

STATE OF NEW YORK

8340

2019-2020 Regular Sessions

IN ASSEMBLY

June 14, 2019

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

AN ACT to authorize the town of Amherst, county of Erie, to alienate and discontinue the use of certain 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 Amherst,
2 in the county of Erie, acting by and through its governing body and upon
3 such terms and conditions as determined by such body, is hereby author-
4 ized to discontinue as parklands and alienate the lands described in
5 section three of this act for the purpose of establishing a privately-
6 developed project to include new recreational facilities, a sports medi-
7 cine complex, and senior housing.

8 § 2. The authorization contained in section one of this act shall take
9 effect only upon the condition that the town of Amherst dedicates an
10 amount equal to or greater than the fair market value of the parklands
11 being discontinued towards the acquisition of new parklands and/or capi-
12 tal improvements to existing park and recreational facilities.

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

15 ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst,
16 County of Erie and State of New York, being Part of Lots 61, 67 and 73,
17 Township 12, Range 7 of the Holland Land Company's Survey and being
18 further described as follows:

19 Commencing at the southwest corner of said Lot 67, also being the south-
20 east corner of Lot 73; Thence northerly along the east line of said Lot
21 73, a distance of 922.34 feet to the POINT OF BEGINNING; Thence continu-
22 ing northerly along said east line of Lot 73, a distance of 33.61 feet
23 to a point; Thence westerly at an interior angle of 268° 03' 00", a
24 distance of 449.68 feet to a point; Thence northerly along a line paral-
25 lel with the west line of lands conveyed by a deed filed in the Erie

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

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1 County Clerk's Office in Liber 10957 of Deeds at Page 7085, 378.44 feet
2 to a point; Thence westerly along a curve to the right having a radius
3 of 350.00 feet, an arc distance of 191.97 feet to a point of tangency;
4 Thence westerly along a line at right angles to the centerline of
5 Millersport Highway (at its former location), formerly known as Skin-
6 nersville Road and New Home Bridge, 50.41 feet to a point in the center-
7 line; Thence northeasterly along said centerline, a distance of 414.08
8 feet to the southwest corner of Parcel VIII as described in a deed filed
9 in the Erie County Clerk's Office in Liber 6754 of Deeds at Page 511;
10 Thence southeasterly along the southerly line of said Parcel VIII, a
11 distance of 350.00 feet to the southeasterly corner of said Parcel VIII;
12 Thence northeasterly parallel with Millersport Highway, a distance of
13 125.00 feet to the northeasterly corner of said Parcel VIII; Thence
14 southeasterly at an interior angle of 95° 44' 05", a distance of 121.73
15 feet to a point in the east line of said Lot 73, also being the west
16 line of Lot 67; Thence northerly along said east line of Lot 73, a
17 distance of 266.85 feet to a point; Thence easterly at an interior angle
18 of 92° 16' 04", a distance of 3307.86 feet to a point; said point being
19 567 feet west of the east line of said Lot 67; Thence southerly along a
20 line at right angles to Maple Road (width varies, originally 85 feet
21 wide) about 1738 feet to a point in the northerly line of said Maple
22 Road, said point being 490.15 feet west of the east line of said Lot 67;
23 Thence westerly along the north line of said Maple Road, a distance of
24 351 feet to a point; Thence northerly along a line at right angles to
25 said Maple Road, a distance of 688 feet to a point; Thence westerly
26 along a line parallel with the south line of said Lot 67 and along the
27 northerly line of Map cover 2268 and an extension there of a distance of
28 2917.78 feet to the point of beginning. The above description is a
29 compilation of Liber 6754 Page 515, Parcel 8 and part of Parcels 5 thru
30 7 and part of Parcel 9 with Parcel 8 being supplemented by Liber 10922
31 Page 6161 and the 2.95 acre parcel being previously alienated from
32 Parcel 8. Total of 93 acres of parkland.

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

44 § 5. This act shall take effect immediately.