STATE OF NEW YORK

8014

2021-2022 Regular Sessions

IN ASSEMBLY

June 4, 2021

Introduced by M. of A. OTIS -- read once and referred to the Committee on Cities

AN ACT in relation to authorizing the city of New Rochelle, county of Westchester to sell, convey and alienate certain land, in furtherance of an economic development interest of the state and/or city of New Rochelle

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

Section 1. Subject to the provisions and conditions of this act, the city of New Rochelle, county of Westchester, acting by and through its governing body, is hereby authorized to discontinue as parklands and alienate, the parklands, described in section four of this act, in furtherance of an economic development interest of the state and/or city of New Rochelle.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that:

(a) the city of New Rochelle shall dedicate the lands described in section nine of this act as parkland, provided that the city of New Rochelle has never used such lands for public open space or park purposes; and

(b) any such deed transferring the parcel described in section four of this act provides (i) for the preservation of the Armory Building, including the annex, and (ii) a dedicated space for veterans organization use at no charge or a de minimis rental amount as approved by the city council.

§ 3. After the conditions specified in sections two and five of this act are satisfied and notwithstanding subdivision 2 of section 20 of the general city law, the city of New Rochelle is hereby authorized, acting through its legislative body, to sell, alienate and convey the waterfront real property, described in section six of this act in furtherance

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

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of an economic development interest of the state and/or city of New Rochelle.

§ 4. The parklands authorized by section one of this act to be discontinued as parklands in the letters patent dated July 24, 1997, recorded in the Westchester County Clerk's office at Liber 11802, Page 272 on September 3, 1997 are described as follows:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate in the City of New Rochelle, County of Westchester, and State of New York, being further described as follows:

BEGINNING at a point on the southerly side of East Main Street at its intersection with the division line between the lands of the People of the State of New York, on the east, and lands now or formerly of Anthony Petro, on the west, said point being distant S. 29 51' W., 304.28 feet from New Rochelle City Monument No. 4 which is located at the northwesterly corner of the intersection of Pratt and Huguenot Streets; thence N. 52 02' 34 E., along the southerly bounds of East Main Street, 200 feet to a point in the westerly bounds of lands, now or formerly, owned by the city of New Rochelle, said point being distance S. 02 32' 30" E., 141.02 feet from the aforesaid Monument No. 4; thence S. 43 23' 32" E., along the westerly bounds of said lands of the City of New Rochelle, 635 feet to a point in the original high water line of New Rochelle Harbor (formerly called Snuff Mill Pond); thence S 52 02' 34" W., generally along said high water line, 200 feet to a point at the southeast corner of lands, now or formerly, of the Colonial Sand and Stone Company, Inc.; thence N. 43 23' 32" W., along the easterly bounds of said lands of the Colonial Sand and Stone Company, Inc., 327.55 feet to a point; thence N. 52 28' 17" W., continuing along the easterly bounds of said lands of Colonial Sand and Stone Company, Inc., 57.92 feet to a point in the southerly bounds of lands, now or formerly, of Harvey A. Turnure (designated as Lot 45); thence N. 52 02' 34" E., along the southerly bounds of said lands of Turnure, 9.18 feet to a point; thence N. 43 23' 32" W., along the easterly bounds of lands of said Turnure and then continuing along the easterly bounds of the aforesaid lands of Anthony Petro, 251.12 feet to the point and place of beginning, containing 2.908 acres of land, more or less.

§ 5. In the event that the parklands to be dedicated by the city of New Rochelle pursuant to section nine of this act are not equal to or greater than the fair market value of the parkland to be discontinued in section four of this act, the city of New Rochelle 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 for capital improvements to existing park and recreational facilities.

