STATE OF NEW YORK

5616

2019-2020 Regular Sessions

IN SENATE

May 9, 2019

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT authorizing the city of Albany 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:

Section 1. Subject to the provisions of this act, the city of Albany, Albany county, acting by and through its governing body, is hereby authorized to discontinue the use of parklands and alienate such lands more particularly described in section three of this act, for the purpose of constructing and maintaining a new underground pipe through Lincoln Park in connection with the disinfection and floatables control project, and associated infrastructure, also known as the Beaver Creek Clean River Project (screening and disinfection satellite treatment facility), within such parklands, and upon such other terms and conditions as determined by the governing body of the city of Albany.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the city of Albany 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 capital improvements to existing park and recreational facilities.

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

All that tract or parcel of land situate in the City of Albany, County of Albany, and State of New York more particularly bounded and described as follows:

Parcel 1A-2019

Commencing at a point on the westerly street boundary of Martin Luther King Jr. Boulevard at its intersection with the southerly street boundary of Park Avenue and running along the said westerly street boundary of Martin Luther King Jr. Boulevard a distance of 235± feet to the point of

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

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beginning of Parkland Alienation Parcel 1-2018; thence continuing along said westerly street boundary of Martin Luther King Jr. Boulevard the following two (2) courses and distances:

1. South 24°31'32" West, a distance of 9.53 feet to a point of curvature; and

2. along a curve to the left having a radius of 308.00 feet, an arc length of 47.87 feet and a chord of South 20°04' 22" West, a distance of 47.82 feet to a point;

thence running through lands now or formerly of the City of Albany, Tax Parcel 76.10-1-3, the following four (4) courses and distances:

1. North 84°48'55" West, a distance of 68.00 feet to a point; thence
2. South 05°11'05" West, a distance of 40.76 feet to a point; thence
3. South 53°21'58" West, a distance of 17.83 feet to a point; and
4. South 63°54'14" West, a distance of 11.29 feet to the POINT OF BEGINNING of Parcel 1A-2019;

Thence running through lands now or formerly of the City of Albany, Tax Parcel 76.10-1-3 from said Point of Beginning the following thirteen (13) courses and distances:

1. South 16°26'04" East, a distance of 80.27 feet to a point; thence
2. North 84°34'57" West, a distance of 169.18 feet to a point; thence
3. North 80°13'24" West, a distance of 43.33 feet to a point; thence
4. North 49°52'12" West, a distance of 62.43 feet to a point; thence
5. North 22°02'21" West, a distance of 52.28 feet to a point; thence
6. North 36°57'46" West, a distance of 27.78 feet to a point; thence
7. North 46°25'00" East, a distance of 33.06 feet to a point; thence
8. South 84°42'13" East, a distance of 25.96 feet to a point; thence
9. South 05°11'03" West, a distance of 20.94 feet to a point; thence
10. South 35°16'56" East, a distance of 54.59 feet to a point of curvature; thence
11. Along a curve to the left having a Radius of 328.96 feet, a length of 84.34 feet and a chord of South 42°37'38" East, a distance of 84.11 feet to a point; thence
12. North 70°11'06" East, a distance of 139.34 feet to a point; and
13. North 63°54'14" East, a distance of 5.55 feet to the point of beginning.

Parcel 1B-2019

Commencing at the easterly end of course number 8 above; thence running North 05°11'03" East through lands now or formerly of the City of Albany, Tax Parcel 76.10-1-3, a distance of 71.54 feet to the POINT OF BEGINNING of Parcel 1B-2019;

Thence running through lands now or formerly of the City of Albany, Tax Parcel 76.10-1-3 from said Point of Beginning the following eleven (11) courses and distances:

1. North 79°46'31" West, a distance of 34.82 feet to a point; thence
2. North 71°43'00" West, a distance of 27.08 feet to a point; thence
3. North 54°17'59" West, a distance of 25.52 feet to a point; thence
4. North 44°42'20" West, a distance of 40.46 feet to a point; thence
5. North 41°36'54" West, a distance of 42.80 feet to a point; thence
6. North 39°49'38" West, a distance of 44.83 feet to a point; thence
7. North 35°13'26" West, a distance of 96.34 feet to a point; thence
8. North 35°32'30" West, a distance of 44.73 feet to a point; thence
9. North 51°44'19" East, a distance of 53.15 feet to a point; thence
10. South 39°02'50" East, a distance of 329.64 feet to a point; and
11. South 05°11'03" West, a distance of 16.83 feet to the point of beginning.

