STATE OF NEW YORK

2458--A

Cal. No. 1240

2019-2020 Regular Sessions

IN SENATE

January 25, 2019

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT authorizing the town of Hancock, county of Delaware, to alienate and convey certain parcels of land used as 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 Hancock, in the county of Delaware, 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 more particularly described in section three of this act, and to sell and convey such lands at fair market value, provided such lands are maintained for the continued operation of a public golf course.

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

§ 3. The lands referred to in section one of this act are located, bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Village & Town of Hancock, County of Delaware, State of New York, being in a portion of Lot 1 & Lot 3 of Division 9, Great Lot 35 of the Hardenburgh Patent, more particularly bounded and described as follows:

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

LBD04588-05-9

BEGINNING at a point in the Village of Hancock at the intersection of the centerline Sands Creek Road and the a northerly highway boundary of Golf Course Road, being S 7°26'08"E a distance of 601.32 feet, from a point at the centerline intersection of Bear Brook Road and said Sands Creek Road;

THENCE northerly along said centerline of Sands Creek Road the following two courses:

N 1°37'29" W a distance of 216.17 feet, to an angle point;

N 0°34'03" W a distance of 47.86 feet, to a point at the southwesterly corner of lands owned by Mark A. Macfetrich, Noreen A. Wessels, Renee A. Bosket & Noel A. Macfetrich as recorded in the Delaware County Clerk's Office in Liber 964 of deeds, at page 88;

THENCE along the lands owned by said Macfetrich, Wessels, Bosket & Macfetrich the following five courses N 37°44'13" E a distance of 39.93 feet, to a 5/8 inch rebar with plastic yellow cap tagged "Paul B. Koerts, L.S.No. 49580" set (hereafter referred to as pin set) in the easterly highway boundary of said Sands Creek Road, THENCE continuing N 37°44'13" E a distance of 187.93 feet, to a pin set;

N 0°34'03" W a distance of 95.23 feet, to a pin set;

Along a tangent curve to the left with a radius of 460.00 feet, an arc distance of 214.22 feet, subtended by a chord bearing N 13°54'32" W, a distance of 212.29 feet, to a point of tangency;

Along a tangent curve to the left with a radius of 230.00 feet, an arc distance of 8.85 feet, subtended by a chord bearing N 28°21'07" W a distance of 8.85 feet, to a pin set in the southeasterly highway boundary of Bear Brook Road,

Along a tangent curve to the left with a radius of 230.00 feet, an arc distance of 27.70 feet, subtended by a chord bearing N 32°54'15" W a distance of 27.69 feet, to a point in said centerline of said Bear Brook Road;

THENCE northeasterly along said centerline of Bear Brook Road the following four courses totaling 207.67 feet:

Along a tangent curve to the right with a radius of 265.00 feet, an arc distance of 47.28 feet, subtended by a chord bearing N 36°41'48" E, a distance of 47.22 feet, to a point of tangency;

N 41°48'30" E a distance of 64.95 feet, to a point of curvature;

Along a tangent curve to the left with a radius of 400.00 feet, an arc distance of 91.02 feet, subtended by a chord bearing N 35°17'21" E, a distance of 90.83 feet, to a point of reverse curvature;

Along a tangent curve to the right with a radius of 242.00 feet, an arc distance of 4.42 feet, subtended by a chord bearing N 29°17'35" E, a distance of 4.42 feet, to a point in the centerline of Bear Brook, being also a southwesterly corner of lands owned by Charles H. Buckley (Liber 660, page 284);

THENCE northeasterly along said centerline of Bear Brook, being the boundary between the Village of Hancock on the southeast and the Town of Hancock on the northwest, and the southeasterly boundary lands owned by said Buckley, as it winds and turns a distance of 668 feet more or less to a point;

THENCE continuing along the lands owned by said Buckley the following three courses:

S 68°10'48" E along the boundary between the Village of Hancock on the south and the Town of Hancock on the north a distance of 56 feet, more or less to a pin set, being N 54°51'55" E a distance of 670.97 feet, from said point at intersection of the centerline of Bear Brook Road and

Bear Brook, THENCE continuing S 68°10'48" E a distance of 460.00 feet, to a pin set;

N 22°23'43" E crossing into the Town of Hancock a distance of 19.34 feet, to a twin maple tree;

N 41°08'23" E a distance of 360.00 feet, to a pin set at the south-easterly corner of lands owned by Han Cel, Inc. (Liber 771, page 293);

THENCE N 41°05'33" E along the easterly boundary of lands owned by said Han Cel, Inc. a distance of 445.50 feet, to a 5/8 inch rebar tagged "Shields" found in the southerly boundary of lands owned by Reservoir Hill, LLC (Liber 979, page 170);

