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

8133

2015-2016 Regular Sessions

I N A S S E M B L Y

June 9, 2015

Introduced by M. of A. SCHIMEL -- read once and referred to the Committee on Local Governments

AN ACT in relation to the alienation of certain parklands in the village of Kings Point in the town of North Hempstead in the county of Nassau

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

Section 1. Legislative Findings. The legislature hereby finds and determines that the village of Kings Point, in the county of Nassau, alienated and conveyed municipal parklands on or before 1946 to itself for public works and other non-park purposes. Furthermore:

(a) In 1927, the village of Kings Point board of trustees passed a resolution authorizing the acquisition of several parcels of land for park purposes. Later that year, the village acquired one of the parcels, comprising approximately 5.455 acres, which is now used by the village's department of public works for non-park purposes (the DPW site). Nothing in the deed limited the use of the land to parkland purposes.

(b) The village of Kings Point subsequently acquired additional parcels and by 1930 it had acquired all of what is now Kings Point park and the DPW site, which, together, comprise approximately 173 acres. The remaining approximately 167.5 acres of Kings Point park continued to be used as village parkland.

(c) In 1936, the village leased the 173 acres to the Great Neck park district, a special district of the town of North Hempstead, to manage and maintain as a park.

(d) In error, a 1938 renewal of that lease reserved to the village the right to use a "dumping area" that is the present DPW site. It is not clear if the DPW site was used for non-park purposes before that time, although it probably was.

(e) That error was continued when, in 1946 the village and park district executed an addendum to the 1938 lease excluding the DPW site from the lands leased by the village to the park district.

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

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(f) Since 1946, in a succession of leases, the DPW site has been excluded from the land leased to the park district and has been used continuously, openly, and notoriously for non-park purposes.

(g) In 1967, at the request of the village, the state legislature enacted a law authorizing the leasing of all or part of the lands known as Kings Point park, and expressly validating, ratifying, and confirming the 1958 lease, which expressly excluded the DPW site.

(h) In November 2008, the village announced a proposed reconfiguration of the DPW site. As of May 2009, the village had spent over $500,000 preparing for construction, projected to cost $4 million, on the DPW site.

(i) The legislation would only be alienating 1.566 (29%) of the 5.455 acres that had been excluded from the park lease for almost 70 years for non-park use.

(j) It would be waste of village taxpayer funds to demolish the existing facilities only to have to reconstruct them at another location.

(k) It is critical to the village that it be able to maintain the minimal 1.566 (29%) of the 5.455 acres DPW site for DPW purposes as its location is the most feasible to the residents of the village.

(l) The proposed land to be substituted as parkland is a larger waterfront property that, if acquired by the village, could be converted to and maintained as a beautiful scenic entrance along the east coast of the village, available for residents and others for walking, fishing, and other passive use.

S 2. Notwithstanding the errors described in section one of this act, the prior alienation of the parklands described in section five of this act to the village of Kings Point is hereby validated, legalized, ratified, and confirmed, notwithstanding the absence of prior legislative approval.

S 3. The village of Kings Point, in the county of Nassau, is hereby authorized to discontinue the use of certain parklands more particularly described in section five of this act to utilize such lands for other municipal purposes.

S 4. The authorization contained in section three of this act shall take effect only upon the condition that the village of Kings Point shall dedicate the lands of equal or greater fair market value described in section six of this act as additional parklands of the village.

S 5. The parklands to be discontinued and alienated, pursuant to section three of this act are bounded and described as follows:

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the incorporated Village of Kings Point, Town of North Hempstead, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the southeasterly line of Kings Point Road, said point being distant 384.15 feet northeasterly as measured along said line form the corner formed by the intersection of the northerly line of Steamboat Road (Elm Point Road) with the southeasterly line of Kings Point Road;

RUNNING THENCE from said point of beginning the following fifteen (15) courses, the first course being along Kings Point Road;

1. North 32° 58' 20" East, a distance of 329.83 feet;

2. South 57° 15' 20" East, a distance of 57.09 feet;

3. North 49° 42' 50" East, a distance of 128.95 feet to a non-tangent curve;

4. Southeasterly along the arc of a circular curve bearing to the left having a radius of 112.00 and a length of 188.62 feet to a point of non-tangency;
5. North 88° 40' 06" West, a distance of 90.60 feet;
6. South 33° 30' 31" West, a distance of 89.31 feet;
7. South 06° 17' 26" East, a distance of 12.57 feet;
8. South 36° 59' 08" West, a distance of 43.46 feet;
9. North 78° 59' 13" West, a distance of 32.81 feet;
10. South 57° 01' 40" East, a distance of 26.90 feet;
11. South 12° 01' 40" East, a distance of 63.69 feet;
12. South 32° 58' 20" West, a distance of 111.03 feet;
13. North 57° 01' 40" West, a distance of 104.45 feet;
14. South 32° 58' 20" West, a distance of 16.44 feet;
15. North 57° 01' 40" West, a distance of 105.57 feet to the southeasterly line of Kings Point Road and the point or place of BEGINNING, known as part of Lot 1 in Block 197, Section 1 of the Nassau County Land and Tax Map, and containing within said bounds 68,236 Sq. Ft. or 1.566 Acres, more or less.

