STATE OF NEW YORK

6237

2021-2022 Regular Sessions

IN ASSEMBLY

March 10, 2021

Introduced by M. of A. J. A. GIGLIO -- read once and referred to the Committee on Local Governments

AN ACT to authorize the town of Brookhaven, county of Suffolk, to alienate and discontinue the use of certain parklands

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

Section 1. (a) Subject to the provisions of this act, the town of Brookhaven, county of Suffolk, acting by and through its governing body, and upon such terms and conditions as determined by such body, is hereby authorized to discontinue as parkland the lands more particularly described in section two of this act for the placement and operation of a wireless communication tower.

(b) The authorization contained in section one of this act shall be effective only upon the condition that the town of Brookhaven, county of Suffolk dedicate an amount equal to the fair market value of those interests being alienated by this act, for capital improvements to Heritage Park, located on Jesse Way in Mount Sinai, in the town of Brookhaven, county of Suffolk.

§ 2. The lands authorized by section one of this act to be discontinued as parklands and leased are described as follows:

ALL that certain plot, piece or parcel of land, with improvements existing thereon, situate, lying and being in Mount Sinai, in the Town of Brookhaven and the county of Suffolk in the state of New York being more particularly described as follows:

BEGINNING at the southwesterly corner of the area of land herein described, said point being the following three (3) courses from a point on the present northerly side of New York State Route 25A (Nesconset-Port Jefferson Road), which point is the division line between lands now or formerly the Town of Brookhaven on the west and lands formerly Texaco, Inc and now formerly 438F Realty LLC on the east, said division line being 54.00 feet northerly measured radially from station 121+84± of the

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

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survey centerline of New York State Route 25A, said point also being 358.12± as measured westerly from the southwesterly end of a line connecting the northerly side of New York State Route 25A with the westerly side of Peach Tree Lane;

1. Along the arc of a curve to the right having a Radius of 6530.75 feet, and Length of 307.84 feet;

2. South 66 degrees 52 minutes 17 seconds West, 260.34 feet;

3. North 23 degrees 07 minutes 43 seconds West, 107.25 feet;

Running thence from said point of beginning, through and over lands now or formerly the Town of Brookhaven the following four (4) courses:

1. North 39 degrees 28 minutes 00 seconds West, 45.00 feet;

2. North 50 degrees 32 minutes 00 seconds East, 29.33 feet;

3. South 39 degrees 28 minutes 00 seconds East, 45.00 feet;

4. South 50 degrees 32 minutes 00 seconds West, 29.33 feet to the point or place of beginning.

§ 3. Should the lands described in section two of this act cease to be used for the purposes described in section one of this act, those lands shall revert to the town of Brookhaven for public park and recreational purposes. At the time of such reversion, the removal of such wireless communication tower shall take place and the property shall be returned to its previous state, consistent with park and recreational purposes.

§ 4. In the event that the town of Brookhaven received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section two of this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the town of Brookhaven 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.

§ 5. This act shall take effect immediately.