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

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:

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

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

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

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

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

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

S 5. If the parkland that is subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of parkland authorized by the provisions of this act shall not occur until the town of Granby 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 6. This act shall take effect immediately.