

STATE OF NEW YORK

7851--A

2019-2020 Regular Sessions

IN ASSEMBLY

May 24, 2019

Introduced by M. of A. B. MILLER -- 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 to authorize the town of New Hartford, in the county of Oneida, to alienate certain parklands and to dedicate 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 town of New
2 Hartford, in the county of Oneida, acting by and through its governing
3 body and upon such terms and conditions as determined by such board is
4 hereby authorized to discontinue as parklands and alienate the lands
5 described in section three of this act for the purpose of the installa-
6 tion and operation of a cell tower base station facility.

7 § 2. The authorization provided in section one of this act shall be
8 effective only upon the condition that the town of New Hartford dedi-
9 cates the lands described in section four of this act as parkland
10 provided that the town of New Hartford has never used such lands for
11 public open space or park purposes.

12 § 3. The parklands authorized by section one of this act to be alien-
13 ated are described as follows:

14 ALL THAT certain piece or parcel of land, situate in the Town of New
15 Hartford, County of Oneida and State of New York, being a portion of
16 land conveyed to the Town of New Hartford, a municipal corporation by
17 book 1741 at page 446 as recorded in the Oneida county clerk's office,
18 bounded and described as follows:

19 Commencing at the southeasterly corner of said lands of the Town of New
20 Hartford, a municipal corporation, said point also being located on the
21 westerly bounds of New Paris Road and said point being marked by a
22 concrete monument, thence from said point of commencement, along said
23 westerly boundary of New Paris Road n. 27°-38'-00" E. A distance of
24 611.60' to a point, thence through the said lands of the Town of New

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

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1 Hartford, a municipal corporation the following twenty-seven (27) courses and distances:
 2
 3 A1) N 62°22'00" W 83.58', thence
 4 A2) S 87°44'29" W 18.89', thence
 5 A3) S 30°26'56" W 128.78', thence
 6 A4) S 37°27'17" W 78.84', thence
 7 A5) S 50°03'55" W 155.14', thence
 8 A6) S 58°59'31" W 151.18', thence
 9 A7) S 68°46'42" W 122.23', thence
 10 A8) S 81°35'28" W 127.18', thence
 11 A9) S 89°06'49" W 120.63', thence
 12 A10) N 78°06'14" W 128.82', thence
 13 A11) N 62°00'31" W 259.97', thence
 14 A12) N 39°40'44" W 237.75', thence
 15 A13) S 89°52'12" W 144.32', thence
 16 A14) S 81°24'18" W 121.77', thence
 17 A15) S 60°46'16" W 73.21', thence
 18 A16) S 11°36'30" W 156.26', thence
 19 A17) S 26°39'27" W 72.84', thence
 20 A18) S 47°58'11" W 42.83', thence
 21 A19) S 69°33'16" W 39.96', thence
 22 A20) S 00°38'35" E 47.76', thence
 23 A21) S 10°16'27" E 40.66', thence
 24 A22) S 00°31'28" E 102.86', thence
 25 A23) S 10°07'18" E 60.16', thence
 26 A24) S 19°13'21" E 31.95', thence
 27 A25) S 82°37'00" W 39.90', thence
 28 A26) S 07°23'00" E 30.00', thence
 29 A27) S 82°37'00" W 12.00' to the southeasterly corner of the herein
 30 described 75' x 75' lease area easement and the point and place of
 31 beginning, thence from said point of beginning, continuing through the
 32 said lands of the Town of New Hartford, a municipal corporation the
 33 following four (4) courses and distances

34 L1) S 82°37'00" W 75.00', thence
 35 L2) N 7°23'00" W 75.00', thence
 36 L3) N 82°37'00" E 75.00', thence
 37 L4) S 7d°3'00" E 75.00', to the point and place of beginning,
 38 containing an area of 0.129 acres, more or less

39 § 4. Prior to the discontinuance and alienation of the parkland
 40 described in section three of this act, the town of New Hartford shall
 41 dedicate as parkland such land described as follows:

42 ALL THAT CERTAIN LOT OF LAND in New Hartford, County of Oneida, State
 43 of New York, described as follows: BEGINNING at the northwesterly corner
 44 of the said premises, said "point of beginning" being on the easterly
 45 line of Henderson Street in the Village of New York Mills, Town of New
 46 Hartford, New York, at the terminus of the following two courses, viz:

47 BEGINNING at the intersection of the westly line of Clinton Street and
 48 the easterly line of Henderson Street; running thence North 21° 12' West
 49 98.6 ft. to a point in the easterly line of Henderson Street; thence
 50 North 13° 30' West 133.33 ft. to the "point of beginning"; thence as in
 51 previous deeds running North 50° 30' East 214.50 ft. to the northeast
 52 corner of the said premises; thence turning an angle of 90° and running
 53 41.85 ft. to the southeast corner; thence turning an angle of 90° and
 54 running parallel to the first course of the premises 232.98 ft. to the
 55 southwest corner of the said premises; thence running northwesterly

1 along the east line of Henderson Street to the point of beginning, as
2 surveyed by Joseph B. Shaw, L.P.E. #10297 on January 3, 1961. Contain-
3 ing an area of 0.18 acres, more or less.

4 ALL THAT LOT OR PARCEL OF LAND in Village of New York Mills, Town of
5 New Hartford, County of Oneida, State of New York, bounded and described
6 as follows:

7 Beginning at a point in the easterly fence line of Henderson Street to
8 the northwest corner of a parcel of land conveyed by the New York Mills
9 Corporation to Arthur D. Cheetham, thence north 14° West forth (40) feet
10 along said easterly line to an iron pipe; thence north 56° 34' east one
11 hundred sixty-six and sixty seven hundredths (166.67) feet to a corner,
12 thence south 35° 30' east forth two (42) feet to the northeast corner of
13 said Cheetham parcel, thence south 57° 55' west one hundred eighty-one
14 and fifty-five hundredths (181.55) feet along the northerly boundary of
15 said Cheetham parcel to the place of beginning. Containing an area of
16 0.16 acres, more or less.

17 § 5. In the event that the fair market value of the parklands
18 described in section four of this act to be dedicated as parkland by the
19 town of New Hartford pursuant to this act are not equal to or greater
20 than the fair market value of the parklands to be alienated as described
21 in section three of this act, the town of New Hartford shall dedicate
22 the difference of the fair market value of the lands to be alienated and
23 the lands to be dedicated for the acquisition of additional parklands
24 and/or capital improvements to existing park and recreational facili-
25 ties.

26 § 6. In the event that the town of New Hartford received any funding
27 support or assistance from the federal government for the purchase,
28 maintenance or improvement of the parklands set forth in section three
29 of this act, the discontinuance and alienation of such parkland author-
30 ized by the provisions of this act shall not occur until the town of New
31 Hartford has complied with any federal requirements pertaining to the
32 alienation or conversion of parklands, including satisfying the secre-
33 tary of the interior that the alienation or conversion complies with all
34 conditions which the secretary of the interior deems necessary to assure
35 the substitution of other lands shall be equivalent in fair market value
36 and usefulness to the lands being alienated or converted.

37 § 7. This act shall take effect immediately.