THENCE S 70°03'51" E along said southerly boundary of lands owned by Reservoir Hill, LLC a distance of 463.57 feet, to a pin set in the westerly boundary of lands owned by James B. Durfee, Andrew W. Durfee, Kathryn L. D'Amanda & Douglas R. Durfee;

THENCE along the lands owned by said Durfee, Durfee, D'Amanda & Durfee the following five courses:

S 21°51'49" W a distance of 434.84 feet, to a pin set;

S 68°10'44" E a distance of 944.39 feet, to a pin set;

N 23°17'11" E a distance of 162.60 feet, to a pin set;

N 82°25'20" E a distance of 709.60 feet, to a pin set;

S 3°49'49" W a distance of 553.57 feet to a triangular concrete monument found, thence continuing S 2°49'49" W crossing into the Village of Hancock a distance of 106.14 feet to a 5/8 inch rebar tagged "Keystone" found at the northwesterly corner of lands owned by Charles H. Buckley, Alice Ann Buckley & Eric Buckley (Liber 1204, page 88), thence continuing S 3°49'49" W along said westerly boundary of lands owned by Buckley, Buckley & Buckley a distance of 243.59 feet, to a triangular concrete monument found in the northerly highway boundary of said Golf Course Road, for a total course distance of 903.30 feet;

THENCE N 89°37'29" W along said northerly highway boundary of Golf Course Road a distance of 153.42 feet, to a triangular concrete monument found at a easterly corner of lands owned by Joseph A. & Bonnie Iozzi;

THENCE N 82°45'49" W a distance of 474.88 feet, to a pin set;

THENCE S 84°14'19" W a distance of 132.93 feet, to a pin set at a northeasterly corner of lands owned by Alexander & Sigrid Conte (Liber 761, page 313);

THENCE along the lands owned by said Conte the following two courses:

S 76°36'14" W a distance of 238.22 feet, a pin set;

S 23°21'53" W a distance of 377.90 feet, to a pin set in said northerly highway boundary of Golf Course Road;

THENCE westerly along said northerly highway boundary of Golf Course Road the following eight courses, totaling 1724.45 feet:

S 75°06'09" W a distance of 351.00 feet, to a pin set;

N 74°11'46" W a distance of 456.00 feet, to a pin set;

N 46°17'15" W a distance of 76.54 feet, to a triangular concrete monument found;

N 82°18'09" W a distance of 329.61 feet, to a triangular concrete monument found;

S 54°09'05" W a distance of 62.23 feet, to a triangular concrete monument found;

Along a curve to the left with a radius of 1697.95 feet, an arc distance of 245.79 feet, subtended by a chord bearing N 84°43'43" W, a distance of 245.57 feet, to a pin set;

S 22°18'51" W a distance of 150.30 feet, to a triangular concrete monument found;

S 73°04'39" W a distance of 52.98 feet, to a triangular concrete monument found at a easterly corner of lands owned by New York State Electric & Gas Corporation (Liber 439, page 66);

THENCE along the northerly boundary of lands owned by said New York State Electric & Gas Corporation the following two courses:

N 62°35'44" W a distance of 26.98 feet, to a 1 1/2 inch iron pipe found;

N 73°35'31" W a distance of 461.57 feet, to a pin set in the easterly boundary of other lands owned by said New York Electric & Gas Corporation (Liber 436, page 249);

THENCE along the lands owned by said New York Electric & Gas Corporation the following four courses:

N 30°32'14" E a distance of 495.35 feet, to an iron pipe found;

N 59°45'17" W a distance of 460.93 feet, to a to an iron pipe found;

S 15°24'49" W a distance of 380.43 feet, to a pin set;

S 7°14'34" W a distance of 249.53 feet, to a triangular concrete monument found in said northerly highway boundary of Golf Course Road;

THENCE along said northerly highway boundary of Golf Course Road the following two courses:

S 87°26'58" W a distance of 87.04 feet, to a triangular concrete monument found in the easterly highway boundary of said Sands Creek Road;

S 87°26'58" W a distance of 24.75 feet, to the point of beginning.

CONTAINING 92.99 acres of land as surveyed by Paul B. Koerts Professional Land Surveyor on September 16, 2008, revised April 14, 2009 and revised May 19, 2011 as shown on map no. 12485-1. All bearings are referenced to true north at 76°35' meridian of west longitude.

§ 4. In the event that the town of Hancock 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 of parkland authorized by the provisions of this act shall not occur until the town of Hancock 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 recreational usefulness to the lands being alienated or converted.

§ 5. This act shall take effect immediately.