STATE OF NEW YORK

6285

2019-2020 Regular Sessions

IN SENATE

June 3, 2019

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT in relation to authorizing the town of Amherst in the county of Erie to discontinue the use of certain lands as parklands and to sell such lands and dedicate other lands 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 Amherst, county of Erie is hereby authorized to discontinue use of certain parklands within what is commonly known as the Audubon Recreational Complex more particularly those lands described in section three of this act, and to sell and convey in fee simple for its fair market value and upon such terms and conditions as to the town of Amherst it is deemed appropriate.

§ 2. The authorization provided for in section one of this act shall be subject to the requirement that upon alienation of the lands more particularly described in section three of this act, the town of Amherst shall dedicate all proceeds from the sale of said lands for the acquisition of land of equal or greater fair market value that shall be dedicated as parkland. In the event any proceeds of the sale of the lands specified in section three shall remain, or if appropriate parcels cannot be identified after a diligent search, the town of Amherst shall only use said proceeds for the capital improvements of existing or future park facilities in the town of Amherst.

§ 3. The lands referred to in section one of this act are located, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie, State of New York, being Part of Lots 61, 67 and 73, Township 12, Range 7 of the Holland Land Company's Survey more particularly bounded and described as follows:

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

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COMMENCING at the southwest corner of said Lot 67, also being the southeast corner of Lot 73; Thence northerly along the east line of said Lot 73, a distance of 922.34 feet to the POINT OF BEGINNING; Thence continuing northerly along said east line of Lot 73, a distance of 33.61 feet to a point; Thence westerly at an interior angle of 268° 03' 00", a distance of 449.68 feet to a point; Thence northerly along a line parallel with the west line of lands conveyed by a deed filed in the Erie county clerk's office in Liber 10957 of Deeds at page 7085, 378.44 feet to a point; Thence westerly along a curve to the right having a radius of 350.00 feet, an arc distance of 191.97 feet to a point of tangency; Thence westerly along a line at right angles to the centerline of Millersport Highway (at its former location), formerly known as Skinnersville Road and New Home Bridge, 50.41 feet to a point in the centerline; Thence northeasterly along said centerline, a distance of 414.08 feet to the southwest corner of Parcel VIII as described in a deed filed in the Erie county clerk's office in liber 6754 of deeds at page 511; Thence southeasterly along the southerly line of said Parcel VIII, a distance of 350.00 feet to the southeasterly corner of said Parcel VIII; Thence northeasterly parallel with Millersport Highway, a distance of 125.00 feet to the northeasterly corner of said Parcel VIII; Thence southeasterly at an interior angle of 95° 44' 05", a distance of 121.73 feet to a point in the east line of said Lot 73, also being the west line of Lot 67; Thence northerly along said east line of Lot 73, a distance of 266.85 feet to a point; Thence easterly at an interior angle of 92° 16' 04", a distance of 2242.86 feet to a point; said point being 1332 feet west of the east line of said Lot 67; Thence northerly along a line parallel with the east line of said Lot 67, 1319.75 feet to the south line of lands conveyed by a deed filed in the Erie county clerk's office in liber 1085 of deeds at page 73; Thence easterly along the south line of said Liber 1085 page 73, 1330.39 feet to the southeast corner of said Liber 1085 Page 73 and the east line of said Lot 67, said point being 666.85 feet south of the northeast corner of said Lot 67; Thence southerly along the east line of said Lot 67 and the west line of Lot 61, 1633.85 feet to a point 1691.58 feet north of the southeast corner of said Lot 61; Thence easterly along a line parallel with the south line of said Lot 61, 2371.5 feet to a point in the centerline of North Forest Road (49.50 feet wide); Thence southerly along the centerline of said North Forest Road, about 1010 feet to a point 680.46 feet north of the south line of said Lot 61; Thence westerly along the north line of lands conveyed by a deed filed in the Erie county clerk's office in Liber 1309 off deeds at page 28 and along a line parallel with the south line of said Lot 61 about 986 feet to a point in the centerline of Ellicott Creek; Thence southeasterly along the centerline of said Ellicott Creek about 550 feet to a point 374 feet north of the south line of said Lot 61 and 1850 feet east of the west line of said Lot 61; Thence southerly along a line parallel with the west line of said Lot 61, 253.71 feet to a point in the north line of said Maple Road (width varies, originally 85 feet wide); Thence westerly along the north line of said Maple Road, about 2691 feet to a point 841.15 feet west of the east line of said Lot 67; Thence northerly along a line at right angles to said Maple Road, 688 feet to a point; Thence westerly along a line parallel with the south line of said Lot 67 and along the northerly line of map cover 2268 and an extension there of a distance of 2917.78 feet to the point of beginning.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst, County of Erie, State of New York, being Part of Lots 67 and 66, Town-

ship 12, Range 7 of the Holland Land Company's Survey and being further described as follows:

BEGINNING at the point of intersection of the south right of way of Maple Road (width varies, originally 85 feet wide) with the east line of Lot 67; Thence westerly along the south right of way of said Maple Road, a distance of 465.00 feet to the northeast corner of Map Cover 1784; Thence southerly along the east line of said Cover 1784, a distance of 219.02 feet to the southeast corner of said cover 1784; Thence westerly along the south line of said Cover 1784, a distance of 150.00 feet to a point; Thence southerly along a line drawn parallel with the easterly line of said Lot 66, a distance of 1621.51 feet to a point; Thence southeasterly in a direct line, a distance of 218.64 feet more or less to a point 465 feet westerly from the easterly line of said Lot 66 in a line drawn westerly at a northwesterly angle of 92° 20' 30" with said easterly line of said Lot 66, which is 1847.34 feet southerly from the northeasterly corner of said Lot 66; Thence easterly along said line drawn at a northwesterly angle of 92° 20' 30" with said easterly line of said Lot 66, a distance of 465 feet to a point in the easterly line of said Lot 66; Thence northerly along the easterly line of said Lot 66 and 67, a distance of 1996.67 feet to the point or place of beginning.

The above descriptions are a compilation of Liber 6754 page 515, Parcels 1 thru 12 with Parcel 8 being supplemented by Liber 10922 page 6161 and the 2.95 acre parcel being previously alienated from Parcel 8.

§ 4. In the event that the town of Amherst 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 Amherst has complied with any federal requirements pertaining to the alienation or conversion of parklands, 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.

§ 5. This act shall take effect immediately.