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

5425--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. O'MARA -- 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

AN ACT to authorize the conveyance of title of certain parklands in the village of Penn Yan

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 Penn Yan, in the county of Yates, alienated and conveyed municipal parklands on September 25, 1972 to the company known as Penn Yan Boats, Inc., as authorized by chapter 353 of the laws of 1972 in exchange for five additional substitute parcels of land. Furthermore:

(a) On February 26, 2014 the village of Penn Yan, county of Yates, and Keuka Outlet Development LLC entered into a development agreement to redevelop and rehabilitate the former Penn Yan Marine site originally conveyed to Penn Yan Boats, Inc. pursuant to chapter 353 of the laws of 1972, with the county and Keuka entering into a Brownfield Clean-Up Agreement with the New York State Department of Environmental Conservation.

(b) Subsequent to the parties entering into the development agreement it was discovered that the legal description used in chapter 353 of the laws of 1972 and property deed used to convey the land to Penn Yan Boats, Inc., both failed to properly define the metes and bounds of the lands to be conveyed and which were thereafter used and occupied by Penn Yan Boats, Inc.

(c) Prior to the discovery of the erroneous property description, the village of Penn Yan was unaware that there remained an appearance it retained title or interest in the small parcel of property not properly

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

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included in the legal description of the land from chapter 353 of the laws of 1972.

(d) At no time after the 1972 conveyance of the property did the village occupy or use the parcel of land described in section four of this act.

S 2. Notwithstanding the defect described in section one of this act, the prior alienation and conveyance of the parklands described in section four of this act to Penn Yan Boats, Inc., is hereby validated, legalized, ratified and confirmed, notwithstanding the absence of prior legislative approval.

S 3. Furthermore, the village of Penn Yan, Yates County, acting by and through its village board, is authorized to discontinue and alienate as parklands the lands described in section four of this act, and convey, by quitclaim deed, any interest it may have in such parklands to Keuka Outlet Development, LLC.

S 4. The parklands to be discontinued, alienated, and conveyed pursuant to sections two and three of this act are bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Penn Yan, Town of Milo, County of Yates, State of New York, bounded and described as follows: Beginning on the Westerly line if Hicks Street, which is the Southwest corner of said Hicks Street and which is North 49°00'06" West eight hundred sixty-four and sixty hundredths (864.60') feet from the Westerly line of Lake Street, and thence running North 49°00'06" West seventy-eight and fifty four hundredths feet (78.54') along the said Westerly line of Hicks Street produced to a point; thence running North 15°14'54" East thirty-three and sixty-six hundredths feet (33.66') to a point on the Westerly boundary line of Penn Yan Boats, Inc.; thence running South 58°45'06 East one hundred ninety-six and sixty-eight hundredths feet (196.68') along the lands of said Penn Yan Boats, Inc. to a point which is the Southwest corner of their lands, thence South 39°59'54" West two hundred ninety-five and sixty-eight hundredths feet (295.68') along the Westerly boundary line of lands of Penn Yan Boats, Inc. and across the terminus line of Hicks Street to the place of beginning containing 1.77 acres of land, more or less.

ALSO, ALL THAT OTHER TRACT OR PARCEL OF LAND situate in the Village of Penn Yan, Town of Milo, County of Yates, State of New York, bounded and described as follows: Beginning at a point on the Westerly line of Hicks Street which is nine hundred forty-three and fourteen hundredths feet (943.14') along the Westerly line of Hicks Street extended from the Westerly line of Lake Street and thence running North 49°00'06" West seventy feet (70.00') (83.65' Meas.) more or less along the Westerly line of Hicks Street extended to a point on the Easterly line of the lands of the Seneca Grape Juice Corporation; thence continuing North 49°00'06" West one hundred nine and eighty hundredths (109.80') to a point on the westerly bank of the former Crooked Lake Canal; thence North 03°30'45" West one hundred ten and thirty-one hundredths (110.31') along the westerly line of Seneca Grape Juice Corporation and which is also the westerly bank of the former Crooked Lake Canal; thence North 02°34'12" East seventy-five and thirty-nine hundredths (75.39') along the westerly line of Seneca Grape Juice Corporation and which is also the westerly bank of the former Crooked Lake Canal; thence North 18°10'31" East eighteen and fourteen hundredths (18.14') along the westerly line of Seneca Grape Juice Corporation and which is also the westerly bank of the former Crooked Lake Canal; thence South 72°14'52" East passing through chaining station 2.5 in the center line of original

location of the siding known in the records of the New York Central Railroad Company as Track No. 14 seventy-eight and thirty-one hundredths (78.31') to a point on the easterly line of Seneca Grape Juice Corporation and which is also the co-called Blue Line of the original Crooked Lake Canal said point is also the Southeast corner of lands of Penn Yan Boats, Inc.; thence North 18°11'34" East seventy-six and twenty hundredths (76.20') along the easterly line of Penn Yan Boats, Inc. and the so-called Blue Line of the Crooked Lake Canal, and thence running North 31°09'01" East eighteen feet (18.00') more or less along the Easterly line of lands of Penn Yan Boats, Inc. and the so-called Blue Line of the Crooked Lake Canal to a point, which is another Southwest corner of Penn Yan Boats, Inc.; thence running South 58°45'06" East along the Westerly boundary line of Penn Yan Boats, Inc. one hundred sixty feet (160.00') more or less to a point; thence running South 42°44'54" West thirty-three and sixty-six hundredths feet (33.66') along the line of lands as described in the above parcel, and thence running South 15°14'54" West two hundred ninety-seven feet (297.00') along the Westerly line of lands described above to the place of beginning, containing 1.329 acres of land more or less.

S 5. This act shall take effect immediately.