

# STATE OF NEW YORK

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5630

2017-2018 Regular Sessions

## IN SENATE

April 21, 2017

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Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

1 Section 1. Subject to the provisions of this act, the village of Mont-  
2 gomery in the county of Orange, acting by and through its governing  
3 body, is hereby authorized to discontinue as parklands and alienate the  
4 lands more particularly described in section three of this act, and to  
5 sell and convey such parklands at fair market value and upon such other  
6 terms and conditions as determined by the governing body of the village  
7 of Montgomery in the county of Orange.

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

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

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

17 BEGINNING at a point in common with lands now or formerly of the  
18 Village of Montgomery, Tax Map Section 201, Block 3, Lot 18.1, said  
19 point also being a point in common with lands now or formerly of the  
20 Village of Montgomery, Tax Map Section 201, Block 3, Lot 19.2; and  
21 running thence along said Lot 18.1 N70°28'00"W 160.00 feet; thence leav-  
22 ing said Lot 18.1 and running through Lot 19.2 N00°00'00"E 220.95 feet;  
23 thence N27°59'05"E 261.84 feet to a point in common with lands now or  
24 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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1 thence along said Lot 3 S58°50'00"E 298.62 feet; thence S31°10'00"W  
2 24.00 feet; thence S58°50'00"E 45.00 feet; thence N31°10'00"E 24.00  
3 feet; thence S60°18'00"E 186.00 feet; thence leaving said Lot 3 and  
4 running through Lot 19.2 S30°39'00"W 372.09 feet; thence N70°28'00"W  
5 252.50 feet to the point or place of beginning.

6 Containing 4.74± acres of land.

7 Subject to any easements or agreements, if any.

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

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

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

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

24 1) South 42 degrees, 06' 37" West, as per Liber 3794 of Deeds at Page  
25 127, a distance of 281.66 feet, to a point being the westerly corner of  
26 said Lot 2, the southerly corner of lands herein described and lying on  
27 the northeasterly line of lands now or formerly Coddington;

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

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

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

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

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

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

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

45 Containing 2.857 ± acres.

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

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

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

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

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

8 THENCE running through said Lot 2, being southeasterly and southwes-  
9 terly lines of lands herein described on the following two (2) courses  
10 and distances:

11 1) South 42 degrees, 06' 37" West, as per Liber 3794 of Deeds at Page  
12 127, a distance of 49.99 feet, to a point being the southerly corner of  
13 lands herein described; and

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

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

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

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

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

29 Containing 0.077 ± acres.

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

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

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

52 § 7. This act shall take effect immediately.