

# STATE OF NEW YORK

8116

## IN SENATE

March 29, 2018

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

AN ACT authorizing the alienation of certain parklands in the town of Tonawanda, 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 Tonawanda, in the county of Erie, acting by and through its governing body, is hereby authorized to discontinue as parklands and alienate the lands more particularly described in section three of this act for the purpose of leasing such lands for the placement and operation of a cellular tower facility.

2 § 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Tonawanda shall dedicate the lands described in section four of this act as additional parkland of the town.

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

4 All that piece or parcel of property situated in the Town of Tonawanda, County of Erie and State of New York, and more particularly described as follows:

5 Beginning at the intersection formed by the centerline of Brompton Road (49.5 feet wide) and the centerline of Parker Boulevard;

6 Thence North 86 degrees 53 minutes 32 seconds West a distance of 1592 +/- feet to the true point of beginning;

7 Thence South 00 degrees 12 minutes 19 seconds West a distance of 50 feet to a point;

8 Thence North 89 degrees 47 minutes 41 seconds West a distance of 50 feet to a point;

9 Thence North 00 degrees 12 minutes 19 seconds East a distance of 50 feet to a point;

10 Thence South 89 degrees 47 minutes 41 seconds East a distance of 50 feet to the place and point of beginning;

11 Said parcel containing 2,500 square feet (0.057 acres).

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

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1 Together with an access easement, bounded and described as follows:

2 Beginning at a point in the south highway boundary line of Brompton  
3 Road, said point being North 69 degrees 39 minutes 15 seconds West, a  
4 distance of 1414 +/- feet from the intersection formed by the centerline  
5 of Brompton Road (49.5 feet wide) and the centerline of Parker Boule-  
6 vard;

7 Thence South 21 degrees 21 minutes 20 seconds West a distance of 54.30  
8 feet to a point;

9 Thence South 15 degrees 13 minutes 31 seconds West a distance of 90.98  
10 feet to a point;

11 Thence South 29 degrees 47 minutes 25 seconds West a distance of 48.75  
12 feet to a point;

13 Thence South 89 degrees 57 minutes 25 seconds West a distance of  
14 175.76 feet to a point;

15 Thence South 00 degrees 12 minutes 19 seconds West a distance of  
16 274.50 feet to a point;

17 Thence North 89 degrees 47 minutes 41 seconds West a distance of 20  
18 feet to a point;

19 Thence North 00 degrees 12 minutes 19 seconds East a distance of  
20 294.41 feet to a point;

21 Thence North 89 degrees 57 minutes 25 seconds East a distance of  
22 184.09 feet to a point;

23 Thence North 29 degrees 47 minutes 25 seconds East a distance of 34.61  
24 feet to a point;

25 Thence North 15 degrees 13 minutes 31 seconds East a distance of 89.50  
26 feet to a point;

27 Thence North 21 degrees 21 minutes 20 seconds East a distance of 55.53  
28 feet to a point in the south highway boundary line of Brompton Road;

29 Thence South 68 degrees 10 minutes 54 seconds East a distance of 20  
30 feet to the place and point of beginning;

31 Said parcel containing 13,024 square feet (0.299 acres).

32 § 4. The town of Tonawanda, acting by and through its governing body,  
33 shall acquire and dedicate the replacement lands for use as parkland for  
34 public park purposes described as follows: All that piece or parcel of  
35 property situated in the Town of Hempstead, County of Nassau and State  
36 of New York being part of Lot 45, Township 12, Range 8 of the Holland  
37 Land Company's survey and being more particularly described as follows:  
38 Beginning at a point at the intersection of the northerly line of E.G.H.  
39 Youngmann Expressway and the easterly line of Two Mile Creek Road;  
40 Thence along the northerly boundary of E.G.H. Youngmann Expressway at  
41 azimuth North 75 degrees minus 49 minutes minus 34 seconds East a  
42 distance of 428.21 feet to the point and place of beginning; Thence  
43 northerly, at azimuth South 06 degrees minus 51 minutes minus 25 seconds  
44 East a distance of 684.04 feet to a point; Thence northerly, at azimuth  
45 South 10 degrees minus 12 minutes minus 52 seconds East a distance of  
46 402.34 feet to a point on the southerly line of Pirson Parkway; Thence  
47 easterly, at azimuth South 80 degrees minus 59 minutes minus 41 seconds  
48 West along said line a distance of 285.85 feet to a point; Thence south-  
49 erly, at azimuth South 11 degrees minus 41 minutes minus 3.5 seconds  
50 West a distance of 609.87 to a point on the westerly line of East Park  
51 Drive; Thence southerly, at azimuth South 06 degrees minus 06 minutes  
52 minus 34 seconds East a distance of 213.00 feet to a point; Thence  
53 westerly, at azimuth South 75 degrees minus 49 minutes minus 34 seconds  
54 East a distance of 180.00 to a point; Thence southerly, at azimuth South  
55 07 degrees minus 00 minutes minus 26 seconds East a distance of 236.09  
56 feet to a point on the northerly line of E.G.H. Youngmann Expressway;

1 Thence westerly, at azimuth South 75 degrees minus 49 minutes minus 54  
2 seconds East a distance 133.68 feet to the point and place of beginning;  
3 Said parcel containing 6.48 acres more or less.

4 § 5. In the event that the parklands described in section four of this  
5 act to be acquired and dedicated by the town of Tonawanda pursuant to  
6 this act are not equal to or greater than the parklands described in  
7 section three of this act being alienated, the town of Tonawanda shall  
8 dedicate the difference of the fair market value of the lands to be  
9 alienated and the lands to be dedicated for the acquisition of addi-  
10 tional parklands and/or capital improvements to existing park and recre-  
11 ational facilities.

12 § 6. In the event that the town of Tonawanda received any funding  
13 support or assistance from the federal government for the purchase,  
14 maintenance or improvement of the parklands set forth in section three  
15 of this act, the discontinuance and alienation of such parklands author-  
16 ized by the provisions of section three of this act shall not occur  
17 until the town of Tonawanda has complied with any federal requirements  
18 pertaining to the alienation or conversion of such parklands, including  
19 satisfying the secretary of the interior that the alienation or conver-  
20 sion complies with all conditions which the secretary of the interior  
21 deems necessary to assure the substitution of other lands shall be  
22 equivalent in fair market value and usefulness to the lands being alien-  
23 ated or converted.

24 § 7. This act shall take effect immediately.