

STATE OF NEW YORK

7609--A

2019-2020 Regular Sessions

IN ASSEMBLY

May 14, 2019

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the county of Suffolk to alienate certain lands used as parkland and to dedicate certain other lands as parklands

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 county of
2 Suffolk, acting by and through its governing body and upon such terms
3 and conditions as determined by such board is hereby authorized to
4 discontinue as parklands and alienate the lands described in section
5 three of this act to Russel and Deana Galindo for the purpose of resi-
6 dential improvements, provided that said parkland being alienated shall
7 retain a conservation easement running to the benefit of the county of
8 Suffolk, while excluding existing improvements at the time of said
9 alienation.

10 § 2. The authorization provided in section one of this act shall be
11 effective only upon the condition that Russel and Deana Galindo convey
12 to the county of Suffolk, and that the county of Suffolk acquire and
13 dedicate the lands described in section four of this act as parklands,
14 provided that the county of Suffolk has never used such lands for public
15 open space or park purposes.

16 § 3. The parklands authorized by section one of this act to be alien-
17 ated are described as follows: All that certain plot, piece or parcel
18 of land, with the buildings and improvements thereon erected, situate,
19 lying and being in Smithtown, town of Smithtown, county of Suffolk and
20 the state of New York situated being more particular bounded and
21 described as follows:

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

LBD11517-04-0

1 BEGINNING at a point of being south 80 degrees 13 minutes 30 seconds
2 west 75.71 feet from the south easterly corner of map entitled "prestige
3 estates at smithtown" filed in the Suffolk county clerk's office on
4 September 9, 2005 under map no. 11304
5 THENCE running south 09 degrees 46 minutes 04 seconds east 56.91 feet.
6 THENCE running south 79 degrees 36 minutes 19 seconds west 227.94 feet.
7 THENCE running north 27 degrees 33 minutes 27 seconds west 14.99 feet.
8 THENCE running along a curve bearing to the right with a radius of
9 600.00 feet and a length of 234.12 feet said curve also having a chord
10 bearing of north 69 degrees 02 minutes 48 seconds east and a length of
11 232.64 feet.
12 THENCE running north 80 degrees 13 minutes 30 seconds east 4.29 feet to
13 a point or place of beginning. Containing a total of 10,113.62 square
14 feet or approximately 0.232 acres.
15 Parcel Also known as Suffolk County Tax Map # 0800-022.00-01.00- Part of
16 009.000.

17 § 4. The replacement lands to be conveyed to the county and dedicated
18 as parkland are described as follows:

19 All that certain plot, piece or parcel of land, with the buildings and
20 improvements thereon erected, situate, lying and being in Smithtown,
21 town of Smithtown, county of Suffolk and the State of New York situated
22 being more particularly bounded and described as follows:

23 BEGINNING at a point being the south easterly corner of map entitled
24 "prestige estates at smithtown" filed in the Suffolk county clerk's
25 office on September 9, 2005 under Map No. 11304;

26 THENCE running south 80 degrees 13 minutes 30 seconds west 75.71 feet.

27 THENCE running north 09 degrees 46 minutes 04 seconds west 132.98
28 feet.

29 THENCE running north 75 degrees 01 minutes 50 seconds east 76.01 feet.

30 THENCE running south 09 degrees 46 minutes 30 seconds east 139.86 feet
31 to the point of place of beginning. Containing 10,327.43 square feet or
32 approximately 0.237 acres.

33 Parcel also known as Suffolk County tax map # 0800-022.00-01.00-Part
34 of 008.004.

35 § 5. In the event that the fair market value of the parklands
36 described in section four of this act to be dedicated by the county of
37 Suffolk pursuant to this act are not equal to or greater than the fair
38 market value of the parklands to be alienated as described in section
39 three of this act, the county of Suffolk shall dedicate the difference
40 of the fair market value of the lands to be alienated and the lands to
41 be dedicated for the acquisition of additional parklands and/or capital
42 improvements to existing park and recreational facilities.

43 § 6. In the event that the county of Suffolk received any funding
44 support or assistance from the federal government for the purchase main-
45 tenance or improvement of the parklands set forth in section three of
46 this act, the discontinuance and alienation of such parkland authorized
47 by the provisions of this act shall not occur until Suffolk county has
48 complied with any federal requirements pertaining to the alienation or
49 conversion of parklands, including satisfying the secretary of the inte-
50 rior that the alienation or conversion complies with all conditions
51 which the secretary of the interior deems necessary to assure the
52 substitution of other lands shall be equivalent in fair market value and
53 usefulness to the lands being alienated or converted.

54 § 7. This act shall take effect immediately.