STATE OF NEW YORK

10048

IN ASSEMBLY

March 8, 2018

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

AN ACT to authorize the county of Nassau to transfer ownership of certain parklands to the Oyster Bay Water District

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subject to the provisions of this act, the county of Nassau is hereby authorized and empowered to discontinue as county parkland and convey the property described in section two of this act, which was heretofore used by such county for park and/or recreational purposes and is within the Tiffany Creek Preserve, upon terms to be fixed and determined by such county and approved by its legislature, to the Oyster Bay water district.

§ 2. The lands referred to in section one of this act are located, bounded and described as follows:

All that certain plot, piece or parcel of land situate lying and being at the Incorporated Village of Oyster Bay Cove, Town of Oyster Bay, County of Nassau and State of New York, being bounded and described as follows:

BEGINNING at the northwesterly most corner of the existing Oyster Bay Water District Plant 8. Said point of beginning being further described as being the following six (6) bearings and distances from the intersection of the northerly side of Berry Hill Road with the westerly side of Sandy Hill Road:

1. North 76° 35' 10" West 128.29 feet;
2. North 77° 50' 30" West 154.69 feet;
3. North 83° 33' 10" West 98.79 feet;
4. North 01° 01' 44" West 253.57 feet;
5. North 34° 30' 00" West 75.00 feet;
6. North 84° 30' 00" West 55.00 feet to the point or place of beginning.

THENCE southerly by and with the westerly side of the existing Oyster Bay Water District Plant 8, the following two (2) bearings and distances:

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

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1. South 45° 30' 00" West 150.00 feet;
2. South 03° 30' 00" West 20.28 feet;
THENCE through property of the County of Nassau the following four (4) bearings and distances:
1. North 72° 04' 40" West 150.29 feet;
2. North 17° 55' 20" East 130.00 feet;
3. South 72° 04' 40" East 112.10 feet;
4. South 84° 30' 00" East 105.04 feet to the point or place of beginning.

Said property containing an area of approximately 23,136.62 square feet (0.53 acres).

§ 3. Subject to the provisions of this act, the Nassau county legislature is hereby further authorized and empowered to convey to the Oyster Bay Water District a non-pollution easement encompassing a radius of 200 feet surrounding the well head to be installed on the property described in section two of this act, the area of such easement being shown upon a map entitled "OYSTER BAY WATER DISTRICT PLANT 8 EXPANSION" prepared by Holzmacher, McLendon & Murrell, P.C. and dated September 22, 2009 and last revised March 8, 2012. Such land shall remain open to the general public for passive park and recreational purposes.

§ 4. The authorization provided in section one of this act shall be effective only upon the condition that on or before the alienation and conveyance of lands described in section two of this act and/or the conveyance of the easement described in section three of this act, the county shall acquire additional lands of equal or greater fair market value than the lands being alienated, as described in section two of this act. Such lands to be acquired, which shall be dedicated as parkland, are designated by the following designations on the Nassau County Land and Tax Map:

1) Section 65, Block 58, Lot 648
2) Section 63, Block 20, Lot 704
3) Section 65, Block 59, Lot 751
4) Section 63, Block 21, Lot 803

such parcels being those acquired by the People of the State of New York and containing therein approximately 4.13 acres +/-.

§ 5. If the parcel described in section two of this act is greater in fair market value than the parcels being dedicated as parkland in section four of this act, the county of Nassau shall dedicate the difference in the fair market value of such lands for the acquisition of additional park lands and/or for capital improvements to existing park and recreational facilities.

§ 6. If the parkland that is being discontinued has received federal funding pursuant to the Land and Water Conservation Fund, the discontinuance and conveyance of park land authorized by the provisions of this act shall not occur until the county of Nassau has complied with any state requirements pursuant to state issued grants for effected park property and federal requirements pertaining to conversion of park lands, 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.

§ 7. This act shall take effect immediately.