STATE OF NEW YORK

7166

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT authorizing the village of Phoenix to alienate and convey parklands to the Phoenix Central School District

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 village of Phoenix, located in the county of Oswego, is hereby authorized, acting by and through its village 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 enter into a contract to convey its interest in such real property to the Phoenix Central School District, county of Oswego, upon the terms and conditions contained in this act, for use by the village of Phoenix for continued park and recreational purposes.

§ 2. The lands authorized to be alienated and conveyed pursuant to section one of this act, and which are more particularly described in section three of this act, shall be devoted for park and recreational purposes in perpetuity; and the conveyance of such lands from the village to the school district shall be done without compensation and shall not require the county to acquire any replacement or substitute reforested lands.

§ 3. The lands authorized to be alienated and conveyed by the county of Oswego pursuant to section one of this act shall be described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Village of Phoenix, County of Oswego and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point on the northwesterly line of Park Street at its intersection with the division line between the lands now or formerly of the Phoenix Central School District on the west and the lands now or formerly of the Village of Phoenix as described in Book 524 of Deeds at Page 191 on the east, said point being North 57 deg. 30 min. 00 sec.

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

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East along said northwesterly line of Park Street, a distance of 389.25 feet from its intersection with northeasterly line of Main Street; thence along the said division line between the Phoenix Central School District and Village of Phoenix, the following four (4) courses and distances: 1.) North 34 deg. 48 min. 00 sec. West a distance of 177.07 feet to a point; thence 2.) North 14 deg. 55 min. 21 sec. West a distance of 178.61 feet to a point; thence 3.) North 54 deg. 05 min. 21 sec. West a distance of 150.00 feet to a point; and 4.) North 57 deg. 30 min. 00 sec. East a distance of 1093.29 feet to a point on the division line between the said lands of the Village of Phoenix on the west and the lands now or formerly of New York Central Lines, LLC as described in Book 1487 of Deeds at Page 37 on the east; thence South 24 deg. 09 min. 00 sec. East along said division line, a distance of 140.08 feet to a point on the division line between the said lands of the Village of Phoenix on the west and the lands now or formerly of Rodney & Diane Thomas as described in Deed Instrument No. R2011-007044 on the east; thence South 06 deg. 11 min. 00 sec. East along said division line, a distance of 427.38 feet to a point on the division line between the said lands of the Village of Phoenix on the north and the said lands of Thomas, the lands now or formerly of D & L Realty of CNY, LLC as described in Deed Instrument No. R2008-000126 on the east and the lands now or formerly of Carl P. Richardson, Jr. as described in Deed Instrument No. R2015-008266, in part by each, on the south; thence South 56 deg. 31 min. 03 sec. West along said division line, a distance of 686.44 feet to a point; thence through the said lands of the Village of Phoenix, the following two (2) courses and distances: 1.) North 32 deg. 30 min. 00 sec. West a distance of 46.77 feet to a point; and 2.) South 57 deg. 30 min. 00 sec. West a distance of 188.78 feet to the Point of Beginning. Containing 11.765 acres of land, more or less.

The above described parcel being the a portion of the lands conveyed to the Village of Phoenix as described in Book 524 of Deeds at Page 191.

§ 4. The land to be transferred pursuant to this act, and all structures and facilities situated on such land, shall be maintained, owned and operated for park purposes by the Phoenix Central School District. The use of such parkland and facilities shall continue to be made available to the general public, including all residents of the village of Phoenix. Where the availability of such facilities is limited, the use of such facilities must be determined by an equitable method which provides priority use to the general public based on a reservation policy for free or for a nominal charge.

§ 5. If the property described in section three of this act, and transferred to the Phoenix Central School District pursuant to the provisions of this act, shall ever be used for a purpose other than as public parkland, ownership of such property shall revert back to the village of Phoenix and shall be maintained as reforested lands in accordance with section 219 of the county law.

§ 6. This act shall take effect immediately.