

STATE OF NEW YORK

10331--B

IN ASSEMBLY

April 10, 2018

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the alienation of certain parklands in the town of Tonawanda, county of Erie

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

1 Section 1. (a) Subject to the provisions of this act, the town of
2 Tonawanda, in the county of Erie, acting by and through its governing
3 body, and upon such terms and conditions as determined by such body, is
4 hereby authorized to discontinue as parklands and to lease at fair
5 market value to Upstate Tower Company, LLC for a term not to exceed
6 thirty years the lands more particularly described in section two of
7 this act for the placement and operation of a wireless communications
8 facility.

9 (b) All proceeds from such lease shall be used for acquisition of new
10 parklands and/or towards capital improvements to existing park and
11 recreational facilities.

12 § 2. The lands authorized by section one of this act to be discontin-
13 ued as parklands are described as follows:

14 All that piece or parcel of property situated in the Town of Tonawan-
15 da, County of Erie and State of New York, and more particularly
16 described as follows:

17 Beginning at the intersection formed by the centerline of Brompton
18 Road (49.5 feet wide) and the centerline of Parker Boulevard;

19 Thence North 86 degrees 53 minutes 32 seconds West a distance of 1592
20 +/- feet to the true point of beginning;

21 Thence South 00 degrees 12 minutes 19 seconds West a distance of 50
22 feet to a point;

23 Thence North 89 degrees 47 minutes 41 seconds West a distance of 50
24 feet to a point;

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

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1 Thence North 00 degrees 12 minutes 19 seconds East a distance of 50
2 feet to a point;

3 Thence South 89 degrees 47 minutes 41 seconds East a distance of 50
4 feet to the place and point of beginning;

5 Said parcel containing 2,500 square feet (0.057 acres).

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

7 Beginning at a point in the south highway boundary line of Brompton
8 Road, said point being North 69 degrees 39 minutes 15 seconds West, a
9 distance of 1414 +/- feet from the intersection formed by the centerline
10 of Brompton Road (49.5 feet wide) and the centerline of Parker Boule-
11 vard;

12 Thence South 21 degrees 21 minutes 20 seconds West a distance of 54.30
13 feet to a point;

14 Thence South 15 degrees 13 minutes 31 seconds West a distance of 90.98
15 feet to a point;

16 Thence South 29 degrees 47 minutes 25 seconds West a distance of 48.75
17 feet to a point;

18 Thence South 89 degrees 57 minutes 25 seconds West a distance of
19 175.76 feet to a point;

20 Thence South 00 degrees 12 minutes 19 seconds West a distance of
21 274.50 feet to a point;

22 Thence North 89 degrees 47 minutes 41 seconds West a distance of 20
23 feet to a point;

24 Thence North 00 degrees 12 minutes 19 seconds East a distance of
25 294.41 feet to a point;

26 Thence North 89 degrees 57 minutes 25 seconds East a distance of
27 184.09 feet to a point;

28 Thence North 29 degrees 47 minutes 25 seconds East a distance of 34.61
29 feet to a point;

30 Thence North 15 degrees 13 minutes 31 seconds East a distance of 89.50
31 feet to a point;

32 Thence North 21 degrees 21 minutes 20 seconds East a distance of 55.53
33 feet to a point in the south highway boundary line of Brompton Road;

34 Thence South 68 degrees 10 minutes 54 seconds East a distance of 20
35 feet to the place and point of beginning;

36 Said parcel containing 13,024 square feet (0.299 acres).

37 § 3. Should the lands described in section two of this act cease to be
38 used for the purposes described in section one of this act, the lease
39 shall terminate and those lands shall revert to the town of Tonawanda
40 for public park and recreational purposes. At the time of such rever-
41 sion, the removal of such wireless communications facility shall take
42 place and the property shall be returned to its previous state, consist-
43 ent with park and recreational purposes.

44 § 4. In the event that the town of Tonawanda 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 two of
47 this act, the discontinuance and alienation of such parklands authorized
48 by the provisions of this act shall not occur until the town of Tonawan-
49 da has complied with any federal requirements pertaining to the alien-
50 ation or conversion of such parklands, including satisfying the secre-
51 tary 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 § 5. This act shall take effect immediately.