

# 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:

1 Section 1. Subject to the provisions of this act, the village of  
2 Herkimer, in the town of Herkimer, county of Herkimer, acting by and  
3 through its governing body and upon such terms and conditions as deter-  
4 mined by such body, is hereby authorized to discontinue as parklands and  
5 to alienate the lands described in section three of this act to the  
6 Herkimer Central School District for the purpose of expanding educa-  
7 tional, school related extracurricular facilities.

8 § 2. The authorization provided in section one of this act shall be  
9 effective only upon the condition that the Herkimer Central School  
10 District convey to the village of Herkimer and that the village of  
11 Herkimer acquire and dedicate the lands described in section four of  
12 this act as parklands, provided that the village of Herkimer has never  
13 used such lands for public open space or park purposes.

14 § 3. The parklands authorized by section one of this act to be alien-  
15 ated are more particularly described as follows:

16 Parcel 1

17 ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate lying and being in  
18 the village of Herkimer, County of Herkimer and state of New York,  
19 bounded and described as follows: Beginning at an iron pipe monument in  
20 the northerly line of Park Avenue, 300.05 feet distant westerly from the  
21 intersection of the northerly line of said Park Avenue and the westerly  
22 line of Frederick Street, said pipe also being the south-westerly corner  
23 of a parcel of land owned by the village of Herkimer and known as Harmon  
24 Field. Thence south 76 degrees 5 minutes west along the extension of the  
25 northerly line of said Park Avenue 125 feet to an iron pipe monument.  
26 Thence north 12 degrees 38 minutes west 339.2 feet to a point in the  
27 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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1 tion along center line of aforesaid Brook about 130 feet to the north-  
2 westerly corner of the aforesaid lands owned by the village of Herkimer  
3 and known as Harmon Field. Thence south 12 degrees 38 minutes east along  
4 the westerly line of the said lands owned by the village of Herkimer  
5 368.22 feet to the place of beginning, containing one acre of land.

6 Parcel 2

7 ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the village of  
8 Herkimer, Herkimer County, New York, bounded and described as follows:  
9 Beginning at the intersection of the north line of Park Avenue where it  
10 intersects the west line of Frederick Street in the village of Herkimer,  
11 NY; Thence running westerly along the north line of Park Avenue and its  
12 westerly projection, which is also the southerly line of Harmon Field, a  
13 distance of 425.05 feet to the easterly line of property of the Herkimer  
14 Central School District, which is also the southwesterly corner of  
15 Harmon Field, the point or place of beginning; Thence continuing wester-  
16 ly along the projection of the north line of Park Avenue through the  
17 lands of the Herkimer Central School District on a bearing of South 39  
18 Degrees 05' 50" West a distance of 180.11 feet to a point which is 180.0  
19 feet westerly of the west line of Harmon Field when measured at right  
20 angles thereto; Thence running northerly along a line which is parallel  
21 to and 180.0 feet westerly of the west line of Harmon Field along a  
22 bearing of North 49 Degrees 37' 10" West a distance of 300.0 feet to a  
23 point; Thence running northeasterly on a bearing of North 26 Degrees 52'  
24 10" East a distance of 185.19 feet to the northwesterly corner of Harmon  
25 Field; Thence running southerly along the line which is the westerly  
26 boundary of Harmon Field and the easterly boundary of the property of  
27 the Herkimer Central School District, along a bearing of South 49  
28 Degrees 37' 10" East a distance of 339.2 feet to the point or place of  
29 beginning. Total parcel size contains 5.32 acres.

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

35 Parcel 1

36 ALL THAT CERTAIN PIECE OF PARCEL OF LAND situate in the village of  
37 Herkimer, county of Herkimer, and State of New York, designated upon a  
38 map made by E.T.T. Lansing, Civil Engineer and Surveyor, of Little  
39 Falls, N.Y., for the parties of the first part, known as Lots. Nos. 101,  
40 102, 103, 104, and 105 which comprise a tract of land situate on the  
41 north side of East German Street of the Village of Herkimer, N.Y.,  
42 bounded as follows: on the north side by lots number 123, 124 owned by  
43 parties of the first part; on the east by land of the parties of the  
44 first part included in land for a proposed street, as designated on said  
45 map; on the south by East German Street, and on the west by Steuben  
46 Street. Said tract of land is about 220 feet on the north side; 110 feet  
47 on the east side, about 225 feet on its south side fronting East German  
48 Street, and about 150 feet on its west side on Steuben Street. Contain-  
49 ing approximately 5.2 acres.

50 Parcel 2

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

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

10 § 5. In the event that the fair market value of the lands described in  
11 section four of this act to be dedicated as parklands by the village of  
12 Herkimer pursuant to this act are not equal to or greater than the fair  
13 market value of the parklands to be alienated as described in section  
14 three of this act, the village of Herkimer shall dedicate the difference  
15 of the fair market value of the lands to be alienated and the lands to  
16 be dedicated for the acquisition of additional parklands and/or capital  
17 improvements to existing park and recreational facilities.

18 § 6. In the event that the village of Herkimer received any funding  
19 support or assistance from the federal government for the purchase,  
20 maintenance or improvement of the parklands set forth in section three  
21 of this act, the discontinuance and alienation of such parkland author-  
22 ized by the provisions of this act shall not occur until the village of  
23 Herkimer has complied with any federal requirements pertaining to the  
24 alienation or conversion of parklands, including satisfying the secre-  
25 tary of the interior that the alienation or conversion complies with all  
26 conditions which the secretary of the interior deems necessary to assure  
27 the substitution of other lands shall be equivalent in fair market value  
28 and usefulness to the lands being alienated or converted.

29 § 7. This act shall take effect immediately.