STATE OF NEW YORK

8256

IN SENATE

April 29, 2020

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

AN ACT in relation to authorizing the town of Southeast, county of Putnam, 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 town of Southeast, county of Putnam, acting by and through its town board and upon such terms and conditions as determined by such town board is hereby authorized to discontinue as parklands and alienate the lands described in section three of this act to Proswing Sports Realty, Inc. for the purpose of developing such lands for recreational use, provided that any conveyance of such parklands shall be specifically conditioned by deed restriction to prohibit such lands from being used for any purpose other than recreation as may be defined by the town of Southeast zoning code.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that Proswing Sports Realty, Inc. convey to the town of Southeast, and that the town of Southeast acquire and dedicate the lands described in section four of this act as parklands, provided that the town of Southeast has never used such lands for public open space or park purposes.

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

Description of Alienation of Parcel (15.605 Acres)

ALL that certain piece or parcel of land situate, lying and being in the Town of Southeast, County of Putnam and State of New York, being a portion of Parcel 1A conveyed to the Town of Southeast as recorded in Liber 1791 of deeds at Page 437 in the Putnam County Clerk's Office, said parcel also designated as the "15.605 Acres to Alienate" as shown on a map entitled "Map of Alienation Parcel prepared for Proswing",

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

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prepared by Insite Engineering, Surveying and Landscape Architecture, P.C., being more particularly bounded and described as follows:
COMMENCING at the southwest corner of the "44.854 Acres Remaining Parkland" parcel as shown on the aforementioned map, said point also being the northwest corner of lands now or formerly belonging to Putnam Seabury Partners and along the westerly line of Pugsley Road as shown on a map entitled, "Map Showing Parcels to be Exchanged for the Improvement of Pugsley Road, Zimmer Road, Barrett Road and Fields Corner Road", dated July 8, 2004, prepared by Badey & Watson Surveyors;
thence along said westerly line of Pugsley Road, North 14°46'25" West 1381.48 feet to the point or place of BEGINNING;
thence continuing along the westerly line of Pugsley Road the following bearings and distances:
North 14°46'25" West 104.23 feet,
North 09°49'22" West 83.67 feet,
North 05°56'12" West 153.12 feet,
North 07°07'02" West 198.06 feet and
North 10°39'52" West 170.34 feet to the southerly line of Zimmer Road;
thence along said line the following bearings and distances:
North 68°34'08" East 102.92 feet,
North 64°09'18" East 34.01 feet,
North 66°07'08" East 64.00 feet,
North 71°31'08" East 42.22 feet,
North 68°14'28" East 136.14 feet,
North 71°03'28" East 35.15 feet,
North 65°40'18" East 29.00 feet,
North 72°49'48" East 65.10 feet,
North 65°31'08" East 40.01 feet and
North 68°01'58" East 365.88 feet to the westerly line of lands now or formerly belonging to the County of Putnam as described in Liber 1871 Page 291;
thence along said line South 12°26'14" East 442.31 feet to the northwesterly line of the "44.854 Acres Remaining Parkland" parcel as shown on of above-mentioned map entitled "Map of Alienation Parcel prepared for Proswing";
thence along the northwesterly and northerly lines of said parcel, South 19°14'26" West 523.33 feet and South 80°23'07" West 668.46 feet to THE POINT OR PLACE OF BEGINNING.

Description of Alienation of Parcel (66.177 Acres)

ALL that certain piece or parcel of land situate, lying and being in the Town of Southeast, County of Putnam and State of New York, being a portion of Parcels 2A and 3A conveyed to the Town of Southeast as recorded in Liber 1791 of deeds at Page 437 in the Putnam County Clerk's Office, said parcel also designated as the "66.177 Acres to Alienate" as shown on a map entitled "Map of Alienation Parcels prepared for Proswing", prepared by Insite Engineering, Surveying and Landscape Architecture, P.C., being more particularly bounded and described as follows:
BEGINNING along the easterly line of Fields Corner Road, as shown on a map entitled, "Map Showing Parcels to be Exchanged for the Improvement of Pugsley Road, Zimmer Road, Barrett Road and Fields Corner Road", dated July 8, 2004, prepared by Badey & Watson Surveyors, at the division line between the lands now or formerly belonging to the County of Putnam to the North and the parcel described herein on the South;

