

7909--B

2015-2016 Regular Sessions

I N A S S E M B L Y

May 29, 2015

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the village of Clayton, county of Jefferson to transfer and convey certain parklands to Dean Hyde in exchange for certain lands owned by Dean Hyde which will be used as parkland

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

- 1 Section 1. The village of Clayton, county of Jefferson is hereby
2 authorized to discontinue its use of the lands described in section
3 three of this act which are no longer needed for park purposes and to
4 convey its interest in the real property to Dean Hyde in exchange for
5 the lands described in section four of this act which are owned by Dean
6 Hyde, provided, however, that the lands described in section four of
7 this act shall be used as part of the village of Clayton's riverwalk
8 project and shall be dedicated parkland.
9 S 2. In the event that the lands described in section four of this act
10 which are to be dedicated as replacement parkland are not of equal to or
11 greater than the fair market value of the parkland to be discontinued,
12 the village of Clayton shall dedicate the difference between the fair
13 market value of the lands to be alienated and the parkland to be dedi-
14 cated toward acquisition of additional parkland and/or capital improve-
15 ments to existing parkland.
16 S 3. The lands to be alienated are described as follows:
17 All that parcel of land located in the Village of Clayton, County of
18 Jefferson and State of New York, bounded and described as follows:
19 Beginning at a railroad spike set at the northeast corner of a parcel
20 of land conveyed to Dean Hyde (Liber 1855, Page 245), said railroad
21 spike set also being in the division line between said lands conveyed to

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

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1 Hyde on the southwest and lands conveyed to the Village of Clayton
2 (Instrument 2004-00003418) on the north and east (the following
3 described parcel being a part of thereof); and runs thence from the
4 point of beginning South 74 degrees 07 minutes West, 25.00 feet along
5 the north line of said lands conveyed to Hyde to a point; thence passing
6 through said lands conveyed to the Village of Clayton the following
7 three courses and distances: 1) North 15 degrees 53 minutes West, 12.00
8 feet to a point; 2) North 74 degrees 07 minutes East, 25.00 feet to a
9 point; 3) South 15 degrees 53 minutes East, 12.00 feet to the point of
10 beginning, containing 300 square feet of land.

11 S 4. The replacement parklands are described as follows:

12 All that parcel of land located in the Village of Clayton, County of
13 Jefferson and State of New York, bounded and described as follows:

14 Beginning at an existing iron plug at the northwest corner of a parcel
15 of land conveyed to Dean Hyde (Liber 1855, Page 245), said existing iron
16 plug also being in the division line between said lands conveyed to Hyde
17 on the south and lands conveyed to the Village of Clayton (Instrument
18 2004-00003418) on the north, said existing iron plug further being in
19 the west line of a grant of lands underwater formerly conveyed by the
20 People of the State of New York to Raymond E. Secor, Bernice O. Secor
21 and James J. Brabant (Liber 929, Page 944); and runs thence from the
22 point of beginning North 74 degrees 07 minutes East, 10.20 feet along
23 the division line between said lands conveyed to Hyde on the south and
24 said lands conveyed to the Village of Clayton on the north to a point;
25 thence South 17 degrees 52 minutes East, 15.44 feet passing through said
26 lands conveyed to Hyde to a drill hole at the northeast corner of lands
27 conveyed to Bruce N. Beattie and Cynthia S. Beattie (Liber 1889, Page
28 125); thence South 74 degrees 15 minutes West, 10.63 feet along the
29 north line of said lands conveyed to Beattie to a point in the aforemen-
30 tioned west line of a grant of lands underwater formerly conveyed to
31 Secor and Brabant and along the west line of the aforementioned lands
32 conveyed to Hyde, said point also being North 74 degrees 15 minutes
33 East, 0.68 feet from a chiseled "V" in concrete; thence North 16 degrees
34 16 minutes West, 15.41 feet along the west line of said grant of lands
35 underwater formerly conveyed to Secor and Brabant and along the west
36 line of said lands conveyed to Hyde to the point of beginning, contain-
37 ing 161 square feet of land.

38 S 5. In the event it is determined that the village of Clayton
39 received any funding support or assistance from the federal government
40 for the purchase, maintenance or improvement of the parklands described
41 in section three of this act, the discontinuance and alienation of such
42 parkland authorized by the provisions of this act shall not occur until
43 the village of Clayton has complied with any federal requirements
44 pertaining to the alienation or conversion of parklands, including
45 satisfying the secretary of the interior that the alienation or conver-
46 sion complies with all conditions which the secretary of the interior
47 deems necessary to assure the substitution of other lands shall be
48 equivalent in fair market value and usefulness to the lands being alien-
49 ated or converted.

50 S 6. This act shall take effect immediately.