

STATE OF NEW YORK

7889--A

2017-2018 Regular Sessions

IN ASSEMBLY

May 18, 2017

Introduced by M. of A. WALLACE -- 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 authorizing the alienation of certain parklands in the town of Cheektowaga, county of Erie

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

1 Section 1. Subject to the provisions of this act, the town of Cheektowaga, located in the county of Erie, is hereby authorized, acting by and through its town board and upon such terms and conditions as determined by such board, to discontinue the use of certain municipally owned parkland to lease at fair market value for the purpose of erecting, maintaining, and operating of a telecommunications tower and for vehicular access and utility lines to service such telecommunications tower, for a term not to exceed thirty years, parkland described in section three of this act.

2 § 2. The authorization contained in section one of this act shall be subject to the requirement that all proceeds from such lease shall be used for the acquisition of additional parkland and/or for capital improvements to existing park and recreational facilities.

3 § 3. The parkland authorized by section one of this act to be leased are more particularly described as follows:

4 Lease Area A - a parcel measuring 50 feet by 50 feet, and further described as follows:

5 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 55, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

6 COMMENCING at a point on the southwest corner of lands conveyed to Aspire Of Western New York by deed recorded in the Erie County Clerk's Office in Liber 11067 of Deeds at Page 6317, said point also being on the north line of Losson Road (66 feet wide);

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

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1 THENCE, N 2° 59' 25" W, along the northerly line of Losson Road, a
2 distance of 260± feet to a point on the easterly side of an access road
3 to John C. Stiglmeier Park;

4 THENCE, N 85° 18' 35" W along the easterly line of the existing access
5 road to John C. Stiglmeier Park, a distance of 224± feet to a point;

6 THENCE, S 2° 59' 25" E a distance of 55± feet to POINT OF BEGINNING.;

7 THENCE, S 2° 59' 25" E, a distance of 50 feet to a point;

8 THENCE, N 0° 0' 0" a distance of 50± feet to a point;

9 THENCE, N 2° 59' 25" W a distance of 50± feet to a point;

10 THENCE S 0° 0' 0" a distance of 50± feet to the POINT OR PLACE OF
11 BEGINNING.

12 Said area containing 0.057 acre.

13 Easement Area A - a 15 foot wide easement for vehicular and pedestrian
14 access to Lease Area A and for utilities to service the structures in
15 Lease Area A along the existing roadway which runs from Losson Road to
16 the Lease Area A, said easement area being described as follows:

17 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga,
18 County of Erie and State of New York, being part of Lot Number 55, Town-
19 ship 10, Range 7 of the Buffalo Creek Reservation, bounded and described
20 as follows:

21 COMMENCING at a point on the southwest corner of lands conveyed to
22 Aspire Of Western New York by deed recorded in the Erie County Clerk's
23 Office in Liber 11067 of Deeds at Page 6317, said point also being on
24 the north line of Losson Road (66 feet wide);

25 THENCE, N 2° 59' 25" W along the north line of Losson Road a distance
26 of 266± feet to the POINT OR PLACE OF BEGINNING;

27 THENCE, N 85° 18' 35" W along the easterly line of the access road to
28 John C. Stiglmeier Park a distance of 182± feet to a point;

29 THENCE, S 2° 59' 25" E a distance of 111± feet to a point;

30 THENCE, N 85° 18' 35" W a distance of 40± feet to a point;

31 THENCE, N 2° 59' 25" W a distance of 15± feet to a point;

32 THENCE, S 85° 18' 35" E a distance of 25± feet to a point;

33 THENCE, N 2° 59' 25" W a distance of 111± feet to a point;

34 THENCE, S 85° 18' 35" E a distance of 197± feet to a point;

35 THENCE, S 2° 59' 25" E along the north line of Losson Road a distance
36 of 15± feet to the POINT OR PLACE OF BEGINNING.

37 Such area containing 0.1095 acre.

38 § 4. Should the leased lands described in section three of this act
39 cease to be used for the purposes described in section one of this act,
40 the lease shall terminate and those lands shall revert to the town of
41 Cheektowaga for public park and recreational purposes. At the time of
42 such reversion, the removal of such telecommunications tower shall take
43 place and the property shall be returned to its previous state, consist-
44 ent with park and recreational purposes.

45 § 5. In the event that the town of Cheektowaga received any funding
46 support or assistance from the federal government for the purchase,
47 maintenance or improvement of the parklands set forth in section three
48 of this act, the discontinuance of parkland authorized by the provisions
49 of this act shall not occur until the town of Cheektowaga has complied
50 with any federal requirements pertaining to the alienation or conversion
51 of parklands, including satisfying the secretary of the interior that
52 the alienation or conversion complies with all conditions which the
53 secretary of the interior deems necessary to assure the substitution of
54 other lands shall be equivalent in fair market value and recreational
55 usefulness to the lands being alienated or converted.

56 § 6. This act shall take effect immediately.