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:

Section 1. Subject to the provisions of this act, the town of Amherst, in the county of Erie, 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 alienate the lands described in section three of this act for the purpose of establishing a privately-developed project to include new recreational facilities, a sports medicine complex, and senior housing.

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

§ 3. The parklands authorized by section one of this act to be alienated are described as follows:

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

Commencing at the southwest corner of said Lot 67, also being the southeast corner of Lot 73; Thence northerly along the east line of said Lot 73, a distance of 922.34 feet to the POINT OF BEGINNING; Thence continuing northerly along said east line of Lot 73, a distance of 33.61 feet to a point; Thence westerly at an interior angle of 268° 03' 00", a distance of 449.68 feet to a point; Thence northerly along a line parallel 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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County Clerk's Office in Liber 10957 of Deeds at Page 7085, 378.44 feet to a point; Thence westerly along a curve to the right having a radius of 350.00 feet, an arc distance of 191.97 feet to a point of tangency; Thence westerly along a line at right angles to the centerline of Millersport Highway (at its former location), formerly known as Skinnersville Road and New Home Bridge, 50.41 feet to a point in the centerline; Thence northeasterly along said centerline, a distance of 414.08 feet to the southwest corner of Parcel VIII as described in a deed filed in the Erie County Clerk's Office in Liber 6754 of Deeds at Page 511; Thence southeasterly along the southerly line of said Parcel VIII, a distance of 350.00 feet to the southeasterly corner of said Parcel VIII; Thence northeasterly parallel with Millersport Highway, a distance of 125.00 feet to the northeasterly corner of said Parcel VIII; Thence southeasterly at an interior angle of 95° 44' 05", a distance of 121.73 feet to a point in the east line of said Lot 73, also being the west line of Lot 67; Thence northerly along said east line of Lot 73, a distance of 266.85 feet to a point; Thence easterly at an interior angle of 92° 16' 04", a distance of 3307.86 feet to a point; said point being 567 feet west of the east line of said Lot 67; Thence southerly along a line at right angles to Maple Road (width varies, originally 85 feet wide) about 1738 feet to a point in the northerly line of said Maple Road, said point being 490.15 feet west of the east line of said Lot 67; Thence westerly along the north line of said Maple Road, a distance of 351 feet to a point; Thence northerly along a line at right angles to said Maple Road, a distance of 688 feet to a point; Thence westerly along a line parallel with the south line of said Lot 67 and along the northerly line of Map cover 2268 and an extension there of a distance of 2917.78 feet to the point of beginning. The above description is a compilation of Liber 6754 Page 515, Parcel 8 and part of Parcels 5 thru 7 and part of Parcel 9 with Parcel 8 being supplemented by Liber 10922 Page 6161 and the 2.95 acre parcel being previously alienated from Parcel 8. Total of 93 acres of parkland.

§ 4. In the event that the town of Amherst 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 parkland authorized by the provisions of this act shall not occur until the town of Amherst has complied with any federal requirements pertaining to the alienation or conversion of 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.

§ 5. This act shall take effect immediately.