STATE OF NEW YORK

7631

2017-2018 Regular Sessions

IN ASSEMBLY

May 5, 2017

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

AN ACT authorizing the village of Montgomery in the county of Orange to alienate certain parcels of land used as parkland and to acquire other parcels of land to replace such parkland

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 village of Montgomery in the county of Orange, acting by and through its governing body, is hereby authorized to discontinue as parklands and alienate the lands more particularly described in section three of this act, and to sell and convey such parklands at fair market value and upon such other terms and conditions as determined by the governing body of the village of Montgomery in the county of Orange.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the village of Montgomery in the county of Orange shall acquire and dedicate the lands described in section four of this act as additional parklands of the county.

§ 3. The lands to be discontinued as parklands are more fully described as follows:

ALL that parcel of land, lying, situate and being in the Village of Montgomery, Town of Montgomery, County of Orange, State of New York, and being more accurately described as follows:

BEGINNING at a point in common with lands now or formerly of the Village of Montgomery, Tax Map Section 201, Block 3, Lot 18.1, said point also being a point in common with lands now or formerly of the Village of Montgomery, Tax Map Section 201, Block 3, Lot 19.2; and running thence along said Lot 18.1 N70°28'00"W 160.00 feet; thence leaving said Lot 18.1 and running through Lot 19.2 N00°00'00"E 220.95 feet; thence N27°59'05"E 261.84 feet to a point in common with lands now or formerly of Riverside Cemetery, Tax Map Section 201, Block 3, Lot 3;

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

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thence along said Lot 3 S58°50'00"E 298.62 feet; thence S31°10'00"W 24.00 feet; thence S58°50'00"E 45.00 feet; thence N31°10'00"E 24.00 feet; thence S60°18'00"E 186.00 feet; thence leaving said Lot 3 and running through Lot 19.2 S30°39'00"W 372.09 feet; thence N70°28'00"W 252.50 feet to the point or place of beginning.

Containing 4.74± acres of land.

Subject to any easements or agreements, if any.

§ 4. The village of Montgomery in the county of Orange, acting by and through its governing body, shall dedicate the replacement lands for use as parkland for public purposes described as follows:

All that certain plot, piece, or parcel of land situate in the Village of Montgomery, County of Orange, State of New York, said lands being shown as Lot 1 on a map entitled "Subdivision Prepared For Village of Montgomery, Village of Montgomery, Orange County, New York", dated December 16, 2016, last revised December 22, 2016, prepared by Lanc & Tully Engineering and Surveying, P.C., said lands being more particularly bounded and described as follows:

BEGINNING at a point lying on a southwesterly line of lands now or formerly Village of Montgomery, Inc., being the easterly corner of lands herein described and the northerly corner of Lot 2, as shown on the previously mentioned map;

THENCE running along the northwesterly line of said Lot 2, being the southeasterly line of lands herein described,

1) South 42 degrees, 06' 37" West, as per Liber 3794 of Deeds at Page 127, a distance of 281.66 feet, to a point being the westerly corner of said Lot 2, the southerly corner of lands herein described and lying on the northeasterly line of lands now or formerly Coddington;

THENCE running along a portion of the northeasterly line of lands of said Coddington, being the southwesterly line of lands herein described,

2) North 42 degrees, 55' 50" West, a distance of 476.43 feet to a point being the northerly corner of lands of said Coddington, the westerly corner of lands herein described and lying on a southeasterly line of lands now or formerly Village of Montgomery, Inc.;

THENCE running along a portion of a southeasterly line of lands of said Village of Montgomery, Inc., being a northwesterly line of lands herein described,

3) North 41 degrees, 04' 21" East, a distance of 240.56 feet, to a point being the northerly corner of lands herein described,

THENCE running along a portion of southwesterly line of lands of said Village of Montgomery, Inc., being the northeasterly line of lands herein described on the following two (2) courses and distances:

4) South 47 degrees, 52' 47" East, a distance of 276.14 feet; and

5) South 47 degrees, 53' 23" East, a distance of 202.86 feet, to the point or place of BEGINNING.

Containing 2.857 ± acres.

Premises herein described being a portion of Tax Map Lot No. 3, in Block 1, within Section 205, as shown the Tax Maps of the Village of Montgomery, Orange County, New York dated 2016.

Premises herein described being a portion of the same premises as described in Liber 3794 of Deeds at Page 127, as filed in the Orange County Clerk's Office.

Premises herein described having the benefit of an access easement in favor of Lot 1, as shown on a map entitled "Subdivision Prepared For Village of Montgomery, Village of Montgomery, Orange County, New York", dated December 16, 2016, last revised December 22, 2016, prepared by

Lanc & Tully Engineering and Surveying, P.C., being more particularly bounded and described as follows:

Beginning at a point being the easterly corner of lands herein described and lying on the northeasterly line of Lot 2, as shown on the previously mentioned map, said point being the southerly corner of Bridge Street and the westerly corner of lands now or formerly Village of Montgomery;

THENCE running through said Lot 2, being southeasterly and southwesterly lines of lands herein described on the following two (2) courses and distances:

1) South 42 degrees, 06' 37" West, as per Liber 3794 of Deeds at Page 127, a distance of 49.99 feet, to a point being the southerly corner of lands herein described; and

2) North 47 degrees, 53' 44" West, a distance of 67.08 feet to a point being the westerly corner of lands herein described and lying on the southerly line of Lot 1, as shown on the previously mentioned map;

THENCE running along a portion of the southerly line of said Lot 1, being the northwesterly line of lands herein described,

3) North 42 degrees, 06' 37" East, a distance of 50.00 feet, to a point being the easterly corner of said Lot 1, the northerly corner of lands herein described and lying on the southwesterly line of lands now or formerly Village of Montgomery, Inc.;

THENCE running along a portion of the southwesterly line of lands of said Village of Montgomery, Inc. and continuing along the southwesterly line of Bridge Street being the northeasterly line of lands herein described;

4) South 47 degrees, 53' 23" East, a distance of 67.08 feet, to the point or place of BEGINNING.

Containing 0.077 ± acres.

Premises herein described being subject to any other easements, rights-of-way, covenants or restrictions of record.

§ 5. In the event that the parklands to be dedicated by the village of Montgomery in the county of Orange pursuant to this act are not equal to or greater than the fair market value of the parkland to be discontinued and conveyed, the village of Montgomery in the county of Orange 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 for capital improvements to existing park and recreational facilities.

§ 6. In the event that the village of Montgomery in the county of Orange 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 alienation of such parkland authorized by the provisions of this act shall not occur until the village of Montgomery in the county of Orange has complied with any federal requirements pertaining to the alienation or conversion of such 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 usefulness to the lands being alienated or converted.

§ 7. This act shall take effect immediately.