thence along said division line, also reputedly the division line between the Town of Patterson and the Town of Southeast, North 82°46'38" East 1361.15 feet to the westerly line of a parcel designated as "26.834 Acres Remaining Parkland" as shown on the aforementioned map entitled "Map of Alienation Parcels prepared for Proswing";
thence along the westerly and southerly line of said "26.834 Acres Parkland" parcel, South 03°00'04" East 1074.09 feet and South 66°02'42" East 1114.50 feet to the westerly line of Interstate Route No. 503-32 and the northeast corner of lands now or formerly belonging to the County of Putnam as described in Liber 1871 Page 291;
thence along the northerly line of lands of the County of Putnam, South 75°47'09" West 600.00 feet and South 12°26'14" East 350.36 feet to the northerly line of Zimmer Road;
thence along said line the following bearings and distances:
South 69°15'28" West 120.68 feet,
South 66°02'18" West 56.25 feet,
North 68°10'32" West 2.97 feet,
South 67°14'28" West 98.15 feet,
South 69°02'08" West 255.42 feet,
South 50°17'38" West 8.30 feet,
South 75°15'38" West 29.41 feet,
South 66°45'48" West 84.01 feet,
South 71°47'18" West 42.24 feet,
South 67°28'28" West 181.09 feet,
South 68°31'38" West 66.08 feet,
South 74°50'48" West 42.45 feet and
North 78°16'12" West 137.86 feet to the easterly line of Fields Corner Road, as shown on a the aforementioned map entitled, "Map Showing Parcels to be Exchanged for the Improvement of Pugsley Road, Zimmer Road, Barrett Road and Fields Corner Road";
thence along said line the following bearings and distances:
North 30°25'52" West 485.20 feet to a tangent curve, to the right, having a radius of 770.00 feet, a central angle of 2°49'53" and an arc length of 38.05 feet,
N 16°05'52" West 0.85 feet,
N 28°28'12" West 7.88 feet to a non-tangent curve, to the right, having a radius of 770.00 feet, a central angle of 16°21'12" and an arc length of 219.77 feet to a point of tangency,
N 10°35'52" West 578.00 feet to a tangent curve, to the left, having a radius of 150.00 feet, a central angle of 20°41'28" and an arc length of 54.17 feet,
N 27°53'52" West 26.24 feet,
N 42°51'02" West 16.20 feet,
N 65°59'32" West 14.90 a non-tangent curve, to the left, having a radius of 150.00 feet, a central angle of 22°04'56" and an arc length of 57.81 feet to a point of tangency,
N 74°35'52" West 23.27 feet,
N 70°49'52" West 26.67 feet,
N 83°36'32" West 11.19 feet,
N 74°35'52" West 43.06 feet to a tangent curve, to the right, having a radius of 160.00 feet, a central angle of 55°30'00" and an arc length of 154.99 feet,
N 19°05'52" West 212.47 feet.
N 70°17'58" East 15.12 feet,
N 31°55'23" West 68.14 feet,

N 19°05'52" West 20.92 feet to a tangent curve, to the right, having a radius of 270.00 feet, a central angle of 21°00'00" and an arc length of 98.96 feet,
N 01°54'08" East 255.00 feet to a tangent curve, to the left, having a radius of 830.00 feet, a central angle of 3°51'54" and an arc length of 55.99 feet to the POINT OR PLACE OF BEGINNING.

Description of Alienation of Parcel 1B

ALL that certain piece or parcel of land situate, lying and being in the Town of Southeast, County of Putnam and State of New York, being Parcel 1B conveyed to the Town of Southeast as recorded in Liber 1791 of deeds at Page 437 in the Putnam County Clerk's Office, said parcel also designated as "Parcel 1B" as shown on a map entitled "Map of Alienation Parcels prepared for Proswing", prepared by Insite Engineering, Surveying and Landscape Architecture, P.C., being more particularly bounded and described as follows:
COMMENCING at a point along the easterly line of Fields Corner Road, as shown on a map entitled, "Map Showing Parcels to be Exchanged for the Improvement of Pugsley Road, Zimmer Road, Barrett Road and Fields Corner Road", dated July 8, 2004, prepared by Badey & Watson Surveyors, at the division line between the lands now or formerly belonging to the County of Putnam on the North and the "66.177 Acres to Alienate" parcel on the South, as shown on the aforementioned map entitled, "Map of Alienation Parcel prepared for Proswing";
thence along said line of Fields Corner Road the following bearings and distances:
on a curve, to the right, having a radius of 830.00 feet, a central angle of 3°51'54" and an arc length of 55.99 feet,
South 01°54'08" West 255.00 to a tangent curve, to the left, having a radius of 270.00 feet, a central angle of 21°00'00" and an arc length of 98.96 feet,
South 19°05'52" East 20.92
South 31°55'23" East 68.14
South 70°17'58" West 15.12
South 19°05'52" East 212.47 to a tangent curve, to the left, having a radius of 160.00 feet, a central angle of 55°30'00" and an arc length of 154.99 feet,
South 74°35'52" East 43.06
South 83°36'32" East 11.19
South 70°49'52" East 26.67
South 74°35'52" East 23.27 to a non-tangent curve, to the right, having a radius of 150.00 feet, a central angle of 22°04'56" and an arc length of 57.81 feet to a point of tangency,
South 65°59'32" East 14.90
South 42°51'02" East 16.20
South 27°53'52" East 26.24 to a tangent curve, to the right, having a radius of 150.00 feet, a central angle of 20°41'28" and an arc length of 54.17 feet,
South 10°35'52" East 578.00 a non-tangent curve, to the left, having a radius of 770.00 feet, a central angle of 16°21'12" and an arc length of 219.77 feet to a point of tangency,
South 28°28'12" East 7.88 feet,
South 16°05'52" East 0.85 feet, to a tangent curve, to the left, having a radius of 770.00 feet, a central angle of 2°49'53" and an arc length of 38.05 feet and