Both parcels containing a total of 0.75 acres of land more or less.

And, All that tract or parcel of land situate in the City of Albany, County of Albany, and State of New York more particularly bounded and described as follows:

Parcel 2A-2019

Commencing at a point on the westerly street boundary of Martin Luther King Jr. Boulevard at its intersection with the southerly street boundary of Park Avenue and running along the said westerly street boundary of Martin Luther King Jr. Boulevard a distance of 235± feet to the point of beginning of Parkland Alienation Parcel 1-2018; thence continuing along said westerly street boundary of Martin Luther King Jr. Boulevard the following two (2) courses and distances:

1. South 24°31'32" West, a distance of 9.53 feet to a point of curvature; and

2. along a curve to the left having a radius of 308.00 feet, an arc length of 47.87 feet and a chord of South 20°04' 22" West, a distance of 47.82 feet to the POINT OF BEGINNING of Parcel 2A-2019;

Thence running along the said westerly street boundary of Martin Luther King Jr. Boulevard from said Point of Beginning the following seven (7) courses and distances:

1. South 13°04'38" West, a distance of 27.33 feet to a point; thence
2. South 07°59'28" West, a distance of 27.33 feet to a point; thence
3. South 05°26'52" West, a distance of 35.04 feet to a point; thence
4. South 05°26'52" West, a distance of 41.82 feet to a point; thence
5. South 05°26'52" West, a distance of 91.72 feet to a point; thence
6. South 06°16'57" West, a distance of 36.63 feet to a point; and
7. South 07°22'28" West, a distance of 10.80 feet to a point; thence turning and running through lands now or formerly of the City of Albany, Tax Parcel 76.10-1-3, the following five (5) courses and distances:

1. North 16°26'04" West, a distance of 227.88 feet to a point; thence
2. North 63°54'14" East, a distance of 11.29 feet to a point; thence
3. North 53°21'58" East, a distance of 17.38 feet to a point; thence
4. North 05°11'05" East, a distance of 40.76 feet to a point; and
5. South 84°48'55" East, a distance of 68.00 feet to the point of beginning.

Parcel 2B-2019

Commencing at a point on the easterly street boundary of Martin Luther King Jr. Boulevard at its intersection with the northerly street boundary of Morton Avenue and running along the said northerly street boundary of Morton Avenue a distance of 624± feet to the point of beginning of Parkland Alienation Parcel 2B-2018; thence South 70°59'48" East continuing along said northerly street boundary of Morton Avenue, a distance of 50.00 feet; thence turning and running through lands now or formerly of the City of Albany, Tax Parcel 76.10-1-3 from said Point of Beginning the following four (4) courses and distances:

1. North 19°00'12" East, a distance of 77.67 feet to a point; thence
2. North 50°48'41" West, a distance of 273.01 feet to a point; thence
3. North 16°26'04" West, a distance of 391.83 feet to a point; and
4. North 16°26'04" West, a distance of 188.78 feet to a point on the easterly street boundary of Martin Luther King Jr. Boulevard; thence continuing along said easterly street boundary of Martin Luther King Jr. Boulevard the following three (3) courses and distances:

1. South 09°45'16" West, a distance of 26.86 feet to a point; thence
2. South 12°18'59" West, a distance of 50.52 feet to a point; and
3. South 15°50'09" West, a distance of 25.93 feet to a point; thence turning and running through lands now or formerly of the City of Albany, Tax Parcel 76.10-1-3 the following four (4) courses and distances:

1. South 16°26'04" East, a distance of 98.46 feet to a point; thence
2. South 16°26'04" East, a distance of 407.29 feet to a point;
3. South 50°48'41" East, a distance of 253.58 feet to a point; and
4. South 19°00'12" West, a distance of 42.78 feet to the point of beginning.

Both parcels containing a total of 1.29 acres of land more or less.

§ 4. In the event that the city of Albany 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 city of Albany 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 usefulness to the lands being alienated or converted.

§ 5. This act shall take effect immediately.