

# STATE OF NEW YORK

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S. 6292

A. 8099

2019-2020 Regular Sessions

## SENATE - ASSEMBLY

June 3, 2019

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

AN ACT to authorize the town of Brookhaven, county of Suffolk, 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 Brookhaven,  
2 acting by and through its governing body and upon such terms and  
3 conditions as determined by such body is hereby authorized to discontinue  
4 as parkland and to alienate the lands described in section three of  
5 this act for drainage purposes including the installation of drainage  
6 pipes.

7 § 2. The authorization provided in section one of this act shall be  
8 effective only upon the condition that East Moriches Realty, LLC, convey  
9 to the town of Brookhaven, and that the town of Brookhaven acquire and  
10 dedicate the lands described in section four of this act as parklands,  
11 provided that the town of Brookhaven has never used such lands for  
12 public open space or park purposes.

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

15 ALL that certain plot, piece or parcel of land, situate, lying and  
16 being in the Town of Brookhaven, County of Suffolk and State of New  
17 York, being more particularly bounded and described as follows:

18 BEGINNING at a point on the easterly side of Montauk Avenue (abandoned),  
19 said point being distant the following two (2) courses and  
20 distances from the easterly end of a curve connecting the easterly side  
21 of Boisenberry Lane with the northeasterly side of Sweetberry Avenue:

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

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1) Northeasterly, easterly and southeasterly along Sweetberry Avenue, a distance of 569.42 feet

2) North 84 degrees 54 minutes 52 seconds East, 268.08 feet to the easterly side of Montauk Avenue (abandoned), the point or the place of BEGINNING;

RUNNING THENCE along the easterly side of Montauk Avenue (abandoned), South 05 degrees 05 minutes 08 seconds East, 224.00 feet;

THENCE South 84 degrees 54 minutes 52 seconds West, 50.00 feet to the westerly side of Montauk Avenue (abandoned);

THENCE along the westerly side of Montauk Avenue (abandoned), North 05 degrees 05 minutes 08 seconds West, 224.00 feet;

THENCE North 84 degrees 54 minutes 52 seconds East, 50.00 feet to the easterly side of Montauk Avenue (abandoned) at the point or place of BEGINNING.

AREA OF DESCRIBED PARCEL = 11,200 square feet more or less, or .2571 acres

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the town of Brookhaven shall dedicate as parklands such land described as follows:

ALL that certain plot, piece or parcel of land, situate East Moriches, Town of Brookhaven, County of Suffolk and State of New York, known as Lot 1861, part of Lots 1862, 1863 and 1864, and a portion of the easterly half of Montauk Avenue (not open or in use) on a certain map entitled "Forest Park," filed in the Suffolk County Clerk's Office on April 8, 1911 as Filed Map No. 649; hereinafter described parcel is also shown on a survey prepared by D'Amaro Engineering and Surveying, P.C. (dated March 20, 2019; Surveyor's Job No. S16000) designated as "Open Space to be Dedicated to the Town of Brookhaven, Area = 233,425 square feet, 5.3587 Acres" prepared for the Map of Oriole Run (not yet filed); and being more particularly bounded and described as follows:

BEGINNING at a point and at the northwest corner of Lot 1861 as shown on said Map of Forest Park, distant the following three (3) courses and distances from the easterly end of a curve connecting the northerly side of Sweetberry Avenue with the easterly side of Boisenberry Lane as shown on a certain map entitled "Southwind Estates," filed in the Suffolk County Clerk's Office on June 24, 2005 as Filed Map No. 11281:

1. RUNNING along the northerly and easterly side of Sweetberry Avenue, a distance of 569.42 feet to the filed map line;

2. North 84 degrees 54 minutes 52 seconds East along the filed map line, a distance of 268.08 feet; and,

3. South 5 degrees 05 minutes 08 seconds East along the dividing line between Lot 1860 as shown on the map of Forest Park and an abandoned portion of Montauk Avenue conveyed to the Town of Brookhaven by deed Liber 12666 Page 147, a distance of 224.00 feet to the true point of beginning.

THENCE RUNNING from said beginning point North 84 degrees 54 minutes 52 seconds East along the dividing line between Lot 1860 and Lot 1861 as shown on the map of Forest Park, a distance of 516.74 feet to lands now or formerly of the Town of Brookhaven;

THENCE South 5 degrees 19 minutes 07 seconds East along the dividing line between Lots 1861 through 1864 inclusive as shown on the map of Forest Park and aforementioned land of the Town of Brookhaven, a distance of 793.22 feet to the northeast corner of lands now or formerly of Nicolalia Brothers Corp.;

1     THENCE South 74 degrees 34 minutes 49 seconds West along the southerly  
2 line of Lot 1864 as shown on the map of Forest Park, a distance of  
3 127.02 feet;

4     THENCE North 5 degrees 05 minutes 08 seconds West through Lots 1862  
5 through 1864 inclusive as shown on the map of Forest Park, a distance of  
6 430.03 feet;

7     THENCE South 84 degrees 54 minutes 52 seconds West, a distance of  
8 205.00 feet;

9     THENCE North 5 degrees 05 minutes 08 seconds West, a distance of  
10 130.00 feet;

11     THENCE South 84 degrees 54 minutes 52 seconds West, a distance of  
12 215.00 feet to the centerline of Montauk Avenue as shown on the map of  
13 Forest Park;

14     THENCE North 5 degrees 05 minutes 08 seconds West along the centerline  
15 of Montauk Avenue, a distance of 255.97 feet to a point;

16     THENCE North 84 degrees 54 minutes 52 seconds East, a distance of  
17 25.00 feet to the point or place of BEGINNING.

18     § 5. In the event that the fair market value of the parklands  
19 described in section four of this act to be dedicated as parklands by  
20 the town of Brookhaven pursuant to this act are not equal to or greater  
21 than the fair market value of the parklands described in section three  
22 of this act being alienated as parklands, the town of Brookhaven shall  
23 dedicate the difference of the fair market value of the lands to be  
24 alienated and the lands to be dedicated for the acquisition of addi-  
25 tional parklands and/or capital improvements to existing park and recre-  
26 ational facilities.

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

38     § 7. This act shall take effect immediately.