South 30°25'52" East 485.20 feet to the northerly line of Zimmer Road;
thence crossing said road, South 30°25'52" East 46.10 feet to a point on the southerly line of Zimmer Road where the same is intersected by the division line of lands now or formerly belonging to Putnam Seabury Partners and the premises herein described, said point being the TRUE POINT OR PLACE OF BEGINNING.
thence along the southerly line of Zimmer Road, South 80°25'00" East 46.13 feet and South 67°55'56" East 38.35 feet to the aforementioned lands of Putnam Seabury Partners;
thence along said lands, South 57°54'08" West 27.81 feet to a tangent curve, to the right, having a radius of 30.00 feet, a central angle of 91°40'00" and an arc length of 48.00' feet and North 30°25'52" West 30.90 feet to the southerly line of Zimmer Road and the point or place of BEGINNING.

Description of Alienation of Parcel 2B

ALL that certain piece or parcel of land situate, lying and being in the Town of Southeast, County of Putnam and State of New York, being Parcel 2B conveyed to the Town of Southeast as recorded in Liber 1791 of deeds at Page 437 in the Putnam County Clerk's Office, said parcel also designated as "Parcel 2B" as shown on a map entitled "Map of Alienation Parcels prepared for Proswing", prepared by Insite Engineering, Surveying and Landscape Architecture, P.C., being more particularly bounded and described as follows:
COMMENCING at a point along the easterly line of Pugsley Road, as shown on a map entitled, "Map Showing Parcels to be Exchanged for the Improvement of Pugsley Road, Zimmer Road, Barrett Road and Fields Corner Road", dated July 8, 2004, prepared by Badey & Watson Surveyors, at the division line between lands now or formerly belonging to Putnam Seabury Partners on the South and the "44.845 Acres Remaining Parkland" on the North as shown on the aforementioned map entitled "Map of Alienation Parcels prepared for Proswing";
thence along said line of Pugsley Road, North 14°46'25" West 1381.48 feet and North 14°46'25" West 104.23 feet to a point;
thence crossing Pugsley Road, North 14°46'25" West 130.90 feet to a tangent curve, to the left, having a radius of 830.00 feet, a central angle of 7°06'33" and an arc length of 102.99 feet to the westerly line of Pugsley Road where the same is intersected by the division line between other lands now or formerly belonging to Putnam Seabury Partners and the premises herein described, said point being the TRUE POINT OR PLACE OF BEGINNING;
thence along said lands of Putnam Seabury Partners the following bearings and distances;
on a curve, to the left, having a radius of 830.00 feet, a central angle of 8°33'27" and an arc length of 123.97 feet to a point of tangency,
N 30°26'25" W 157.75 to a tangent curve, to the right, having a radius of 30.00 feet, a central angle of 88°20'00" and an arc length of 46.25 feet,
N 57°53'35" E 48.78 to the westerly line of Pugsley Road;
thence along said line the following bearings and distances:
S 48°02'44" E 53.03
S 01°56'04" E 23.68 feet,
S 11°00'24" E 40.04 feet,
S 07°35'17" E 99.01 feet,
S 14°57'24" E 42.26 feet and

S 08°30'54" E 77.15 to the point or place of BEGINNING.
TOTAL OF ALL PARCELS TO BE CONVEYED BY THE TOWN TO PROSWING SPORTS REALTY, INC. TOTALS 82.170 ACRES

