

STATE OF NEW YORK

8090--B

2017-2018 Regular Sessions

IN ASSEMBLY

May 25, 2017

Introduced by M. of A. OTIS -- 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 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;
16 provided, however, that such sale or conveyance shall only be effected
17 upon the requirement that the surface of any such subject lands, except-

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

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1 ing such lands as are necessary for above-ground appurtenances, be
2 restored and continued to be used for park purposes.

3 PERMANENT AND TEMPORARY EASEMENTS:

4 GRAVITY SEWER

5 Twelve foot wide Permanent Easement together with fifty foot wide
6 Temporary Easement easterly or Orienta Avenue and Rushmore Avenue and
7 westerly of Mamaroneck Harbor (West Basin) from vicinity of Sylvan
8 Avenue to West Boston Post Road, a centerline distance of approximately
9 2,100 linear feet, all located in Harbor Island Park, Village of Mamaron-
10 neck, Westchester County, New York.

11 SANITARY SEWAGE PUMPING STATION

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

16 SEWAGE FORCE MAIN

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

23 OUTFALL PIPELINE

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

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

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

38 All that certain plot, piece or parcel of land situate in the Village
39 of Mamaroneck, within the Town of Mamaroneck, County of Westchester,
40 State of New York, more particularly described as follows: commencing at
41 a point on the southerly side of Boston Post Road and the northeasterly
42 terminus of Orienta Avenue; thence along the easterly bounds of Orienta
43 Avenue as shown on a map by Thomas McEvoy L.S. dated August 1, 1984 and
44 titled "County of Westchester, Department of Environmental Facilities,
45 Property Map for Right of Way Acquisition, West Basin Interceptor System
46 situated in the Village of Mamaroneck, Town of Mamaroneck, Westchester
47 County, Mamaroneck Sanitary Sewer District", South 10° 08' 02" West,
48 13.94 feet ; thence along the easterly bounds of Orienta Avenue South 3°
49 23' 48" West, 3.40 feet to a monument labeled as #4 on the abovementioned
50 survey map; thence South 46° 16' 22" West, 92.83 feet to the
51 corner of a concrete vault, said point being the point and place of
52 beginning; thence South 61° 53' 34" West, 21.97 feet along the southerly
53 side of a concrete vault; thence North 28° 06' 26" West, 5.30 feet along
54 the westerly side of a concrete vault ; thence South 61° 41' 39" West,
55 9.65 to the southwesterly corner of a smaller concrete vault ; thence
56 South 28° 06' 26" East, 23.59 ; thence North 61° 53' 34" East, 31.61 ;

1 thence North 28° 06' 26" West, 18.33 to the point and place of begin-
2 ning, containing 630.40 square feet or 0.014 Acres, more or less.

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

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

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

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

49 § ~~2~~ 7. This act shall take effect immediately.

50 § 2. This act shall take effect immediately.