

STATE OF NEW YORK

6499--B

2017-2018 Regular Sessions

IN SENATE

May 26, 2017

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 725 of the laws of 1984 relating to authorizing the village of Mamaroneck, Westchester county, to sell and convey both permanent and temporary easements in certain park lands to the county of Westchester, for the purpose of construction, operation and maintenance of a sanitary sewage pumping station, pipelines and outfall, in relation to excepting certain lands as necessary for above-ground appurtenances

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

1 Section 1. Chapter 725 of the laws of 1984 relating to authorizing the
2 village of Mamaroneck, Westchester county, to sell and convey both
3 permanent and temporary easements in certain park lands to the county of
4 Westchester, for the purpose of construction, operation and maintenance
5 of a sanitary sewage pumping station, pipelines and outfall is amended
6 to read as follows:

7 Section 1. Notwithstanding any other provision of law to the contrary,
8 the village of Mamaroneck, Westchester county, acting through its board
9 of trustees is hereby authorized to discontinue as parklands and alien-
10 ate and to sell and convey, subject to the provisions of this act for
11 such consideration and upon such terms and conditions as the village of
12 Mamaroneck may deem adequate and proper, permanent and temporary ease-
13 ments in the following described park lands to the county of Westchester
14 for the purpose of construction, reconstruction, operation and mainte-
15 nance of a sanitary sewage pumping station, pipelines and outfall;

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

LBD11814-05-7

provided, however, that such sale or conveyance shall only be effected upon the requirement that the surface of any such subject lands, excepting such lands as are necessary for above-ground appurtenances, be restored and continued to be used for park purposes.

PERMANENT AND TEMPORARY EASEMENTS:

GRAVITY SEWER

Twelve foot wide Permanent Easement together with fifty foot wide Temporary Easement easterly of Orienta Avenue and Rushmore Avenue and westerly of Mamaroneck Harbor (West Basin) from vicinity of Sylvan Avenue to West Boston Post Road, a centerline distance of approximately 2,100 linear feet, all located in Harbor Island Park, Village of Mamaroneck, Westchester County, New York.

SANITARY SEWAGE PUMPING STATION

Permanent and Temporary Easements, southeasterly of the intersection of Orienta Avenue and West Boston Post Road, approximately 1/4 acre in size, located in Harbor Island Park, Village of Mamaroneck, Westchester County, New York.

SEWAGE FORCE MAIN

Twelve foot wide Permanent Easement together with fifty foot wide Temporary Easement, southerly of West Boston Post Road and northerly of Mamaroneck Harbor (West Basin) from vicinity of Orienta Avenue to Westchester County Mamaroneck Sanitary Sewage Treatment Plant, a centerline distance of approximately 1,400 linear feet, all located in Harbor Island Park, Village of Mamaroneck, Westchester County, New York.

OUTFALL PIPELINE

Twelve foot wide Permanent Easement together with fifty foot wide Temporary Easement southerly from Westchester County Mamaroneck Sanitary Sewage Treatment Plant at the intersection of West Boston Post Road and Mamaroneck Avenue to the southwesterly corner of Harbor Island, a centerline distance of approximately 1,800 linear feet all located in Harbor Island Park, Village of Mamaroneck, Westchester County, New York.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the county of Westchester will convey to the village of Mamaroneck and the village of Mamaroneck shall dedicate the lands of equal or greater fair market value described in section four of this act as additional park lands of the village.

§ 3. The lands authorized by section one of this act to be excepted from the requirement that the surface be restored and continued to be used as parkland are as follows:

All that certain plot, piece or parcel of land situate in the Village of Mamaroneck, within the Town of Mamaroneck, County of Westchester, State of New York, more particularly described as follows: commencing at a point on the southerly side of Boston Post Road and the northeasterly terminus of Orienta Avenue; thence along the easterly bounds of Orienta Avenue as shown on a map by Thomas McEvoy L.S. dated August 1, 1984 and titled "County of Westchester, Department of Environmental Facilities, Property Map for Right of Way Acquisition, West Basin Interceptor System situated in the Village of Mamaroneck, Town of Mamaroneck, Westchester County, Mamaroneck Sanitary Sewer District", South 10° 08' 02" West, 13.94 feet ; thence along the easterly bounds of Orienta Avenue South 3° 23' 48" West, 3.40 feet to a monument labeled as #4 on the abovementioned survey map; thence South 46° 16' 22" West, 92.83 feet to the corner of a concrete vault, said point being the point and place of beginning; thence South 61° 53' 34" West, 21.97 feet along the southerly side of a concrete vault; thence North 28° 06' 26" West, 5.30 feet along the westerly side of a concrete vault ; thence South 61° 41' 39" West,

1 9.65 to the southwesterly corner of a smaller concrete vault ; thence
2 South 28° 06' 26" East, 23.59 ; thence North 61° 53' 34" East, 31.61 ;
3 thence North 28° 06' 26" West, 18.33 to the point and place of begin-
4 ning, containing 630.40 square feet or 0.014 Acres, more or less.

5 § 4. Prior to the discontinuance and alienation of the parkland
6 described in section three of this act, the county of Westchester,
7 acting through its county legislature, shall convey to the village of
8 Mamaroneck, and the village of Mamaroneck shall dedicate replacement
9 lands for use as parkland for public park purposes, with such replace-
10 ment lands, being of equal or greater fair market value, as follows:

11 All that tract or parcel of land situate in the village and town of
12 Mamaroneck, Westchester County, New York State and being bounded and
13 described as follows: All that certain plot, piece or parcel of land
14 situate in the Village of Mamaroneck, within the Town of Mamaroneck,
15 County of Westchester, State of New York, more particularly described as
16 follows: Commencing at monument on the southeasterly side of Boston Post
17 Road, said point being the southwesterly corner of the County of
18 Westchester's Department of Environmental Facilities parcel, whose 2017
19 town of Mamaroneck tax designation is 9-19-231; thence along the south-
20 easterly bounds of Boston Post Road, North 39° 39' 02" East, 263.75 feet
21 to a monument; thence along the southeasterly bounds of Boston Post Road
22 North 29° 39' 12" East, 570.10 feet to the northwesterly corner of the
23 County of Westchester's Department of Environmental Facilities parcel,
24 said point being the point and place of beginning; thence North 82° 54'
25 22" East, 5.22 feet to the westerly bounds of Mamaroneck Avenue; thence
26 along the westerly bounds of Mamaroneck Avenue South 14° 16' 48" East,
27 36.39 feet; thence North 84° 45' 26" West, 32.32 feet to the southeast-
28 erly bounds of Boston Post Road; thence along the southeasterly bounds
29 of Boston Post Road North 29° 39' 12" East, 36.44 feet to the point and
30 place of beginning, containing 630.46 square feet or 0.014 Acres, more
31 or less.

32 § 5. In the event that the parklands to be dedicated by the village of
33 Mamaroneck pursuant to this act are not equal to or greater than the
34 fair market value of the parkland to be discontinued, the county of
35 Westchester shall dedicate the difference of the fair market value of
36 the lands to be alienated and the lands to be dedicated for the acquisi-
37 tion of additional parklands and/or for capital improvements to existing
38 park and recreational facilities.

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

51 § ~~2~~ 7. This act shall take effect immediately.

52 § 2. This act shall take effect immediately.