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

S. 3906--A A. 5394--A

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

February 20, 2015

IN SENATE -- Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. RYAN -- 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 to authorize the town of Hamburg, county of Erie to discontinue the use of certain town lands as parkland and to sell and convey such lands to James Cleary

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

Section 1. The town of Hamburg, in the county of Erie, is hereby authorized to discontinue use of certain parklands more particularly described in section three of this act and sell and convey in fee simple for its fair market value and upon such terms and conditions, as determined by the town board, to James Cleary such lands which are no longer useful for park and recreation purposes.

S 2. The authorization provided for in section one of this act shall only be effective on the condition that the town of Hamburg shall dedicate the fair market value of such lands for the acquisition of additional parkland and/or capital improvements to existing park facilities in the town of Hamburg.

S 3. The lands authorized by section one of this act to be discontinued as parklands, and to be sold and conveyed are described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 21, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

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

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BEGINNING at the west corner of lands conveyed to James F. Cleary by deed recorded in the Erie County Clerk's Office under Liber 10270 of Deeds at page 309, said corner being on the east line of Abel Road;

THENCE S 38° 07' 58" E, a distance of 79.14 feet;

THENCE N 89° 23' 17" E, a distance of 373 feet, more or less, to the centerline of Berricks Creek;

THENCE south along the centerline of Berricks Creek, a distance of 71 feet, more or less;

THENCE S 89° 23' 17" W, a distance of 536 feet, more or less, to the east line of Abel Road;

THENCE N 37° 45' 02" E, along the east line of Abel Road, a distance of 169.32 feet to the point or place of beginning, containing 0.88 acre, more or less.

S 4. In the event that the town of Hamburg received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the town of Hamburg has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with 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 alienated or converted.

S 5. This act shall take effect immediately.