STATE OF NEW YORK

5210

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

Introduced by M. of A. M. L. MILLER -- read once and referred to the Committee on Local Governments

AN ACT authorizing the alienation of certain parklands in the town of Hempstead, county of Nassau

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

Section 1. Notwithstanding section 2 of chapter 325 of the laws of 1920, subject to the provisions of this act, the town of Hempstead, in the county of Nassau, 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 sell and convey at fair market value the lands described in section three of this act, to Mott Development for the purpose of providing necessary land for the construction of planned residential structures.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Hempstead shall dedicate the lands described in section four of this act as parkland provided that the town 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 described as follows:

All that piece or parcel of property situated in Oceanside, Town of Hempstead, County of Nassau and State of New York shown as Section 54 Block 322 Part of Lot 15 on the Nassau County Land the Tax Map and being more particularly described as follows:

Beginning at a point on the northerly line of Mott Street, said point being a distance of 632.56 feet from the easterly and of a curve connecting the easterly line of Phillips Place with the northerly line of Mott Street;

Thence North 12 degrees 02 minutes 21 seconds East a distance of 69.90 feet to a point;

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

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Thence South 3 degrees 56 minutes 00 seconds East a distance of 67.53 feet to a point on the northerly line of Mott Street;

Thence South 87 degrees 02 minutes 40 seconds West along said line a distance of 19.16 feet to the point of beginning;

Said parcel containing 647 square feet, and shall be conveyed subject to all rights, easements, covenants and restrictions on record.

§ 4. Prior to the discontinuance and alienation of parkland described in section three of this act, the town of Hempstead, acting by and through its governing body, shall dedicate as parklands the property described as follows:

All that piece or parcel of property situated in Oceanside, Town of Hempstead, County of Nassau and State of New York shown as Section 54 Block 322 Part of Lot 6 on the Nassau County Land the Tax Map and being more particularly described as follows:

Beginning at a point on the northerly line of Mott Street, said point being a distance of 418.80 feet from the easterly and of a curve connecting the easterly line of Phillips Place with the northerly line of Mott Street;

Thence North 37 degrees 16 minutes 40 seconds East a distance of 65.46 feet to a point;

Thence South 59 degrees 17 minutes 07 seconds East a distance of 10.57 feet to a point;

Thence South 37 degrees 16 minutes 40 seconds West a distance of 57.79 feet to a point on the northerly line of Mott Street;

Thence South 87 degrees 02 minutes 40 seconds West along said line a distance of 13.75 feet to the point of beginning

Said parcel containing 647 square feet

§ 5. In the event that the parklands described in section four of this act to be acquired and dedicated by the town of Hempstead pursuant to this act are not equal to or greater than the parklands described in section three of this act being alienated, the town of Hempstead 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 Hempstead 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 parklands authorized by the provisions of section three of this act shall not occur until the town of Hempstead has complied with any federal requirements pertaining to the alienation or conversion of such 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.