

# STATE OF NEW YORK

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5865--A

Cal. No. 945

2019-2020 Regular Sessions

## IN SENATE

May 15, 2019

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 Assembly, 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 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

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

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1 westerly boundary of New Paris Road n. 27°-38'-00" E. A distance of  
 2 611.60' to a point, thence through the said lands of the Town of New  
 3 Hartford, a municipal corporation the following twenty-seven (27) cours-  
 4 es and distances:

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

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

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

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

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

1 running parallel to the first course of the premises 232.98 ft. to the  
2 southwest corner of the said premises; thence running northwesterly  
3 along the east line of Henderson Street to the point of beginning, as  
4 surveyed by Joseph B. Shaw, L.P.E. #10297 on January 3, 1961. Contain-  
5 ing an area of 0.18 acres, more or less.

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

9 Beginning at a point in the easterly fence line of Henderson Street to  
10 the northwest corner of a parcel of land conveyed by the New York Mills  
11 Corporation to Arthur D. Cheetham, thence north 14° West forth (40) feet  
12 along said easterly line to an iron pipe; thence north 56° 34' east one  
13 hundred sixty-six and sixty seven hundredths (166.67) feet to a corner,  
14 thence south 35° 30' east forth two (42) feet to the northeast corner of  
15 said Cheetham parcel, thence south 57° 55' west one hundred eighty-one  
16 and fifty-five hundredths (181.55) feet along the northerly boundary of  
17 said Cheetham parcel to the place of beginning. Containing an area of  
18 0.16 acres, more or less.

19 § 5. In the event that the fair market value of the parklands  
20 described in section four of this act to be dedicated as parkland by the  
21 town of New Hartford pursuant to this act are not equal to or greater  
22 than the fair market value of the parklands to be alienated as described  
23 in section three of this act, the town of New Hartford shall dedicate  
24 the difference of the fair market value of the lands to be alienated and  
25 the lands to be dedicated for the acquisition of additional parklands  
26 and/or capital improvements to existing park and recreational facili-  
27 ties.

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

39 § 7. This act shall take effect immediately.