STATE OF NEW YORK

6545--A

2017-2018 Regular Sessions

IN SENATE

June 1, 2017

Introduced by Sen. FLANAGAN -- 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

AN ACT in relation to authorizing the town of Smithtown, county of Suffolk, to alienate and convey certain parcels of land used as parklands

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

Section 1. Subject to the provisions of this act, the town of Smithtown, located in the county of Suffolk, is hereby authorized, acting by and through its town board and upon such terms and conditions as determined by such board, to discontinue as parklands and alienate the lands more particularly described in section three of this act, and to lease such parklands at fair market value for the placement and operation of a personal wireless services facility at Callahans Beach for a term not to exceed 25 years.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the town of Smithtown dedicate an amount equal to or greater than the fair market value of the lease interest being alienated pursuant to section one of this act toward the acquisition of new waterfront parklands and/or capital improvements to existing waterfront park and recreational facilities.

§ 3. The lands authorized by section one of this act to be discontinued as parklands and leased by the town of Smithtown are described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being at Fort Salonga, Town of Smithtown, County of Suffolk and State of New York, more particularly bounded and described as follows:

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

LBD11931-03-7

Beginning at a point being the following (3) courses and distances from the northeasterly corner of map no. 1449 (map of "Beverly Beach")

(1) thence south 23 degrees 13 minutes 30 seconds west 600.00 feet;

(2) thence south 66 degrees 46 minutes 30 seconds east 780.98 feet;

(3) thence north 23 degrees 13 minutes 30 seconds east 35.00 feet to the point or place of beginning.

Running thence north 23 degrees 13 minutes 30 seconds east 60.00 feet; thence south 66 degrees 46 minutes 30 seconds east 60.00 feet; thence south 23 degrees 13 minutes 30 seconds west 60.00 feet; thence north 66 degrees 46 minutes 30 seconds west 60.00 feet; to the point or place of beginning. Totaling in 3,600 square feet or 0.083 acres.

§ 4. Should the leased lands described in section three of this act cease to be used for the purposes described in section one of this act, the lease shall terminate and those lands shall revert to the town of Smithtown for public park and recreational purposes. At the time of such reversion, the removal of such personal wireless services facility shall take place and the property shall be returned to its previous state, consistent with park and recreational purposes.

§ 5. In the event that the town of Smithtown 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 of parkland authorized by the provisions of this act shall not occur until the town of Smithtown 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 recreational usefulness to the lands being alienated or converted.

§ 6. This act shall take effect immediately.