STATE OF NEW YORK

S. 6292 A. 8099

2019-2020 Regular Sessions

SENATE - ASSEMBLY

June 3, 2019

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

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

AN ACT to authorize the town of Brookhaven, county of Suffolk, 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:

Section 1. Subject to the provisions of this act, the town of Brookhaven, acting by and through its governing body and upon such terms and conditions as determined by such body is hereby authorized to discontinue as parkland and to alienate the lands described in section three of this act for drainage purposes including the installation of drainage pipes.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that East Moriches Realty, LLC, convey to the town of Brookhaven, and that the town of Brookhaven acquire and dedicate the lands described in section four of this act as parklands, provided that the town of Brookhaven has never used such lands for public open space or park purposes.

§ 3. The parklands authorized by section one of this act to be alienated as parklands is described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Brookhaven, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Montauk Avenue (abandoned), said point being distant the following two (2) courses and distances from the easterly end of a curve connecting the easterly side of Boisenberry Lane with the northeasterly side of Sweetberry Avenue:

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

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1) Northeasterly, easterly and southeasterly along Sweetberry Avenue, a distance of 569.42 feet

2) North 84 degrees 54 minutes 52 seconds East, 268.08 feet to the easterly side of Montauk Avenue (abandoned), the point or the place of BEGINNING;

RUNNING THENCE along the easterly side of Montauk Avenue (abandoned), South 05 degrees 05 minutes 08 seconds East, 224.00 feet;

THENCE South 84 degrees 54 minutes 52 seconds West, 50.00 feet to the westerly side of Montauk Avenue (abandoned);

THENCE along the westerly side of Montauk Avenue (abandoned), North 05 degrees 05 minutes 08 seconds West, 224.00 feet;

THENCE North 84 degrees 54 minutes 52 seconds East, 50.00 feet to the easterly side of Montauk Avenue (abandoned) at the point or place of BEGINNING.

AREA OF DESCRIBED PARCEL = 11,200 square feet more or less, or .2571 acres

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the town of Brookhaven shall dedicate as parklands such land described as follows:

ALL that certain plot, piece or parcel of land, situate East Moriches, Town of Brookhaven, County of Suffolk and State of New York, known as Lot 1861, part of Lots 1862, 1863 and 1864, and a portion of the easterly half of Montauk Avenue (not open or in use) on a certain map entitled "Forest Park," filed in the Suffolk County Clerk's Office on April 8, 1911 as Filed Map No. 649; hereinafter described parcel is also shown on a survey prepared by D'Amaro Engineering and Surveying, P.C. (dated March 20, 2019; Surveyor's Job No. S16000) designated as "Open Space to be Dedicated to the Town of Brookhaven, Area = 233,425 square feet, 5.3587 Acres" prepared for the Map of Oriole Run (not yet filed); and being more particularly bounded and described as follows:

BEGINNING at a point and at the northwest corner of Lot 1861 as shown on said Map of Forest Park, distant the following three (3) courses and distances from the easterly end of a curve connecting the northerly side of Sweetberry Avenue with the easterly side of Boisenberry Lane as shown on a certain map entitled "Southwind Estates," filed in the Suffolk County Clerk's Office on June 24, 2005 as Filed Map No. 11281:

1. RUNNING along the northerly and easterly side of Sweetberry Avenue, a distance of 569.42 feet to the filed map line;

2. North 84 degrees 54 minutes 52 seconds East along the filed map line, a distance of 268.08 feet; and,

3. South 5 degrees 05 minutes 08 seconds East along the dividing line between Lot 1860 as shown on the map of Forest Park and an abandoned portion of Montauk Avenue conveyed to the Town of Brookhaven by deed Liber 12666 Page 147, a distance of 224.00 feet to the true point of beginning.

THENCE RUNNING from said beginning point North 84 degrees 54 minutes 52 seconds East along the dividing line between Lot 1860 and Lot 1861 as shown on the map of Forest Park, a distance of 516.74 feet to lands now or formerly of the Town of Brookhaven;

THENCE South 5 degrees 19 minutes 07 seconds East along the dividing line between Lots 1861 through 1864 inclusive as shown on the map of Forest Park and aforementioned land of the Town of Brookhaven, a distance of 793.22 feet to the northeast corner of lands now or formerly of Nicolia Brothers Corp.;

THENCE South 74 degrees 34 minutes 49 seconds West along the southerly line of Lot 1864 as shown on the map of Forest Park, a distance of 127.02 feet;

THENCE North 5 degrees 05 minutes 08 seconds West through Lots 1862 through 1864 inclusive as shown on the map of Forest Park, a distance of 430.03 feet;

THENCE South 84 degrees 54 minutes 52 seconds West, a distance of 205.00 feet;

THENCE North 5 degrees 05 minutes 08 seconds West, a distance of 130.00 feet;

THENCE South 84 degrees 54 minutes 52 seconds West, a distance of 215.00 feet to the centerline of Montauk Avenue as shown on the map of Forest Park;

THENCE North 5 degrees 05 minutes 08 seconds West along the centerline of Montauk Avenue, a distance of 255.97 feet to a point;

THENCE North 84 degrees 54 minutes 52 seconds East, a distance of 25.00 feet to the point or place of BEGINNING.

§ 5. In the event that the fair market value of the parklands described in section four of this act to be dedicated as parklands by the town of Brookhaven pursuant to this act are not equal to or greater than the fair market value of the parklands described in section three of this act being alienated as parklands, the town of Brookhaven shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Brookhaven 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 Brookhaven 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 recreational usefulness to the lands being alienated or converted.

§ 7. This act shall take effect immediately.