

# STATE OF NEW YORK

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5315--A

Cal. No. 580

2017-2018 Regular Sessions

## IN SENATE

March 21, 2017

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Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to authorize the town of Yorktown, in the county of Westchester, to alienate certain parklands and to dedicate other lands 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 York-  
2 town, in the county of Westchester, is hereby authorized to discontinue  
3 and alienate as parkland the lands described in section four of this  
4 act.

5 § 2. Notwithstanding the failure of the town of Yorktown to seek and  
6 receive state legislative authorization to alienate the parklands  
7 described in section four of this act prior to such parklands being  
8 alienated, such alienation is hereby validated, legalized, ratified and  
9 confirmed.

10 § 3. The authorization provided in section one of this act shall be  
11 effective only upon the condition that the town of Yorktown, dedicates  
12 the lands described in section five of this act as parkland:

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

15 All that certain plot, piece or parcel of land, being in the Incorpo-  
16 rated Town of Yorktown, County of Westchester and State of New York,  
17 bounded and described as follows:

18 STARTING on the south side of Route No. 6 (Peekskill five mile turn-  
19 pike), at its intersection with the center line Brook Outlet of Mohegan  
20 Lake.

21 THENCE along said south side of Route No. 6, North 48°02'40" East,  
22 219.83 feet

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

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1 To the point or place of BEGINNING.

2 THENCE southerly at right angle with the south side of Route No. 6,  
3 South 41°57'20" East, 91.72 feet;

4 THENCE North 22°58'22" East, 15.30'

5 THENCE North 32°02'53" West, 24.875',

6 THENCE North 33°19'13" East, 98.00',

7 THENCE North 37°06'46" West, 24.31'

8 THENCE South 54°11'40" West, 64.81'

9 THENCE South 48°02'40" West, 81.29' to the point or place of BEGIN-  
10 NING; containing 6227.31 square feet or .14 acres, more or less.

11 § 5. Prior to the discontinuance and alienation of the parkland  
12 described in section four of this act, the town of Yorktown shall dedi-  
13 cate as parkland such land described as follows:

14 All that certain plot, piece or parcel of land situate, lying a being  
15 in the incorporated Town of Yorktown, County of Westchester and State of  
16 New York bounded and described as follows:

17 BEGINNING on the south side of Route No.6 (Peekskill five mile turn-  
18 pike), at its intersection with the center line Brook Outlet of Mohegan  
19 Lake;

20 THENCE South 44°09'29" East, 69.52 feet;

21 THENCE South 13°20'00" East, 49.07 feet;

22 THENCE South 32°46'58" East, 27.81 feet;

23 THENCE North 48°02'40" East, 108.00 feet;

24 THENCE North 65°37'00" West, 65.00 feet;

25 THENCE South 75°17'41" West, 55.70 feet;

26 THENCE North 44°09'29" West, 55.00 feet;

27 THENCE South 48°02'40" West, 5.01 feet to the point or place of BEGIN-  
28 NING; containing 6227.03 square feet or .14 acres, more or less.

29 § 6. In the event that the fair market value of the parklands  
30 described in section five of this act to be dedicated by the town of  
31 Yorktown pursuant to this act are not equal to or greater than the fair  
32 market value of the parklands described in section four of this act  
33 being alienated, the town of Yorktown shall dedicate the difference of  
34 the fair market value of the lands to be alienated and the lands to be  
35 dedicated for the acquisition of additional parklands and/or capital  
36 improvements to existing park and recreational facilities.

37 § 7. If the parkland being alienated pursuant to this act has received  
38 funding pursuant to the federal land and water conservation fund, the  
39 discontinuance of parkland authorized by the provisions of this act  
40 shall not occur until the town of Yorktown has complied with the federal  
41 requirements pertaining to the conversion of parklands, including satis-  
42 fying the federal secretary of the interior that the discontinuance will  
43 include all conditions which such secretary of interior deems necessary  
44 to assure the substitution of other lands shall be equivalent in fair  
45 market value and recreational usefulness to the lands being discontin-  
46 ued.

47 § 8. This act shall take effect immediately.