

STATE OF NEW YORK

8827--A

2017-2018 Regular Sessions

IN ASSEMBLY

December 22, 2017

Introduced by M. of A. FITZPATRICK, PELLEGRINO -- read once and referred to the Committee on Local Governments -- 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 in relation to authorizing the town of Smithtown, county of Suffolk, to alienate and convey certain parcels of land used as parklands

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 Smith-
2 town, located in the county of Suffolk, acting by and through its town
3 board and upon such terms and conditions as determined by such board, is
4 hereby authorized to discontinue as parklands and alienate the lands
5 more particularly described in section three of this act, and to trans-
6 fer such lands to the county of Suffolk to facilitate the placement and
7 operation of a sewer pump station at the Town of Smithtown Department of
8 Parks, Buildings and Grounds.

9 § 2. The authorization contained in section one of this act shall take
10 effect only upon the condition that the town of Smithtown dedicate an
11 amount equal to or greater than the fair market value of the parklands
12 being discontinued towards the acquisition of new parklands and/or
13 towards capital improvements to existing parkland and recreational
14 facilities.

15 § 3. The parklands authorized by section one of this act to be alien-
16 ated and transferred to the county of Suffolk are described as follows:

17 ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and
18 improvements thereon erected, situate, lying and being at Kings Park,
19 Town of Smithtown, County of Suffolk and State of New York, more partic-
20 ularly bounded and described as follows:

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

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1 Beginning at a point at the northeast corner of the herein described
2 parcel, said point being situate the following three (3) courses and
3 distances as measured from the monument found on the southerly side of
4 Main Street (NYS Route 25A) at the division line between land now or
5 formerly State of New York and land of the party of the first part:

6 (1) south 85 degrees 40 minutes 00 seconds west 11.90 feet as measured
7 along the southerly side of Main Street (NYS Route 25A);

8 (2) south 03 degrees 55 minutes 48 seconds east 194.45 feet as meas-
9 ured along land of the party of the first part;

10 (3) south 85 degrees 40 minutes 00 seconds west 171.02 feet as meas-
11 ured along land of the party of the first part.

12 Running thence from said point of beginning through land of the party
13 of the first part the following four courses of distances:

14 (1) south 04 degrees 20 minutes 00 seconds east 50 feet;

15 (2) south 85 degrees 40 minutes 00 seconds west 80 feet;

16 (3) north 04 degrees 20 minutes 00 seconds west 50 feet;

17 (4) north 85 degrees 40 minutes 00 seconds east 80 feet to the point
18 or place of beginning.

19 Total of 4,000 square feet.

20 Together with an access easement, bounded and described as follows:

21 Beginning at a point on the southerly side of Main street (NYS Route
22 25A), said point being situate south 85 degrees 40 minutes 00 seconds
23 west as measured along the southerly side of Main Street (NYS Route 25A)
24 11.90 feet from the division line between land now or formerly State of
25 New York and land of the party of the first part;

26 Running thence from said point of beginning through land of the party
27 of the first part the following five (5) courses and distances:

28 (1) south 03 degrees 55 minutes 48 seconds east 194.45 feet;

29 (2) south 85 degrees 40 minutes 00 seconds west 251.02 feet;

30 (3) north 04 degrees 20 minutes 00 seconds west 24.00 feet;

31 (4) south 85 degrees 40 minutes 00 seconds east 221.19 feet;

32 (5) north 03 degrees 55 minutes 48 seconds west 170.45 feet to the
33 southerly side of Main Street (NYS Route 25A);

34 Running thence north 85 degrees 40 minutes 00 seconds east along the
35 southerly side of Main Street (NYS Route 25A) 30.00 feet to the point or
36 place of beginning. Total of 11,140 square footage or 0.26 acres of
37 parkland.

38 § 4. Should the lands described in section three of this act cease to
39 be used for the purposes described in section one of this act, those
40 lands shall revert to the town of Smithtown for public park and recre-
41 ational purposes. At the time of such reversion, the county shall remove
42 the sewer pump station and the property shall be returned to its previ-
43 ous state, consistent with park and recreational purposes.

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

55 § 6. This act shall take effect immediately.