STATE OF NEW YORK

8297

2019-2020 Regular Sessions

IN ASSEMBLY

June 13, 2019

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

AN ACT to authorize the town of Union Vale, county of Dutchess, 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:

Section 1. Subject to the provisions of this act, the town of Union Vale, in the county of Dutchess, acting by and through its governing body, and upon such terms and conditions as determined by such body, is hereby authorized to discontinue as parklands and to lease at fair market value to Homeland Towers for an initial term of ten years with the right to extend up to six five-year renewals the lands more particularly described in section three of this act for the placement and operation of a wireless communication tower.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Union Vale dedicates 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 lands authorized by section one of this act to be discontinued as parklands and leased are described as follows:

LEASE AREA A -

Said Lease Area A containing approximately 5,250 square feet or .120 acres of land within a parcel, located East of Deforest Lane in the Town of Beekman, County of Dutchess, New York. Located within the land of grantors described in book 1377, page 66. More particularly described as follows:

Beginning at the Northwesterly Corner of Lease Area A herein described; said point being S. 46° 54' 51" E, 395.94 feet from a northwest corner of the parent parcel to the place and point of beginning;

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

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Thence S 80° 09' 23" W for 75 feet to a point; Thence S 09° 05' 97" E for 70 feet to a point; Thence N 80° 09' 23" E for 75 feet to a point; Thence N 09° 05' 97" W for 70 feet to the point of beginning.

EASEMENT AREA A -

BEEKMAN II 43 DEFOREST LANE, BEEKMAN, NY

A 12-foot-wide by 470-foot easement for vehicular and pedestrian access to Lease Area A and for utilities to service the structures in Lease Area A along the existing roadway which runs from Deforest Lane to the Lease Area A, said easement area being described as follows:

A certain Access Drive located East of Deforest Lane in the Town of Beekman, County of Dutchess, New York; containing 5621.637 square feet (0.129 acre) more or less of land. Located within land of the grantors described in book 1377 page 66. Said parcel is described as follows:

Beginning at a point on the west bounds of a Lease Area, said point being N 09°50'37" E a distance of 26.86 feet from the southwest corner of said Lease Area; running thence westerly along the southerly bounds of said Access Drive the following nine courses and distances:

1) on a curve to the left, with a radius of 10.00 feet, an arc length of 15.71 feet and a Delta angle of 89°59'46";

2) N 80°09'23" W 11.41 feet to a point, thence;

3) on a curve to the left, with a radius of 94.00 feet, an arc length of 9.52 feet and a Delta angle of 05°48'13";

4) N 85°57'35" W 101.13 feet to a point, thence;

5) on a curve to the left, with a radius of 150.00 feet, an arc length of 49.82 feet and a Delta angle of 19°01'44";

6) S 75°00'40" W 165.12 feet to a point, thence;

7) on a curve to the left, with a radius of 33.08 feet, an arc length of 25.82 feet and a Delta angle of 44°43'07";

8) S 30°17'21" W 39.62 feet to a point, thence;

9) on a curve to the right, with a radius of 77.45 feet, an arc length of 49.96 feet and a Delta angle of 36°57'24";

To a point on the easterly edge of Deforest Lane; running thence N 14°04'26" W along the easterly edge of DeForest Lane a distance of 12.09 feet to a point; continuing thence easterly along the northerly bounds of said Access Drive the following nine courses and distances:

1) on a curve to the left, with a radius of 65.45 feet, an arc length of 40.85 feet and a Delta angle of 35°45'39";

2) N 30°17'21" E 39.16 feet to a point, thence;

3) on a curve to the right, with a radius of 45.08 feet, an arc length of 35.18 feet and a Delta angle of 44°43'13";

4) N 75°00'38" E 165.12 feet to a point, thence;

5) on a curve to the right, with a radius of 162.00 feet, an arc length of 53.80 feet and a Delta angle of 19°01'44";

6) S 85°57'35" E 101.13 feet to a point, thence;

7) on a curve to the right, with a radius of 106.00 feet, an arc length of 10.74 feet and a Delta angle of 05°48'13";

8) S 80°09'23" E 11.41 feet to a point, thence;

9) on a curve to the left, with a radius of 10.00 feet, an arc length of 15.71 feet and a Delta angle of 90°00'00";

To a point on the west bounds of said Lease Area; running thence South 09°50'37" West along the west bounds of said Lease Area a distance of 32.00 feet to the point of beginning;

Parcel Contains: 5,621.637 square feet (0.129 acre) more or less of land

§ 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, the lease

shall terminate and those lands shall revert to the town of Union Vale for public park and recreational purposes. At the time of such reversion, the removal of such wireless communication tower shall take place and the property shall be returned to its previous state, consistent with park and recreational purposes.

§ 5. In the event that the town of Union Vale 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 Union Vale 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.