the general prohibition of the enactment of fees which
14 are higher for residents of the municipality conveying the parkland than
15 those fees charged to residents of the municipality receiving the park-
16 land.

17 2. Any revenues received by the city of Fulton as a result of the
18 conveyance of property and/or easement interest described in section two
19 of this act shall be used for capital improvements of existing park and
20 recreational facilities and/or for acquisition of additional park and
21 recreational facilities.

22 S 2. For purposes of this act, the description of the property to be
23 transferred is described as follows: 1. All that tract or parcel of

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

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1 land, situated in the City of Fulton, County of Oswego, State of New
2 York and being part of Lot 65 in said city being more particularly
3 described as follows: Commencing at a point situate in the centerline of
4 New York State Route 48, said point being 1,651.54' northerly from the
5 south line of Lot 65 and the north line of the City of Fulton as meas-
6 ured along the centerline of New York State Route 48; thence N 78° 03'
7 10" E, a distance of 33.19' to a point in the east line of New York
8 State Route 48; thence, N 17° 50' 46" W along the east line of New York
9 State Route 48, a distance of 50.27' to a point; thence, N 78° 03' 10"
10 E, a distance of 919.00' to a point; thence, N 06° 12' 26" W, a distance
11 of 107.02' to a point; thence, northerly along a curve to the right
12 having a radius of 163.80', an arc length of 85.97'; thence, N 23° 51'
13 54" E, a distance of 158.96' to a point; thence, northerly along a curve
14 to the left having a radius of 146.24', an arc length of 78.09' to a
15 point; thence, N 06° 43' 47" W, a distance of 164.41' to a point;
16 thence, S 83° 16' 13" W, a distance of 194.63' to a point, said point
17 being the southeast corner of Brenton (Bk. 1261/Pg. 256) and the Point
18 of Beginning of the premises conveyed herein; thence, N 17° 54' 47" E
19 along the east line of said Brenton and the east line of Brannan (Bk.
20 1214/Pg. 004), a distance of 439.21' to a point being the northeast
21 corner of said Brannan and the south line of Gorman (R-2011-005902);
22 thence, N 82° 59' 21" E along the southline of said Gorman and the
23 south line of Gorman (Bk. 1437/Pg. 76), a distance of 547.5' to the
24 westerly edge of the Oswego River; thence, southeasterly along the
25 westerly edge of the Oswego River as it winds and turns, a distance of
26 690.8' to a point; thence, S 83° 16' 13" W, a distance of 1,266.1' to
27 the point and place of beginning containing 8.3 acres of land; and

28 2. The description for the property to be granted as an easement for
29 ingress and egress is described as follows: All that tract or parcel of
30 land, situate in the City of Fulton, County of Oswego, State of New York
31 and being part of Lot 65 in said city being more particularly described
32 as follows: Commencing at a point situate in the center line of New York
33 State Route 48, said point being 1,651.54' northerly from the south line
34 of Lot 65 and the north line of the City of Fulton as measured along the
35 centerline of New York State Route 48; thence, N 78° 03' 10" E, a
36 distance of 33.19' to a point in the east line of New York State Route
37 48 and the Point of Beginning of the premises conveyed herein; thence, N
38 17° 50' 46" W along the east line of New York State Route 48, a distance
39 of 50.27' to a point; thence, N 78° 03' 10" E, a distance of 919.00' to
40 a point; said point being the southwest corner of a 28' wide right-of-
41 way and easement, thence, N 06° 12' 26" W, a distance of 107.02' to a
42 point; thence, northerly along a curve to the right having a radius of
43 163.80', an arc length of 85.97'; thence, N 23° 51' 54" E, a distance of
44 158.96' to a point; thence, northerly along a curve to the left having a
45 radius of 146.24', an arc length of 78.09' to a point; thence, N 06° 43'
46 47" W, a distance of 164.41' to a point; thence, N 83° 16' 13" E, a
47 distance of 28.00' to a point; thence, S 06° 43' 47" E, a distance of
48 164.41'; thence, southerly along a curve to the right having a radius of
49 174.24', an arc length of 93.04'; thence, S 23° 51' 54" W, a distance of
50 158.96'; thence, southerly along a curve to the left having a radius of
51 135.80', an arc length of 71.27' to a point; thence, S 06° 12' 26" E, a
52 distance of 154.46' to a point; thence, S 78° 03' 10" W, a distance of
53 936.94' to the point and place of beginning containing 1.46 acres of
54 land. The town of Granby shall maintain all of the 28' wide easement
55 northerly to the 8.3 acres described in subdivision one of this section.

1 S 3. The land to be transferred pursuant to this act shall be owned
2 and maintained by the town of Granby as parkland, and made available for
3 uses normally associated with waterfront parkland. Where the availabili-
4 ty of the parklands and/or facilities located thereon is limited, the
5 use of such shall be determined by an equitable method which provides
6 priority use to the general public based on a reservation policy for
7 free or nominal charge.

8 S 4. If the property described in section two of this act, and trans-
9 ferred to the town of Granby pursuant to the provisions thereof, shall
10 ever be used for a purpose other than as public parkland, ownership of
11 such property shall revert back to the city of Fulton.

12 S 5. If the parkland that is subject of this act has received funding
13 pursuant to the federal land and water conservation fund, the discontin-
14 uance of parkland authorized by the provisions of this act shall not
15 occur until the town of Granby has complied with the federal require-
16 ments pertaining to the conversion of parklands, including satisfying
17 the secretary of the interior that the discontinuance will include all
18 conditions which the secretary of the interior deems necessary to assure
19 the substitution of other lands shall be equivalent in fair market value
20 and recreational usefulness to the lands being discontinued.

21 S 6. This act shall take effect immediately.