

# STATE OF NEW YORK

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6330--A

2017-2018 Regular Sessions

## IN SENATE

May 11, 2017

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- 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 authorizing the alienation of certain parklands in the town of Cheektowaga, county of Erie

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

- 1 Section 1. Subject to the provisions of this act, the town of Cheektowaga, located in the county of Erie, is hereby authorized, acting by and through its town board and upon such terms and conditions as determined by such board, to discontinue the use of certain municipally owned parkland to lease at fair market value for the purpose of erecting, maintaining, and operating of a telecommunications tower and for vehicular access and utility lines to service such telecommunications tower, for a term not to exceed thirty years, parkland described in section three of this act.
- 10 § 2. The authorization contained in section one of this act shall be subject to the requirement that all proceeds from such lease shall be used for the acquisition of additional parkland and/or for capital improvements to existing park and recreational facilities.
- 14 § 3. The parkland authorized by section one of this act to be leased are more particularly described as follows:
- 16 Lease Area A - a parcel measuring 50 feet by 50 feet, and further described as follows:
- 18 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 55, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:
- 21

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

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1 COMMENCING at a point on the southwest corner of lands conveyed to  
2 Aspire Of Western New York by deed recorded in the Erie County Clerk's  
3 Office in Liber 11067 of Deeds at Page 6317, said point also being on  
4 the north line of Losson Road (66 feet wide);

5 THENCE, N 2° 59' 25" W, along the northerly line of Losson Road, a  
6 distance of 260± feet to a point on the easterly side of an access road  
7 to John C. Stiglmeier Park;

8 THENCE, N 85° 18' 35"W along the easterly line of the existing access  
9 road to John C. Stiglmeier Park, a distance of 224± feet to a point;

10 THENCE, S 2° 59' 25" E a distance of 55± feet to POINT OF BEGINNING.;

11 THENCE, S 2° 59' 25" E, a distance of 50 feet to a point;

12 THENCE, N 0° 0' 0" a distance of 50± feet to a point;

13 THENCE, N 2° 59' 25" W a distance of 50± feet to a point;

14 THENCE S 0° 0' 0" a distance of 50± feet to the POINT OR PLACE OF  
15 BEGINNING.

16 Said area containing 0.057 acre.

17 Easement Area A - a 15 foot wide easement for vehicular and pedestrian  
18 access to Lease Area A and for utilities to service the structures in  
19 Lease Area A along the existing roadway which runs from Losson Road to  
20 the Lease Area A, said easement area being described as follows:

21 ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga,  
22 County of Erie and State of New York, being part of Lot Number 55, Town-  
23 ship 10, Range 7 of the Buffalo Creek Reservation, bounded and described  
24 as follows:

25 COMMENCING at a point on the southwest corner of lands conveyed to  
26 Aspire Of Western New York by deed recorded in the Erie County Clerk's  
27 Office in Liber 11067 of Deeds at Page 6317, said point also being on  
28 the north line of Losson Road (66 feet wide);

29 THENCE, N 2° 59' 25" W along the north line of Losson Road a distance  
30 of 266± feet to the POINT OR PLACE OF BEGINNING;

31 THENCE, N 85° 18' 35" W along the easterly line of the access road to  
32 John C. Stiglmeier Park a distance of 182± feet to a point;

33 THENCE, S 2° 59' 25" E a distance of 111± feet to a point;

34 THENCE, N 85° 18' 35" W a distance of 40± feet to a point;

35 THENCE, N 2° 59' 25" W a distance of 15± feet to a point;

36 THENCE, S 85° 18' 35" E a distance of 25± feet to a point;

37 THENCE, N 2° 59' 25" W a distance of 111± feet to a point;

38 THENCE, S 85° 18' 35" E a distance of 197± feet to a point;

39 THENCE, S 2° 59' 25" E along the north line of Losson Road a distance  
40 of 15± feet to the POINT OR PLACE OF BEGINNING.

41 Such area containing 0.1095 acre.

42 § 4. Should the leased lands described in section three of this act  
43 cease to be used for the purposes described in section one of this act,  
44 the lease shall terminate and those lands shall revert to the town of  
45 Cheektowaga for public park and recreational purposes. At the time of  
46 such reversion, the removal of such telecommunications tower shall take  
47 place and the property shall be returned to its previous state, consist-  
48 ent with park and recreational purposes.

49 § 5. In the event that the town of Cheektowaga received any funding  
50 support or assistance from the federal government for the purchase,  
51 maintenance or improvement of the parklands set forth in section three  
52 of this act, the discontinuance of parkland authorized by the provisions  
53 of this act shall not occur until the town of Cheektowaga has complied  
54 with any federal requirements pertaining to the alienation or conversion  
55 of parklands, including satisfying the secretary of the interior that  
56 the alienation or conversion complies with all conditions which the

1 secretary of the interior deems necessary to assure the substitution of  
2 other lands shall be equivalent in fair market value and recreational  
3 usefulness to the lands being alienated or converted.  
4 § 6. This act shall take effect immediately.