§ 4. The lands to be conveyed to the town of Southeast and dedicated as parkland are described as follows:

Description of Proswing Sports Realty Inc. Parcel Lot A (94.884 Acres)

ALL that certain piece or parcel of land situate, lying and being in the Town of Southeast, County of Putnam and State of New York, designated as Lot A as shown on a map entitled "Final Subdivision Plat prepared for Proswing", prepared by Insite Engineering, Surveying and landscape Architecture, P.C., approved by the Town of Southeast on February 24, 2020, to be filed in the Putnam County Clerk's Office, being more particularly bounded and described as follows:
BEGINNING at a point along the westerly line of Starr Ridge Road at the southerly line of lands now or formerly belonging to Craig & Deborah Cole, said point also being along the easterly boundary of the herein described parcel;
thence along said line of Starr Ridge Road, the following bearings and distances:
S 04°15'50" W 372.71 feet,
S 02°09'10" W 213.09 feet and
S 02°44'25" W 392.80 feet to lands now or formerly belonging to Michael J. & Kathy A. Daigneault Revocable Trust;
thence along said lands and also along lands now or formerly belonging to Edward & Yvonne Raboy Family Partnership Limited, the following bearings and distances:
S 89°04'40" W 197.33 feet,
S 86°54'10" W 113.03 feet,
S 89°02'10" W 267.00 feet and
S 88°04'00" W 581.20 feet to lands now or formerly belonging to Ghassan Atalla,
thence along said lands and also along lands now or formerly belonging to Tonya M. Carr-Waldron & Bradley Waldron, and also lands now or formerly belonging to Nasser Aqeel, the following bearings and distances:
N 05°03'40" W 407.27 feet,
N 05°26'36" W 281.10 feet,
N 05°07'06" W 108.30 feet,
N 15°03'40" E 204.65 feet,
S 85°53'10" W 388.31 feet,
S 87°23'10" W 362.51 feet,
S 73°16'00" W 47.94 feet,
S 86°36'38" W 105.72 feet,
S 76°48'16" W 33.14 feet,
S 59°38'12" W 19.94 feet and
S 77°06'32" W 197.09 feet to lands now or formerly belonging to Barbara F. & Joshua White;
thence along said lands and also along lands now or formerly belonging to Elizabeth Echegaray, and also along lands now or formerly belonging to Jeremy Sabatini and also along lands now or formerly belonging Daniel Prendergast & Jennifer L. Johnston, the following bearings and distances:
N 05°08'40" W 491.23 feet,
S 82°52'50" W 92.09 feet,

S 86°02'00" W 124.78 feet,
N 17°05'30" E 330.39 feet,
N 11°27'50" E 100.13 feet,
N 16°57'40" E 100.10 feet,
N 09°43'40" E 70.23 feet,
N 19°59'20" E 17.14 feet and
S 84°51'20" W 591.11 feet to the easterly line of Turk Hill Road;
thence along said line, the following bearings and distances:
N 10°06'18" E 138.66 feet,
N 03°21'11" E 259.30 feet and
N 48°20'17" E 48.28 feet to lands now or formerly belonging to Lawrence Fryer designated as Lot 2 as shown on a map entitled "Final Subdivision Plat Triple "T" Estates" filed on September 29, 2003 as map number 2937;
thence along said lands, the following bearings and distances:
N 84°25'00" E 2156.86 feet,
N 13°00'00" E 21.34 feet and
N 83°44'40" E 272.00 feet to lands now or formerly belonging to Joseph & Elizabeth Kiss;
thence along said lands, S 06°15'20" E 500.00 feet to the northerly line of Lot B as shown on the aforementioned map entitled "Final Subdivision Plat prepared for Proswing";
thence along said Lot the following bearings and distances:
S 83°44'40" W 459.26 feet,
S 06°15'20" E 343.37 feet and
N 83°44'40" E 346.914 feet to lands now or formerly belonging to Craig and Deborah Cole;
thence along said lands the following bearings and distances:
S 02°51'20" W 271.15 feet,
S 03°45'50" W 471.95 feet and
N 86°27'10" E 626.86 feet to the point or place of BEGINNING.

§ 5. In the event that the fair market value of the parklands described in section four of this act to be dedicated by the town of Southeast pursuant to this act are not equal to or greater than the fair market value of the parklands to be alienated as described in section three of this act, the town of Southeast shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Southeast 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 town of Southeast 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.

§ 7. This act shall take effect immediately.