

# STATE OF NEW YORK

7851

2019-2020 Regular Sessions

## IN ASSEMBLY

May 24, 2019

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

AN ACT to authorize the town of New Hartford, in the county of Oneida,  
to alienate certain parklands and to dedicate other lands as parklands

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

1 Section 1. Subject to the provisions of this act, the town of New  
2 Hartford, in the county of Oneida, acting by and through its governing  
3 body and upon such terms and conditions as determined by such board is  
4 hereby authorized to discontinue as parklands and alienate the lands  
5 described in section three of this act for the purpose of the installa-  
6 tion and operation of a cell tower base station facility.

7 § 2. The authorization provided in section one of this act shall be  
8 effective only upon the condition that the town of New Hartford dedi-  
9 cates the lands described in section four of this act as parkland  
10 provided that the town of New Hartford has never used such lands for  
11 public open space or park purposes.

12 § 3. The parklands authorized by section one of this act to be alien-  
13 ated consist of 0.129 acres and are described as follows:

14 ALL THAT certain piece or parcel of land, situate in the Town of New  
15 Hartford, County of Oneida and State of New York, being a portion of  
16 land conveyed to the Town of New Hartford, a municipal corporation by  
17 book 1741 at page 446 as recorded in the Oneida county clerk's office,  
18 bounded and described as follows:

19 Commencing at the southeasterly corner of said lands of the Town of New  
20 Hartford, a municipal corporation, said point also being located on the  
21 westerly bounds of New Paris Road and said point being marked by a  
22 concrete monument, thence from said point of commencement, along said  
23 westerly boundary of New Paris Road n. 27°-38'-00" E. A distance of  
24 611.60' to a point, thence through the said lands of the Town of New

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

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1 Hartford, a municipal corporation the following twenty-seven (27) courses and distances:  
2  
3 A1) N 62°22'00" W 83.58', thence  
4 A2) S 87°44'29" W 18.89', thence  
5 A3) S 30°26'56" W 128.78', thence  
6 A4) S 37°27'17" W 78.84', thence  
7 A5) S 50°03'55" W 155.14', thence  
8 A6) S 58°59'31" W 151.18', thence  
9 A7) S 68°46'42" W 122.23', thence  
10 A8) S 81°35'28" W 127.18', thence  
11 A9) S 89°06'49" W 120.63', thence  
12 A10) N 78°06'14" W 128.82', thence  
13 A11) N 62°00'31" W 259.97', thence  
14 A12) N 39°40'44" W 237.75', thence  
15 A13) S 89°52'12" W 144.32', thence  
16 A14) S 81°24'18" W 121.77', thence  
17 A15) S 60°46'16" W 73.21', thence  
18 A16) S 11°36'30" W 156.26', thence  
19 A17) S 26°39'27" W 72.84', thence  
20 A18) S 47°58'11" W 42.83', thence  
21 A19) S 69°33'16" W 39.96', thence  
22 A20) S 00°38'35" E 47.76', thence  
23 A21) S 10°16'27" E 40.66', thence  
24 A22) S 00°31'28" E 102.86', thence  
25 A23) S 10°07'18" E 60.16', thence  
26 A24) S 19°13'21" E 31.95', thence  
27 A25) S 82°37'00" W 39.90', thence  
28 A26) S 07°23'00" E 30.00', thence  
29 A27) S 82°37'00" W 12.00' to the southeasterly corner of the herein  
30 described 75' x 75' lease area easement and the point and place of  
31 beginning, thence from said point of beginning, continuing through the  
32 said lands of the Town of New Hartford, a municipal corporation the  
33 following four (4) courses and distances

34 L1) S 82°37'00" W 75.00', thence  
35 L2) N 7°23'00" W 75.00', thence  
36 L3) N 82°37'00" E 75.00', thence  
37 L4) S 7d°3'00" E 75.00', to the point and place of beginning,  
38 containing area of 0.129 acres, more or less

39 § 4. Prior to the discontinuance and alienation of the parkland  
40 described in section three of this act, the town of New Hartford shall  
41 dedicate as parkland such land described as follows:

42 ALL THAT CERTAIN LOT OF LAND in New Hartford, County of Oneida, State  
43 of New York, described as follows: BEGINNING at the northwesterly corner  
44 of the said premises, said "point of beginning" being on the easterly  
45 line of Henderson Street in the Village of New York Mills, Town of New  
46 Hartford, New York, at the terminus of the following two courses, viz:

47 BEGINNING at the intersection of the westly line of Clinton Street and  
48 the easterly line of Henderson Street; running thence North 21° 12' West  
49 98.6 ft. to a point in the easterly line of Henderson Street; thence  
50 North 13° 30' West 133.33 ft. to the "point of beginning"; thence as in  
51 previous deeds running North 50° 30' East 214.50 ft. to the northeast  
52 corner of the said premises; thence turning an angle of 90° and running  
53 41.85 ft. to the southeast corner; thence turning an angle of 90° and  
54 running parallel to the first course of the premises 232.98 ft. to the  
55 southwest corner of the said premises; thence running northwesterly

1 along the east line of Henderson Street to the point of beginning, as  
2 surveyed by Joseph B. Shaw, L.P.E. #10297 on January 3, 1961.

3 ALL THAT LOT OR PARCEL OF LAND in Village of New York Mills, Town of  
4 New Hartford, County of Oneida, State of New York, bounded and described  
5 as follows:

6 Beginning at a point in the easterly fence line of Henderson Street to  
7 the northwest corner of a parcel of land conveyed by the New York Mills  
8 Corporation to Arthur D. Cheetham, thence north  $14^{\circ}$  West forth (40) feet  
9 along said easterly line to an iron pipe; thence north  $56^{\circ} 34'$  east one  
10 hundred sixty-six and sixty seven hundredths (166.67) feet to a corner,  
11 thence south  $35^{\circ} 30'$  east forth two (42) feet to the northeast corner of  
12 said Cheetham parcel, thence south  $57^{\circ} 55'$  west one hundred eighty-one  
13 and fifty-five hundredths (181.55) feet along the northerly boundary of  
14 said Cheetham parcel to the place of beginning.

15 § 5. In the event that the fair market value of the parklands  
16 described in section four of this act to be dedicated by the town of New  
17 Hartford pursuant to this act are not equal to or greater than the fair  
18 market value of the parklands to be alienated as described in section  
19 three of this act, the town of New Hartford shall dedicate the differ-  
20 ence of the fair market value of the lands to be alienated and the lands  
21 to be dedicated for the acquisition of additional parklands and/or capi-  
22 tal improvements to existing park and recreational facilities.

23 § 6. In the event that the town of New Hartford received any funding  
24 support or assistance from the federal government for the purchase,  
25 maintenance or improvement of the parklands set forth in section three  
26 of this act, the discontinuance and alienation of such parkland author-  
27 ized by the provisions of this act shall not occur until the town of New  
28 Hartford has complied with any federal requirements pertaining to the  
29 alienation or conversion of parklands, including satisfying the secre-  
30 tary of the interior that the alienation or conversion complies with all  
31 conditions which the secretary of the interior deems necessary to assure  
32 the substitution of other lands shall be equivalent in fair market value  
33 and usefulness to the lands being alienated or converted.

34 § 7. This act shall take effect immediately.