STATE OF NEW YORK

5127--A

Cal. No. 565

2021-2022 Regular Sessions

IN SENATE

February 24, 2021

Introduced by Sen. HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT in relation to authorizing the town of Webster, county of Monroe, 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 Webster, located in the county of Monroe, 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 alienate the lands more particularly described in section three of this act, and convey to the county of Monroe, for the purpose of fulfilling and assisting the completion of REDI Project MO.56 Lake Road Retirement Project.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the county of Monroe convey to the town of Webster and that the town of Webster acquire and dedicate the lands described in section four of this act as parklands, provided that neither the county nor the town of Webster has ever 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:

All that certain tract or parcel of land containing 16,970 square feet or 0.389 acres ±, situated in the town of Webster, county of Monroe, state of New York, and being more particularly bounded and described as follows:

Commencing at a point on the northerly right-of-way of lake road, a variable width right-of-way, at its intersection with the westerly line

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

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of lands now or formerly Kenneth J. & Linda M. Lill (tax acct. 063.060-001-003.1) and the easterly line of lands now or formerly of the town of Webster (tax acct. 063.090-001-078.13); thence, south 62° 49' 52" west, along said right-of-way line, a distance of 20.28 feet to the point of beginning; thence, south 52° 10' 06" west along said right-of-way, a distance of 296.82 feet to a point; thence, south 56° 41' 34" west along said right-of-way, a distance of 315.18 feet to a point; thence, departing the right-of-way of lake road through the lands now or formerly of the town of Webster in a northeasterly direction, along a non-tangent curve to the left, having a radius of 897.04 feet, arc length of 132.73 feet, delta 8° 28' 40", to a point of reverse curvature, said curve having a chord bearing of north 45°56'52" east and a chord distance of 132.61 feet; thence, in a northeasterly direction, along a non-tangent curve to the right, having a radius of 780.00 feet, arc length of 281.07 feet, delta 20° 38' 48", to a point of tangency; said curve having a chord bearing of north 52°30'31" east and a chord distance of 279.55 feet; thence, north 62° 49' 52" east, a distance of 203.14 feet to the point and place of beginning.

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the county of Monroe shall convey to the town of Webster and the town of Webster shall acquire and dedicate as parklands such land described as follows: All that tract or parcel of land containing 21,141 square feet or 0.462 acres ±, situated in the town of Webster, county of Monroe, state of New York, and being more particularly bounded and described as follows:

Commencing at a point on the northerly right-of-way of lake road, a variable width right-of-way, at its intersection with the westerly line of lands now or formerly Kenneth J. & Linda M. Lill (tax acct. 063.060-001-003.1) and the easterly line of lands now or formerly of the town of Webster (tax acct. 063.090-001-078.13); thence, south 11° 48' 17" east through the right-of-way of lake road, a distance of 72.12 feet to a point on the southerly right-of-way of lake road at its intersection with the easterly line of lands now or formerly of the town of webster (tax acct. 063.090-001-037) and point of beginning; thence, along the southerly right-of-way of lake road the following courses in a southwesterly direction, along a non-tangent curve to the right, having a radius of 2257.59 feet, arc length of 97.36 feet, delta 2° 28' 15", to a point of tangency, said curve having a chord bearing of south 51°18'15" west and a chord distance of 97.35 feet; thence, south 52° 32' 22" west, a distance of 63.72 feet to a point; thence, south 55° 13' 14" west, a distance of 444.76 feet to a point; thence, north 42° 11' 01" east departing the southerly right-of-way through the right-of-way of lake road, a distance of 150.40 feet to a point of curvature; thence, in a northeasterly direction, along a tangent curve to the right, having a radius of 720.00 feet, arch length of 259.45 feet, delta 20° 38' 48", to a point of tangency; thence, north 62° 49' 52" east, a distance of 107.56 feet to a point; thence, north 68° 27' 49" east, a distance of 97.22 feet to the point 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 Webster 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 Webster 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 Webster 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 Webster 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.