

# STATE OF NEW YORK

10377--A

## IN ASSEMBLY

May 4, 2020

Introduced by M. of A. GARBARINO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the village of Patchogue, town of Brookhaven, county of Suffolk, to alienate and discontinue the use of certain parklands

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

1 Section 1. (a) Subject to the provisions of this act, the village of  
2 Patchogue, in the town of Brookhaven, county of Suffolk, acting by and  
3 through its governing body, and upon such terms and conditions as deter-  
4 mined by such body, is hereby authorized to discontinue as parklands and  
5 to lease at fair market value to Wireless Towers LLC for a term not to  
6 exceed thirty years the lands more particularly described in section two  
7 of this act for the placement and operation of a wireless communication  
8 tower.

9 (b) All proceeds from such lease shall be used for acquisition of new  
10 parklands and/or towards capital improvements to existing park and  
11 recreational facilities.

12 § 2. The lands authorized by section one of this act to be discontin-  
13 ued as parklands and leased are described as follows:

14 All that certain plot, piece or parcel of land, with the buildings and  
15 improvements thereon erected, situate, lying and being in the village of  
16 Patchogue in the town of Brookhaven and the county of Suffolk in the  
17 state of New York being more particularly described as follows:

18 Beginning at a point being 514.60 feet southerly from the corner  
19 formed by the southerly side of Park Street and the westerly side of Bay  
20 Ave.

21 Running thence south 05 degrees 51 minutes 29 seconds east 5.05 feet;

22 Running thence south 75 degrees 46 minutes 30 seconds west 187.11  
23 feet;

24 Running thence south 56 degrees 30 minutes 25 seconds west 5.01 feet;

25 Running thence north 56 degrees 30 minutes 25 seconds east 15.15 feet;

26 Running thence north 75 degrees 46 minutes 30 seconds east 187.85  
27 feet;

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

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1 To the point of beginning.

2 The Parcel Contains 1.57 acres more or less of land.

3 § 3. Should the lands described in section two of this act cease to be  
4 used for the purposes described in section one of this act, the lease  
5 shall terminate and those lands shall revert to the village of Patchogue  
6 for public park and recreational purposes. At the time of such rever-  
7 sion, the removal of such wireless communication tower shall take place  
8 and the property shall be returned to its previous state, consistent  
9 with park and recreational purposes.

10 § 4. In the event that the village of Patchogue received any funding  
11 support or assistance from the federal government for the purchase,  
12 maintenance or improvement of the parklands set forth in section two of  
13 this act, the discontinuance and alienation of such parkland authorized  
14 by the provisions of this act shall not occur until the village of Patc-  
15 hogue has complied with any federal requirements pertaining to the  
16 alienation or conversion of parklands, including satisfying the secre-  
17 tary of the interior that the alienation or conversion complies with all  
18 conditions which the secretary of the interior deems necessary to assure  
19 the substitution of other lands shall be equivalent in fair market value  
20 and usefulness to the lands being alienated or converted.

21 § 5. This act shall take effect immediately.