STATE OF NEW YORK

5716

2019-2020 Regular Sessions

IN ASSEMBLY

February 14, 2019

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Local Governments

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, acting by and through its town board and upon such terms and conditions as determined by such board, is hereby authorized to discontinue as parklands and alienate the lands more particularly described in section three of this act, and to transfer such lands to the county of Suffolk to facilitate the placement and operation of a sewer pump station at the Town of Smithtown Department of Parks, Buildings and Grounds.

§ 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 parklands being discontinued towards the acquisition of new parklands and/or towards capital improvements to existing parkland and recreational facilities.

§ 3. The parklands authorized by section one of this act to be alienated and transferred to the county of Suffolk 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 Kings Park, Town of Smithtown, County of Suffolk and State of New York, more particularly bounded and described as follows:

Beginning at a point at the northeast corner of the herein described parcel, said point being situate the following three (3) courses and distances as measured from the monument found on the southerly side of

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

LBD08689-01-9

Main Street (NYS Route 25A) at the division line between land now or formerly State of New York and land of the party of the first part:

(1) south 85 degrees 40 minutes 00 seconds west 11.90 feet as measured along the southerly side of Main Street (NYS Route 25A);

(2) south 03 degrees 55 minutes 48 seconds east 194.45 feet as measured along land of the party of the first part;

(3) south 85 degrees 40 minutes 00 seconds west 171.02 feet as measured along land of the party of the first part.

Running thence from said point of beginning through land of the party of the first part the following four courses of distances:

(1) south 04 degrees 20 minutes 00 seconds east 50 feet;

(2) south 85 degrees 40 minutes 00 seconds west 80 feet;

(3) north 04 degrees 20 minutes 00 seconds west 50 feet;

(4) north 85 degrees 40 minutes 00 seconds east 80 feet to the point or place of beginning.

Total of 4,000 square feet.

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

Beginning at a point on the southerly side of Main street (NYS Route 25A), said point being situate south 85 degrees 40 minutes 00 seconds west as measured along the southerly side of Main Street (NYS Route 25A) 11.90 feet from the division line between land now or formerly State of New York and land of the party of the first part;

Running thence from said point of beginning through land of the party of the first part the following five (5) courses and distances:

(1) south 03 degrees 55 minutes 48 seconds east 194.45 feet;

(2) south 85 degrees 40 minutes 00 seconds west 251.02 feet;

(3) north 04 degrees 20 minutes 00 seconds west 24.00 feet;

(4) south 85 degrees 40 minutes 00 seconds east 221.19 feet;

(5) north 03 degrees 55 minutes 48 seconds west 170.45 feet to the southerly side of Main Street (NYS Route 25A);

Running thence north 85 degrees 40 minutes 00 seconds east along the southerly side of Main Street (NYS Route 25A) 30.00 feet to the point or place of beginning. Total of 11,140 square footage or 0.26 acres of parkland.

§ 4. Should the lands described in section three of this act cease to be used for the purposes described in section one of this act, those lands shall revert to the town of Smithtown for public park and recreational purposes. At the time of such reversion, the county shall remove the sewer pump station 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 and alienation of such 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 parkland, 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.

§ 6. This act shall take effect immediately.