§ 6. The waterfront lands authorized by section three of this act to be discontinued as waterfront are described as follows:

Parcel A:

All that certain piece or parcel of land situate, lying and being in the City of New Rochelle, County of Westchester and State of New York and being bounded and described as follows:

BEGINNING at a point on the northerly line of Huntington Place (35 feet wide) and also being the southerly line of lands now or formerly owned by Bridge Management Corporation, said point being 537.37 feet distant from the easterly line of Evans Street along the northerly line of Huntington Place, and also being southerly from a concrete monument "New Rochelle City Monument #4" near the westerly line of Pratt Street and the northerly line of Main Street, a course of South 02°30'02" West, a distance of 482.73 feet and running thence; easterly along a fence and

along the division line between lands now or formerly owned by the City of New Rochelle and lands now or formerly owned by Bridge Management Corporation, a course of North 51°36'37" East, a distance of 58.07 feet to a point on the westerly line of lands now or formerly owned by the City of New Rochelle; thence running southerly along said division line and portions of a concrete wall, a course of South 43°49'29" East, a distance of 404.21 feet to a point in the waters of Echo Bay being on lands owned by the State of New York; thence 43°49'29" East, a distance of 147.72 feet to a point in the waters of Echo Bay; thence running through the waters of Echo Bay the following three courses:

Westerly along previously said division line, a course of South 60°32'31" West, a distance of 135.71 feet to a point at the southeasterly corner of lands now or formerly owned by Jonel Development Corporation; thence northerly along previously said division line, a course of North 29°27'29" West, a distance of 10.00 feet to a point; thence westerly along previously said division line, a course of South 60°32'31" West, a distance of 126.77 feet to a point; thence running northerly along previously said division line and along a fence, a course of North 35°33'35" West, a distance of 207.18 feet to a point on the southerly line of Huntington Place (35 feet wide); thence running easterly along the southerly line of Huntington Place, a course of North 51°36'37" East, a distance of 326.97 feet to a point; thence running northerly, a course of North 38°23'27" West, a distance of 35.00 feet to the point and place of beginning. Encompassing an area of 101,824 square feet or 2.33756 acres, more or less.

Parcel B:

All that certain piece or parcel of land situate, lying and being in the City of New Rochelle, County of Westchester and State of New York and being bounded and described as follows:

BEGINNING at a point on the southerly line of Main Street (variable width) and the division line of lands now or formerly owned by Serita Holding Corporation and lands now or formerly owned by the City of New Rochelle, said point being 1,215.24 feet distant from the easterly line of Evans Street along the southerly line of Main Street, and also being easterly from a concrete monument "New Rochelle City Monument #4" near the westerly line of Pratt Street and the northerly line of Main Street, a course of North 68°34'21" East, a distance of 391.24 feet and running thence;

Running Easterly along the division line of lands now or formerly owned by Serita Holding Corporation and lands owned by the State of New York, a course of South 50°05'59" East, a distance of 98.35 feet to a point;

thence continuing Easterly along said division line, a course of South 45°42'59" East, a distance of 0.15 feet to a point;

thence running Northerly along said division line into the waters of Echo Bay, a course of North 20°09'01" East, a distance of 4.07 feet to a point;

thence running through the waters of Echo Bay and lands owned by the State of New York the following eight courses:

Easterly, a course of South 49°53'15" East, a distance of 148.40 feet to a point;

thence southerly, a course of South 31°32'25" East, a distance of 44.22 feet to a point;

thence southerly, a course of South 01°01'42" East, a distance of 154.33 feet to a point;

thence southerly, a course of South 04°45'45" West, a distance of 105.62 feet to a point;
thence southerly, a course of South 08°22'49" West, a distance of 67.94 feet to a point;
thence southerly, a course of South 22°43'00" West, a distance of 65.54 feet to a point;
thence westerly, a course of South 55°09'04" West, a distance of 152.09 feet to a point;
thence westerly, a course of South 59°23'37" West, a distance of 23.27 feet to a point at the prolongation of the division line of lands now or formerly owned by the City of New Rochelle;
thence running Northerly along a fence and along the division line of lands now or formerly owned by the City of New Rochelle, a course of North 43°49'29" West, a distance of 689.19 feet to a point on the southerly line of Main Street, also known as U.S. 1;
thence running Easterly along the southerly line of Main Street, a course of North 51°30'41" East, a distance of 455.94 feet to the POINT or PLACE of BEGINNING.
Encompassing an area of 289,962 square feet or 6.65661 acres, more or less.

§ 7. The authorization contained in section six of this act shall take effect only upon the condition that the city of New Rochelle shall dedicate waterfront land or receive capital improvements to existing waterfront property, the fair market value of which shall be equal to or greater than the fair market value of the waterfront property to be alienated.

