

# STATE OF NEW YORK

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8344--A

## IN SENATE

May 15, 2020

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Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the alienation of certain reforested lands in the county of Yates

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding section 219 of the county law to the  
2 contrary, the county of Yates acting by and through its governing body  
3 and upon such terms and conditions as determined by such body, is hereby  
4 authorized to discontinue the use of lands described in section two of  
5 this act acquired for reforestation purposes for the purposes of erect-  
6 ing, operating and maintaining a public safety radio communications  
7 tower. The authorization provided in this section shall be effective  
8 only upon the acquisition by the county of Yates of the parcel as  
9 described in section three of this act, which is currently vacant prop-  
10 erty not used by the public for recreational or reforestation purposes.  
11 § 2. The lands authorized to be alienated by the county of Yates  
12 pursuant to section one of this act are described as follows:  
13 ALL THAT TRACT OR PARCEL OF LAND situate in Lot No. 28, in Township 7,  
14 Range III of the Phelps & Gorham Purchase, in the Town of Italy, County  
15 of Yates, State of New York, bounded and described as follows:  
16 Beginning at a point on the east line of the first or westerly subdivi-  
17 sion of said Lot No. 28 and the west line of lands reputedly of  
18 Cayward (Liber 559 of Deeds, Page 243), said point being North 03° 15'  
19 East, 850 +/- feet from the intersection of said east subdivision lot  
20 line and the south line of said Lot No. 28, at or near the centerline of  
21 Emerson Road; thence North 86° 45' West through lands of Yates County,  
22 120.0 feet to a point; thence North 03° 15' East on a line parallel to  
23 the east line of said subdivision lot line through lands of Yates Coun-  
24 ty, 160.0 feet to a point; thence South 86° 45' East through lands of  
25 Yates County, 120.0 feet to a point on the east line of said subdivision  
26 lot line and lands reputedly of Cayward; thence South 03° 15' West along

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

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1 the east line of said subdivision lot line and lands reputedly of  
2 Cayward, 160.0 feet to the point or place of beginning, comprising an  
3 area of 0.441 acres more or less.

4 Intending to describe a portion of premises conveyed by Lester R.  
5 Platman, as Yates County Treasurer, to the County of Yates by deed  
6 recorded September 22, 1953 in Liber 170 of Deeds, Page 69.

7 § 3. The authorization provided in section one of this act shall be  
8 effective only upon the condition that on or before the alienation and  
9 conveyance of lands described in section two of this act, the county of  
10 Yates shall acquire and dedicate real property for reforestation  
11 purposes, of equal or greater fair market value to the lands being  
12 alienated. In the event that the lands to be acquired by the county of  
13 Yates for reforestation purposes pursuant to this act are not equal to  
14 or greater than the fair market value of the lands to be alienated by  
15 the county of Yates, the county shall dedicate the difference between  
16 the fair market value of the lands to be alienated and the fair market  
17 value of the lands to be acquired for the acquisition of additional  
18 lands for reforestation purposes. The additional real property to be  
19 acquired and dedicated for reforestation purposes, being more partic-  
20 ularly bound and described as follows:

21 ALL THAT TRACT OR PARCEL OF LAND situate in Lot No. 28, in Township 7,  
22 Range III of the Phelps & Gorham Purchase, in the Town of Italy, County  
23 of Yates, State of New York, bounded and described as follows:

24 Beginning at a point on the east line of the first or westerly subdivi-  
25 sion of said Lot No. 28 and west line of lands reputedly of Cayward  
26 (Liber 559 of Deeds, Page 243) at the intersection of said east subdivi-  
27 sion lot line and the south line of said Lot No. 28, at or near the  
28 centerline of Emerson Road; thence North 03° 15' East along said east  
29 subdivision lot line and west line of lands now or formerly of Cayward,  
30 815 +/- feet to a point; thence South 86° 45' East through lands of  
31 Cayward, 25.0 feet to a point; thence South 03° 15' West on a line  
32 parallel to the east line of said subdivision lot line and west line of  
33 lands reputedly of Cayward through lands of Cayward, 815 +/- feet to a  
34 point on the south line of said Lot No. 28 at or near the centerline of  
35 Emerson Road; thence North 86° 45' West along the south line of said Lot  
36 No. 28, 25 +/- feet to the point or place of beginning, comprising an  
37 area of 0.468 acres more or less. Intending to describe a portion of  
38 premises conveyed by Paul Dale Cayward to Paul Dale and Lourie J.  
39 Cayward by deed recorded May 21, 2007 in Liber 559 of Deeds, Page 243  
40 and intended to be conveyed to Yates County. Subject to the rights of  
41 the public in and to lands referred to as Emerson Road, and subject to  
42 utilities and easements of record.

43 § 4. If the property described in section three of this act, shall  
44 ever be used for a purpose other than the purpose described in section  
45 one of this act, such land shall be restored to its original state and  
46 maintained as reforested lands in accordance with section 219 of the  
47 county law.

48 § 5. This act shall take effect immediately.