

STATE OF NEW YORK

8344

IN SENATE

May 15, 2020

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT authorizing the alienation of certain reforested lands in the county of Yates

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

1 Section 1. Notwithstanding section 219 of the county law, and subject
2 to the provisions of this act, the county of Yates acting by and through
3 its governing body and upon such terms and conditions as determined by
4 such body, is hereby authorized to discontinue to alienate a parcel of
5 reforested land on Emerson Road in the town of Italy, as described in
6 section three of this act, for the purposes of erecting a public safety
7 radio communications tower.

8 § 2. The authorization contained in section one of this act shall take
9 effect only upon the condition that the county of Yates dedicate the
10 lands described in section four of this act as reforested land; provided
11 that the county of Yates has never used such lands for public open spaces
12 or dedicated such lands as reforested land previously.

13 § 3. The lands authorized to be alienated by the county of Yates
14 pursuant to section one of this act are described as follows:

Parcel A

15
16 ALL THAT TRACT OR PARCEL OF LAND situate in Lot No. 28, in Township 7,
17 Range III of the Phelps & Gorham Purchase, in the Town of Italy, County
18 of Yates, State of New York, bounded and described as follows:

19 Beginning at a point on the east line of the first or westerly subdivision
20 of said Lot No. 28 and west line of lands reputedly of Cayward
21 (Liber 559 of Deeds, Page 243) at the intersection of said east subdivision
22 lot line and the south line of said Lot No. 28, at or near the
23 centerline of Emerson Road; thence North 03° 15' East along said east
24 subdivision lot line and west line of lands now or formerly of Cayward,
25 830 +/- feet to a point; thence North 86° 45' West through lands of
26 Yates County, 50.0 feet to a point; thence South 03° 15' West on a line
27 parallel to the east line of said subdivision lot line and west line of
28 lands reputedly of Cayward through lands of Yates County, 830 +/- feet

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

LBD16275-01-0

1 to a point on the south line of said Lot No. 28 at or near the center-
2 line of Emerson Road; thence South 86° 45' East along the south line of
3 said Lot No. 28, 50 +/- feet to the point or place of beginning,
4 comprising an area of 0.953 acres more or less.

5 Parcel B

6 ALSO, ALL THAT TRACT OR PARCEL OF LAND situate in Lot No. 28, in Town-
7 ship 7, Range III of the Phelps & Gorham Purchase, in the Town of Italy,
8 County of Yates, State of New York, bounded and described as follows:

9 Beginning at a point on the east line of the first or westerly subdivi-
10 sion of said Lot No. 28 and the west line of lands reputedly of Cayward
11 (Liber 559 of Deeds, Page 243), said point being North 03° 15' East, 830
12 +/- feet from the intersection of said east subdivision lot line and the
13 south line of said Lot No. 28, at or near the centerline of Emerson
14 Road; thence North 86° 45' West through lands of Yates County, 250.0
15 feet to a point; thence North 03° 15' East on a line parallel to the
16 east line of said subdivision lot line through lands of Yates County,
17 250.0 feet to a point; thence South 86° 45' East through lands of Yates
18 County, 250.0 feet to a point on the east line of said subdivision lot
19 line and lands reputedly of Cayward; thence South 03° 15' West along the
20 east line of said subdivision lot line and lands reputedly of Cayward,
21 250.0 feet to the point or place of beginning, comprising an area of
22 1.435 acres.

23 § 4. Prior to the alienation of the reforested lands described in
24 section three of this act, the county of Yates shall dedicate as refor-
25 ested land the lands described as follows:

26 ALL THAT TRACT OR PARCEL OF LAND situate in Lot No. 30, in Township 7,
27 Range II of the Phelps & Gorham Purchase, in the Town of Jerusalem,
28 County of Yates, State of New York, bounded and described as follows:

29 Beginning at a point in the centerline of Hemlock (formerly Clayton)
30 Road at the intersection of said centerline with the east line of lands
31 now or formerly of Dinehart, said point being the following courses and
32 distances along the approximate centerline of Hemlock (formerly Clayton)
33 Road from its intersection with Guyanoga Road:

- 34 1. North 61° 23' 18" West, 481.60 feet; thence
- 35 2. North 45° 53' 30" West, 149.53 feet; thence
- 36 3. North 37° 39' 05" West, 312.77 feet; thence
- 37 4. North 70° 51' 43" West, 233.06 feet; thence
- 38 5. North 65° 01' 50" West, 198.03 feet; thence
- 39 6. North 70° 17' 56" West, 220.00 feet; thence
- 40 7. North 73° 27' 49" West, 566.68 feet;

41 thence North 15° 56' 23" East, 504.06 feet to a point in the northern
42 boundary of said Lot No 30; thence South 74° 16' 00" East along said
43 boundary, 207.00 feet to a point; thence South 15° 56' 23" West through
44 lands of Yates County, 506.96 feet to a point in the approximate center
45 of Hemlock (formerly Clayton) Road; thence North 73° 27' 49" West along
46 the approximate centerline of Hemlock (formerly Clayton) Road, 207.01
47 feet to the point or place of beginning, comprising an area of 2.402
48 acres.

49 § 5. In the event that the lands to be dedicated as reforested land by
50 the county of Yates described in section four of this act are not equal
51 to or greater than the fair market value of the lands to be alienated by
52 the county of Yates described in section three of this act, the county
53 shall dedicate the difference between the fair market value of the lands
54 to be alienated and the fair market value of the lands to be dedicated
55 as replacement reforested land for the acquisition and dedication of
56 additional lands for reforestation purposes.

1 § 6. If the property described in section three of this act, shall
2 ever be used for a purpose other than operation and maintenance of a
3 public safety radio communication tower such land shall be restored to
4 its original state and maintained as reforested lands in accordance with
5 any and all applicable provisions of law.
6 § 7. This act shall take effect immediately.