STATE OF NEW YORK

7888--A

2017-2018 Regular Sessions

IN ASSEMBLY

May 18, 2017

Introduced by M. of A. WALTER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the town of Amherst, county of Erie to alienate and convey certain parcels of land used as parkland

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

Section 1. The town of Amherst, in the county of Erie, acting through its town board, is hereby authorized to discontinue and alienate certain parklands more particularly described in section three of this act.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the town of Amherst dedicates the lands described in section four of this act as parkland.

§ 3. The lands to be discontinued as parklands and alienated and conveyed pursuant to section one of this act are bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being Part of Lot 73, Township 12, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Commencing at the southwest corner of Lot 67, also being the southeast corner of said Lot 73; Thence northerly along the east line of said Lot 73, a distance of 955.95 to a point; Thence westerly along a line making an angle to the left of 268° 03' with the last mentioned course and along the south line of lands conveyed by a deed recorded in the Erie County Clerks Office in Liber 10957 of Deeds at Page 7085, a distance of 383.60 feet to the southwest corner of said Liber 10957 Page 7085; Thence continuing westerly along the last mentioned course, a distance of 66.08 to the Principal Point of Beginning; Thence continuing westerly along the last mentioned course, a distance of 478.99 feet to the centerline of Millersport Highway (width varies) formerly New Home

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

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Bridge and Skinnerville Road, also known as Amherst Manor Drive; Thence northeasterly along the centerline of said Millersport Highway and along a line making an interior angle of 63° 14' 13" with the last mentioned course, a distance of 488.82 feet to a point, said point being 414.08 feet south of the southwest corner of Parcel VIII of lands conveyed by a deed recorded in the Erie County Clerk's Office in Liber 6754 of Deeds at Page 511; Thence easterly along a line at right angles to the last mentioned course, a distance of 50.41 feet to a point of curvature; Thence along a curve to the left having a radius of 350.00 feet, an arc distance of 191.97 feet; Thence southerly along a line parallel with the west line of said Liber 10957 Page 7085, a distance of 378.44 feet to the point or place of beginning, to the right of way of said Millersport Highway.

Containing 2.950 acres, more or less.

§ 4. Prior to the discontinuance and alienation of the parkland described in section three of this act, the town of Amherst shall dedicate as parkland such land described as follows:

ALL THAT PARCEL OR TRACT OF LAND, situate in the Town of Amherst, County of Erie and State of New York, being Part of Lot 101, Township 12, Range 7 of the Holland Land Company's Survey and more particularly described as follows:

Beginning at a point on the Westerly line of Lot 101, distant 1077.58 feet Southerly from the Northerly line of said Lot 101 as measured along the said Lot line; Thence South 89°-48'-53" East, parallel with the Northerly line of Lot 101 and also along the Southerly line of Lands conveyed to William Shadewell by Zebulon Ketchum on January 15, 1847, a distance of 1,250.3 feet+/- to the centerline of Gott Creek; Thence Southeasterly along the centerline of said Gott Creek also being the Westerly line of subdivision entitled "The Meadows of Amherst" recorded in the Erie County Clerk's Office under Map Cover 2549, a distance of 1,040.5 feet+/-; Thence North 89°-48'-53" West, parallel with the Northerly line of Lot 101, a distance of 1769.1 feet+/- (measured) - 1769.40 feet (deed) to the Westerly line of Lot 101, also being on the Easterly line of subdivision entitled "Golden Gate Subdivision" (Phase IV, Part I) and recorded in the Erie County Clerk's Office under Map Cover 2752; Thence North 00°-02'-49" West, along the said Westerly line of Lot 101 and along the Easterly line of said Map Cover 2752, a distance of 720.53 feet (Measured) - 720.46 feet (Deed) to the point of Beginning.

Containing 26.62 Acres of Land more or less.

§ 5. In the event that the parklands to be acquired and dedicated by the town of Amherst pursuant to this act are not of equal or greater fair market value to the parklands to be discontinued and conveyed, the town of Amherst shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of the additional parklands and/or for capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Amherst received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the town of Amherst has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the

substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

§ 7. This act shall take effect immediately.