

STATE OF NEW YORK

7631

2017-2018 Regular Sessions

IN ASSEMBLY

May 5, 2017

Introduced by M. of A. B. MILLER -- read once and referred to the
Committee on Local Governments

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 Assem-
bly, 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.