STATE OF NEW YORK

6499--B

2017-2018 Regular Sessions

IN SENATE

May 26, 2017

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 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:

Section 1. 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 is amended to read as follows:

Section 1. Notwithstanding any other provision of law to the contrary, the village of Mamaroneck, Westchester county, **acting through its board of trustees** is hereby authorized **to discontinue as parklands and alienate and** to sell and convey, **subject to the provisions of this act** for such consideration and upon such terms and conditions as the village of Mamaroneck may deem adequate and proper, permanent and temporary easements in the following described park lands to the county of Westchester for the purpose of construction, **reconstruction,** operation and maintenance of a sanitary sewage pumping station, pipelines and outfall;

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

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provided, however, that such sale or conveyance shall only be effected upon the requirement that the surface of any such subject lands, excepting such lands as are necessary for above-ground appurtenances, be restored and continued to be used for park purposes.

PERMANENT AND TEMPORARY EASEMENTS:

GRAVITY SEWER

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

SANITARY SEWAGE PUMPING STATION

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

SEWAGE FORCE MAIN

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

OUTFALL PIPELINE

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

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

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

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

9.65 to the southwesterly corner of a smaller concrete vault ; thence South 28° 06' 26" East, 23.59 ; thence North 61° 53' 34" East, 31.61 ; thence North 28° 06' 26" West, 18.33 to the point and place of beginning, containing 630.40 square feet or 0.014 Acres, more or less.

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

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

§ 5. In the event that the parklands to be dedicated by the village of Mamaroneck pursuant to this act are not equal to or greater than the fair market value of the parkland to be discontinued, the county of Westchester 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 additional parklands and/or for capital improvements to existing park and recreational facilities.

§ 6. In the event that the village of Mamaroneck 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 alienation of such parkland authorized by the provisions of section three of this act shall not occur until the village of Mamaroneck has complied with any federal requirements pertaining to the alienation or conversion of such 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 usefulness to the lands being alienated or converted.

§ [~~2.~~] 7. This act shall take effect immediately.

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