S 6. Prior to the discontinuance and alienation of the parkland described in section five of this act, the village of Kings Point, acting through its village legislature, shall dedicate replacement lands for use as parkland for public park purposes, with such replacement lands, being of equal or greater fair market value, as follows:

Parcel 1

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying a being in the incorporated Village of Kings Point, Town of North Hempstead, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly line of East Shore Road, as widened, at the division line between Lot 32 and Lot 35 in Block 172;

RUNNING THENCE from said point of beginning North 89° 42' 24" East along said division line, a distance of 148.66 feet to the mean high water line of Manhasset Bay;

THENCE the following fifteen (15) courses;
1. South 59° 48' 00" West, a distance of 58.80 feet;
2. North 89° 28' 41" East, a distance of 354.96 feet;
3. South 23° 32' 26" West, a distance of 234.56 feet;
4. South 23° 31' 56" West, a distance of 35.51 feet;
5. South 13° 10' 40" East, a distance of 302.68 feet;
6. South 13°10'34" East, a distance of 113.81 feet;
7. South 13°00'46" East, a distance of 176.23 feet;
8. South 14°29'48" East, a distance of 14.97 feet;
9. South 78°27'38" West, a distance of 183.03 feet;
10. South 17°34'37" East, a distance of 3.60 feet;
11. South 11°36'48" East, a distance of 47.03 feet;
12. South 15°47'03" East, a distance of 47.01 feet;
13. South 11°51'28" East, a distance of 46.39 feet;
14. South 16°55'57" East, a distance of 43.87 feet;
15. South 13°47'52" East, a distance of 1.62 feet;

RUNNING THENCE South 73°03'53" West, a distance of 36.52 feet to the easterly line of East Shore Road, as widened;

THENCE North 17°12'16" West along said easterly widened line of East Shore Road, a distance of 818.42 feet to the beginning of a circular curve;

THENCE northwesterly still along said widened line and along the arc of a curve bearing to the right having a radius of 1930.00 feet, a length of 201.85 feet to a point of tangency;

THENCE North 11°12'42" West still along said widened line, a distance of 120.83 feet to the point or place of BEGINNING, known as Lot 35, Lots 36A & B, Lots 37A & B, Lots 43A & B, Lots 39C & D, Lots 40A & B, Lots 41A & B, Lots 42A & B In Block 172, Section 1 And Lots 1A & B, Lots 2A & B, Lots 3A & B, Lot 4, Lot 5, Lot 6 in Block 184, Section 1 of the Nassau County Land and Tax Map, and containing within said bounds 262,168 Sq. Ft. or 6.018 Acres, more or less.

Parcel 2

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the incorporated Village of Kings Point, Town of North Hempstead, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly line of East Shore Road, as widened, at the northwesterly corner of Lot 7 in Block 184;

RUNNING THENCE from said point of beginning North 75° 20' 44" East, a distance of 27.89 feet to the mean high water line of Manhasset Bay; THENCE the following eight (8) courses;

1. South 14° 39' 16" East, a distance of 41.96 feet;
2. South 13° 24' 41" East, a distance of 50.74 feet;
3. South 09° 12' 00" East, a distance of 16.85 feet;
4. South 43° 28' 34" East, a distance of 54.02 feet;
5. South 29° 05' 04" West, a distance of 52.63 feet;
6. South 07° 51' 18" East, a distance of 13.41 feet;
7. South 05° 30' 34" East, a distance of 25.32 feet;
8. South 84° 29' 26" West, a distance of 27.26 feet to the easterly line of East Shore Road, as widened;

THENCE northwesterly along said widened line and along the arc of a curve bearing to the left having a radius of 1931.04 feet, a length of 229.62 feet to the point or place of BEGINNING, known as Lot 7, Lot 8, Lot 9 & Lot 10 in Block 184, Section 1 of the Nassau County Land and Tax Map, and containing within said bounds 8,045 Sq. Ft. or 0.185 Acres, more or less.

Parcel 3

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Kings Point, Town of North Hempstead, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly line of East Shore Road, as widened, at the northwesterly corner of Lot 11A in Block 184;

RUNNING THENCE from said point of beginning the following ten (10) courses;

1. North 89° 22' 41" East, a distance of 90.42 feet;
2. North 78° 22' 30" East, a distance of 114.01 feet;
3. South 11°37'30 East, a distance of 67.11 feet;
4. South 78°22'30 West, a distance of 119.92 feet;
5. South 89°22'41 West, a distance of 18.00 feet;
6. South 81°36'22 East, a distance of 63.89 feet;
7. North 78°22'30 East, a distance of 83.67 feet;
8. South 11°37'30 East, a distance of 10.00 feet;
9. South 78°22'30 West, a distance of 211.74 feet;
10. South 89°43'30 West, a distance of 13.59 feet to the easterly line of East Shore Road, as widened;

THENCE northwesterly along said widened line and along the arc of a curve bearing to the left having a radius of 1931.04 feet, a length of 111.32 feet to the point or place of BEGINNING, known as Lots 11A & B, Lots 12A & B, Lot 13 and Lot 14 in Block 184, Section 1 of the Nassau County Land and Tax Map, and containing within said bounds 19,147 Sq. Ft. or 0.439 Acres, more or less. All three parcels together containing within their said bounds 6.642 acres more or less.

S 7. In the event that the parklands to be dedicated by the village of Kings Point pursuant to this act are not equal to or greater than the fair market value of the parkland to be discontinued, the village of Kings Point shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

S 8. In the event that the village of Kings Point received any funding support or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in section five of this act, the discontinuance and alienation of the parkland authorized by the provisions of this act shall not occur until the village of Kings Point has complied with any federal requirement pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that alienation or conversion complies with all conditions that the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market and usefulness as the lands being alienated or converted.

S 9. This act shall take effect immediately.