§ 8. The commissioner of general services is hereby authorized and directed to take such action as is necessary to release, extinguish, and relinquish to the city of New Rochelle, its successors and assigns, any and all conditions and/or reservations of the state that limit the use of the real property more particularly described in section four of this act, commonly known as the New York State Armory at City of New Rochelle, for park, recreation, street and highway purposes, including incidental, necessary municipal business in conjunction therewith, and to release, extinguish and convey to the city of New Rochelle any and all rights of reverter and/or of reversion that the state may have in and to such real property, such that any limits of use and/or the rights of reverter and/or reversion, shall be permanently released, extinguished, and relinquished forever. This section shall not affect any conditions established pursuant to section two of this act.

§ 9. The lands to be dedicated as parkland by the city of New Rochelle pursuant to subdivision (a) of section two of this act are described as follows:

All that certain piece or parcel of land situate, lying and being in the city of New Rochelle, county of Westchester and state of New York and being bounded and described as follows:

COMMENCING at a point on the southerly line of Main Street (variable width) and the division line of lands now or formerly owned by Serita Holding Corporation and lands now or formerly owned by the city of New Rochelle, said point being 1,215.24 feet distant from the easterly line of Evans Street along the southerly line of Main Street, and also being easterly from a concrete monument "New Rochelle City Monument #4" near the westerly line of Pratt Street and the northerly line of Main Street, a course of North 68°34'21" East, a distance of 391.24 feet and running the following two courses:

Southerly along said division line, a course of South 42°12'49" East, a distance of 138.15 feet to a point; thence continuing southerly along said division line, a course of South 50°05'59" East, a distance of 39.09 feet to a point, being the POINT or PLACE of BEGINNING, as shown on a certain map entitled "State of New York Office of General Services, Park Area Land Grant in the Application of City of New Rochelle for a Grant of Lands Under the Waters of Echo Bay, Situate in the City of New Rochelle, County of Westchester, State of New York", prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, DPC, dated May 19, 2021; thence running easterly along the division line of lands now or formerly owned by Serita Holding Corporation and lands owned by the State of New York, a course of South 50°05'59" East, a distance of 59.26 feet to a point; thence continuing easterly along said division line, a course of South 45°42'59" East, a distance of 0.15 feet to a point; thence running northerly along said division line into the waters of Echo Bay, a course of North 20°09'01" East, a distance of 4.07 feet to a point; thence running through the waters of Echo Bay and land owned by the State of New York the following twenty courses:

Easterly, a course of South 49°53'15" East, a distance of 148.40 feet to a point; thence southerly, a course of South 31°32'25" East, a distance of 44.22 feet to a point; thence southerly, a course of South 01°01'42" East, a distance of 154.33 feet to a point; thence southerly, a course of South 04°45'45" West, a distance of 105.62 feet to a point; thence southerly, a course of South 08°22'49" West, a distance of 67.94 feet to a point; thence southerly, a course of South 22°43'00" West, a distance of 65.54 feet to a point; thence westerly, a course of South 55°09'04" West, a distance of 152.09 feet to a point; thence westerly, a course of South 59°23'37" West, a distance of 70.76 feet to a point; thence northerly, a course of North 34°54'45" West, a distance of 24.51 feet to a point; thence westerly, a course of South 51°31'11" West, a distance of 151.00 feet to a point; thence westerly along a portion of a wall, a course of South 76°11'06" West, a distance of 39.67 feet to a point; thence westerly along a wall, a course of South 81°48'28" West, a distance of 47.46 feet to a point; thence westerly along a wall, a course of North 85°25'57" West, a distance of 46.20 feet to a point; thence westerly along a wall, a course of North 78°58'50" West, a distance of 22.92 feet to a point; thence westerly along a wall, a course of North 65°46'48" West, a distance of 21.49 feet to a point; thence westerly along a wall, a course of North 58°15'30" West, a distance of 22.49 feet to a point; thence northerly along a wall, a course of North 34°36'11" West, a distance of 44.08 feet to a point; thence northerly along a wall, a course of North 41°07'25" West, a distance of 88.45 feet to a point; thence westerly along a portion of a wall, a course of South 49°31'51" West, a distance of 51.82 feet to a point on the easterly line of lands now or formerly owned by City of New Rochelle; thence running along the water's edge through the lands now or formerly owned by the City of New Rochelle the following six courses:

