

STATE OF NEW YORK

7649--B

2017-2018 Regular Sessions

IN ASSEMBLY

May 5, 2017

Introduced by M. of A. M. L. MILLER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the alienation of certain parklands in the town of Hempstead, county of Nassau

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

1 Section 1. Notwithstanding section 2 of chapter 325 of the laws of
2 1920, subject to the provisions of this act, the town of Hempstead, in
3 the county of Nassau, acting by and through its governing body and upon
4 such terms and conditions as determined by such body, is hereby author-
5 ized to discontinue as parklands and to sell and convey at fair market
6 value the lands described in section three of this act, to Mott Develop-
7 ment for the purpose of providing necessary land for the construction of
8 planned residential structures.

9 § 2. The authorization provided in section one of this act shall be
10 effective only upon the condition that the town of Hempstead shall dedi-
11 cate the lands described in section four of this act as parkland
12 provided that the town has never used such lands for public open space
13 or park purposes.

14 § 3. The parklands authorized by section one of this act to be alien-
15 ated are described as follows:

16 All that piece or parcel of property situated in Oceanside, Town of
17 Hempstead, County of Nassau and State of New York shown as Section 54
18 Block 322 Part of Lot 15 on the Nassau County Land the Tax Map and being
19 more particularly described as follows:

20 Beginning at a point on the northerly line of Mott Street, said point
21 being a distance of 632.56 feet from the easterly and of a curve

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

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1 connecting the easterly line of Phillips Place with the northerly line
2 of Mott Street;

3 Thence North 12 degrees 02 minutes 21 seconds East a distance of 69.90
4 feet to a point;

5 Thence South 3 degrees 56 minutes 00 seconds East a distance of 67.53
6 feet to a point on the northerly line of Mott Street;

7 Thence South 87 degrees 02 minutes 40 seconds West along said line a
8 distance of 19.16 feet to the point of beginning;

9 Said parcel containing 647 square feet, and shall be conveyed subject
10 to all rights, easements, covenants and restrictions on record.

11 § 4. Prior to the discontinuance and alienation of parkland described
12 in section three of this act, the town of Hempstead, acting by and
13 through its governing body, shall dedicate as parklands the property
14 described as follows:

15 All that piece or parcel of property situated in Oceanside, Town of
16 Hempstead, County of Nassau and State of New York shown as Section 54
17 Block 322 Part of Lot 6 on the Nassau County Land the Tax Map and being
18 more particularly described as follows:

19 Beginning at a point on the northerly line of Mott Street, said point
20 being a distance of 418.80 feet from the easterly and of a curve
21 connecting the easterly line of Phillips Place with the northerly line
22 of Mott Street;

23 Thence North 37 degrees 16 minutes 40 seconds East a distance of 65.46
24 feet to a point;

25 Thence South 59 degrees 17 minutes 07 seconds East a distance of 10.57
26 feet to a point;

27 Thence South 37 degrees 16 minutes 40 seconds West a distance of 57.79
28 feet to a point on the northerly line of Mott Street;

29 Thence South 87 degrees 02 minutes 40 seconds West along said line a
30 distance of 13.75 feet to the point of beginning

31 Said parcel containing 647 square feet

32 § 5. In the event that the parklands described in section four of this
33 act to be acquired and dedicated by the town of Hempstead pursuant to
34 this act are not equal to or greater than the parklands described in
35 section three of this act being alienated, the town of Hempstead shall
36 dedicate the difference of the fair market value of the lands to be
37 alienated and the lands to be dedicated for the acquisition of addi-
38 tional parklands and/or capital improvements to existing park and recre-
39 ational facilities.

40 § 6. In the event that the town of Hempstead received any funding
41 support or assistance from the federal government for the purchase,
42 maintenance or improvement of the parklands set forth in section three
43 of this act, the discontinuance and alienation of such parklands author-
44 ized by the provisions of section three of this act shall not occur
45 until the town of Hempstead has complied with any federal requirements
46 pertaining to the alienation or conversion of such parklands, including
47 satisfying the secretary of the interior that the alienation or conver-
48 sion complies with all conditions which the secretary of the interior
49 deems necessary to assure the substitution of other lands shall be
50 equivalent in fair market value and usefulness to the lands being alien-
51 ated or converted.

52 § 7. This act shall take effect immediately.