STATE OF NEW YORK

10111--A

IN ASSEMBLY

March 12, 2020

Introduced by M. of A. SMULLEN -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the village of Herkimer, county of Herkimer to alienate and convey certain parcels of land used as parkland

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 village of Herkimer, in the town of Herkimer, county of Herkimer, 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 alienate the lands described in section three of this act to the Herkimer Central School District for the purpose of expanding educational, school related extracurricular facilities.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the Herkimer Central School District convey to the village of Herkimer and that the village of Herkimer acquire and dedicate the lands described in section four of this act as parklands, provided that the village of Herkimer 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 are more particularly described as follows:

Parcel 1

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being in the village of Herkimer, County of Herkimer and state of New York, bounded and described as follows: Beginning at an iron pipe monument in the northerly line of Park Avenue, 300.05 feet distant westerly from the intersection of the northerly line of said Park Avenue and the westerly line of Frederick Street, said pipe also being the south-westerly corner of a parcel of land owned by the village of Herkimer and known as Harmon Field. Thence south 76 degrees 5 minutes west along the extension of the northerly line of said Park Avenue 125 feet to an iron pipe monument. Thence north 12 degrees 38 minutes west 339.2 feet to a point in the center line of Bellinger Brook, so-called. Thence in an easterly direc-

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

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tion along center line of aforesaid Brook about 130 feet to the northwesterly corner of the aforesaid lands owned by the village of Herkimer and known as Harmon Field. Thence south 12 degrees 38 minutes east along the westerly line of the said lands owned by the village of Herkimer 368.22 feet to the place of beginning, containing one acre of land.

Parcel 2

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the village of Herkimer, Herkimer County, New York, bounded and described as follows: Beginning at the intersection of the north line of Park Avenue where it intersects the west line of Frederick Street in the village of Herkimer, NY; Thence running westerly along the north line of Park Avenue and its westerly projection, which is also the southerly line of Harmon Field, a distance of 425.05 feet to the easterly line of property of the Herkimer Central School District, which is also the southwesterly corner of Harmon Field, the point or place of beginning; Thence continuing westerly along the projection of the north line of Park Avenue through the lands of the Herkimer Central School District on a bearing of South 39 Degrees 05' 50" West a distance of 180.11 feet to a point which is 180.0 feet westerly of the west line of Harmon Field when measured at right angles thereto; Thence running northerly along a line which is parallel to and 180.0 feet westerly of the west line of Harmon Field along a bearing of North 49 Degrees 37' 10" West a distance of 300.0 feet to a point; Thence running northeasterly on a bearing of North 26 Degrees 52' 10" East a distance of 185.19 feet to the northwesterly corner of Harmon Field; Thence running southerly along the line which is the westerly boundary of Harmon Field and the easterly boundary of the property of the Herkimer Central School District, along a bearing of South 49 Degrees 37' 10" East a distance of 339.2 feet to the point or place of beginning. Total parcel size contains 5.32 acres.

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the Herkimer Central School District shall convey to the village of Herkimer and the village of Herkimer shall acquire and dedicate as parklands such land described as follows:

Parcel 1

ALL THAT CERTAIN PIECE OF PARCEL OF LAND situate in the village of Herkimer, county of Herkimer, and State of New York, designated upon a map made by E.T.T. Lansing, Civil Engineer and Surveyor, of Little Falls, N.Y., for the parties of the first part, known as Lots. Nos. 101, 102, 103, 104, and 105 which comprise a tract of land situate on the north side of East German Street of the Village of Herkimer, N.Y., bounded as follows: on the north side by lots number 123, 124 owned by parties of the first part; on the east by land of the parties of the first part included in land for a proposed street, as designated on said map; on the south by East German Street, and on the west by Steuben Street. Said tract of land is about 220 feet on the north side; 110 feet on the east side, about 225 feet on its south side fronting East German Street, and about 150 feet on its west died on Steuben Street. Containing approximately 5.2 acres.

Parcel 2

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the village of Herkimer, county of Herkimer, and State of New York, bounded and described as follows: Beginning at a point in the easterly line of Steuben Road which is the northwesterly corner line of the lands of the party of the second part, thence running northerly along the line of Steuben, a distance of 175 feet to the southwest corner of the lands of

Robert Earl, thence Easterly along the division line of lands of Robert Earl and Lorellia C. Potter to Frances Street, a distance of 216.15 feet; thence Southerly along Frances Street a distance of 171.5 feet to the northeasterly corner of the lands of the party of the second part as surveyed and plotted on a map made by H.C. Weller, Civil Engineer and Surveyor now residing at Eagle Bay, N.Y. for Ralph D. Earl of the first part, dated October 17, 1913, on file in the Herkimer County Clerk's Office to which map or the record thereof reference is made for a more particular description. Containing approximately 5.4 acres more or less.

§ 5. In the event that the fair market value of the lands described in section four of this act to be dedicated as parklands by the village of Herkimer pursuant to this act are not equal to or greater than the fair market value of the parklands to be alienated as described in section three of this act, the village of Herkimer 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 village of Herkimer 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 village of Herkimer 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.

§ 7. This act shall take effect immediately.