Westerly a course of South 49°31'51" West, a distance of 113.64 feet to a point; thence southerly a course of South 29°17'12" East, a distance of 16.95 feet to a point; thence westerly a course of South 47°38'55" West, a distance of 24.95 feet to a point; thence westerly a course of South 57°50'50" West, a distance of 56.29 feet to a point; thence southerly a course of South 16°34'44" West, a distance of 17.88 feet to a point; thence westerly a course of South 53°14'05" West, a distance of 28.55 feet to a point on the easterly division line of lands now or formerly owned by Jonel Development Corp.; thence running north-

erly along said division line and along a fence, a course of North 35°33'35" West, a distance of 136.58 feet to a point on the southerly line of Huntington Place (35 feet wide); thence running easterly along the southerly line of Huntington Place a course of North 51°36'37" East, a distance of 326.97 feet to a point on the westerly intersection of lands now or formerly owned by the City of New Rochelle and the southerly line of Huntington Place; thence running through the lands now or formerly owned by the city of New Rochelle the following eighteen courses:

Southerly a course of South 38°23'27" East, a distance of 0.43 feet to a point; thence southerly along a curve to the left having an arc length of 26.37 feet, a radius of 35.50 feet, and a central angle of 42°33'21" and being subtended by a chord which bears South 35°09'51" West, a distance of 25.77 feet; thence southerly with a compound curve to the left having an arc length of 55.76 feet, a radius of 35.50 feet, and a central angle of 90°00'00" and being subtended by a chord which bears South 31°06'50" East, a distance of 50.20 feet; thence easterly a course of South 76°06'50" East, a distance of 8.74 feet to a point; thence easterly along a curve to the left having an arc length of 62.49 feet, a radius of 45.50 feet, and a central angle of 78°41'06" and being subtended by a chord which bears North 64°32'37" East, a distance of 57.69 feet; thence northerly with a reverse curve to the right having an arc length of 1.84 feet, a radius of 24.50 feet, and a central angle of 04°17'34" and being subtended by a chord which bears North 27°20'51" East, a distance of 1.84 feet; thence southerly a course of South 32°10'08" East, a distance of 16.31 feet to a point; thence southerly a course of South 37°42'52" East, a distance of 35.96 feet to a point; thence easterly along a curve to the left having an arc length of 222.47 feet, a radius of 169.34 feet, and a central angle of 75°16'24" and being subtended by a chord which bears South 75°21'04" East, a distance of 206.81 feet; thence easterly a course of North 51°29'31" East, a distance of 110.44 feet to a point; thence southerly a course of South 36°14'53" East, a distance of 38.30 feet to a point; thence easterly a course of North 52°11'12" East, a distance of 138.84 feet to a point; thence northerly along a curve to the left having an arc length of 103.38 feet, a radius of 235.50 feet, and a central angle of 25°09'09" and being subtended by a chord which bears North 39°36'37" East, a distance of 102.55 feet; thence northerly with a compound curve to the left having an arc length of 278.34 feet, a radius of 335.50 feet, and a central angle of 47°32'02" and being subtended by a chord which bears North 03°16'02" East, a distance of 270.43 feet; thence northerly a course of North 20°29'59" West, a distance of 50.40 feet to a point; thence northerly along a curve to the left having an arc length of 52.00 feet, a radius of 165.50 feet, and a central angle of 18°00'07" and being subtended by a chord which bears North 29°30'03" West, a distance of 51.79 feet; thence northerly a course of North 38°30'06" West, a distance of 94.49 feet to a point; thence northerly along a curve to the right having an arc length of 26.22 feet, a radius of 182.50 feet, and a central angle of 08°13'55" and being subtended by a chord which bears North 34°23'09" West, a distance of 26.20 feet to the POINT or PLACE of BEGINNING.

Encompassing an area of 116,875 square feet or 2.68308 acres, more or less.

§ 10. In the event that the city of New Rochelle received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section four of

this act, the discontinuance and alienation of such parkland authorized by the provisions of this act shall not occur until the city of New Rochelle 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.

§ 11. This act shall take effect immediately.