STATE OF NEW YORK

7033--A

2021-2022 Regular Sessions

IN ASSEMBLY

April 21, 2021

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the town of New Castle, county of Westchester, to alienate and discontinue the use of certain parklands 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 New Castle, county of Westchester, acting by and through its governing body, and upon such terms and conditions as determined by such body, is hereby authorized to discontinue as parklands and to alienate the lands more particularly described in section three of this act for the purpose of facilitating the future development of a multi-use trail along the Westchester County Sewer Trunk Line in the town of New Castle.

§ 2. The authorization provided by section one of this act shall be effective only upon the condition that Vivek and Chitra Agastya convey to the town of New Castle, and that the town of New Castle acquire and dedicate the lands described in section four of this act as parklands, provided that the town of New Castle 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 as parklands are described as follows:

Description of Alienation of Parcel (0.60 Acres)

Portion of Section 92.16, Block 1, Lot 22

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Castle, County of Westchester and State of New York, shown on a certain map entitled "Map No. 1, Chappaqua Section of Lawrence Farms, Town of New Castle, Westchester County, New York", dated February 2, 1929 as prepared by William A. Smith, Civil Engineer and filed in the Westchester County Clerk's Office - Division of Land

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

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Records on April 29, 1929, as Map No. 3424, said property being more particularly bounded and described as follows:
BEGINNING at a point lying on the northerly side of North Way as shown on said filed map, said point also lying on the division line between the lands of Agastya and the lands of the Town of New Castle as described in Liber 5061 Page 483 as filed in the Westchester County Clerk's Office;
RUNNING THENCE along said northerly side of North Way South 59 degrees 21 minutes 22 seconds West a distance of 187.8' +/- to a point;
RUNNING THENCE over and across the lands of the Town of New Castle the following courses and distances:
North 29 degrees 19 minutes West a distance of 154.0' +/- to a point;
North 44 degrees 06 minutes 20 seconds East a distance of 119.7' +/- to a point lying on said division line between the lands of Agastya and the lands of the Town of New Castle;
RUNNING THENCE along said division line South 50 degrees 59 minutes 50 seconds East a distance of 197.8' +/- to the point or place of beginning.
Containing approximately 26,242.0 square feet +/- or 0.60 acres +/-.

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, Vivek and Chitra Agastya shall convey to the town of New Castle and the town of New Castle shall acquire and dedicate as parklands such land described as follows:

Description of Agastya Parcel (0.60 Acres)

Portion of Section 92.16, Block 1, Lot 23

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Castle, County of Westchester and State of New York, shown on a certain map entitled "Map No. 1, Chappaqua Section of Lawrence Farms, Town of New Castle, Westchester County, New York", dated February 2, 1929 as prepared by William A. Smith, Civil Engineer and filed in the Westchester County Clerk's Office - Division of Land Records on April 29, 1929, as map No. 3424, said property being more particularly bounded and described as follows:
BEGINNING at a point lying on the division line between the land now or formerly of Agastya as described in Control Number 561673248 as filed in the Westchester County Clerk's Office - Division of Land records and the lands of the Town of New Castle as described in Liber 5061 Page 483 as filed in the Westchester County Clerk's Office, said point also lying North 50 degrees 59 minutes 50 seconds West a distance of 197.8 feet +/- as measured along said division line from a point lying on the northerly side of North Way as shown on said filed map;
RUNNING THENCE in a westerly direction and along said division line North 50 degrees 59 minutes 50 seconds West a distance of 131.2' +/- to the most southwesterly corner of land of Agastya, said point also lying on the division line between the said lands of Agastya and the said lands of the Town of New Castle;
RUNNING THENCE in a northerly direction along said division line North 43 degrees 12 minutes 10 seconds East a distance of 199.8 feet +/- to the most northwesterly corner of the land of Agastya, said point also being the most southeasterly corner of the land now or formerly of Metzger;
RUNNING THENCE in an easterly direction South 50 degrees 59 minutes 50 seconds East along said division line between Agastya and Metzger a distance of 122.8 feet +/- to a point;
RUNNING THENCE over and across lands now or formerly of Agastya the following courses and distances;

South 26 degrees 31 minutes 40 seconds West a distance of 38.1 feet +/- to a point;
South 44 degrees 06 minutes 20 seconds West a distance of 162.7 feet +/- to the point or place of beginning.
Containing approximately 26,242.0 square feet +/- or 0.60 acres +/-.

§ 5. In the event that the fair market value of the parklands described in section four of this act to be dedicated as parklands by the town of New Castle 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 New Castle 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 New Castle 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 town of New Castle 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.