STATE OF NEW YORK

6356--A

2021-2022 Regular Sessions

IN SENATE

April 23, 2021

Introduced by Sen. PALUMBO -- 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 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. 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 three of this act and convey such lands to New York Site Operations, LLC for the purpose of improving rail access.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Brookhaven, county of Suffolk, dedicate the lands more particularly described in section four of this act for parkland purposes, provided that the town of Brookhaven 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 are described as follows:

Beginning at the northeast corner of the herein described property, said point being more particularly described thus:

Commencing at the intersection of the easterly line of Old Town Road with the northerly line of Horse Block Road (Suffolk County Route 16), said point being the southwest corner of property acquired by the County of Suffolk from Decca Navigator Systems, Inc. per Map No. 93 entitled "Map Showing Property to be Acquired from Decca Navigator System, Inc. for County Purposes" County of Suffolk Department of Public Works R.M. Kammerer, Commissioner.

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

LBD10926-03-1

Running thence along the northerly line of Horse Block Road (C.R. 16) the following seven courses:

1. South 75°01'07" East 163.82 feet;

2. Along the arc of a circular curve to the right having a radius of 1,945.86 feet, tangent to the previous course, said curve has a chord which bears South 73°24'46" East 109.06 feet, an arc length of 109.07 feet to a point of reverse curvature;

3. Along the arc of a circular curve to the left having a radius of 1,873.86 feet, tangent to the previous curve, said curve has a chord which bears South 73°24'46" East 105.02 feet, an arc length of 105.04 feet;

4. South 75°01'07" East, tangent to the previous curve, 79.43 feet;

5. South 05°32'27" East 19.19 feet;

6. South 75°01'07" East 104.97 feet;

7. South 79°17'52" East 184.55 feet, to the westerly line of land now or formerly of Rosh, LLC.;

Thence, along said westerly line, North 05°32'27" West 2,605.87 feet, to the southerly line of land of the County of Suffolk;

Thence along lands of the County of Suffolk the following eight courses:

1. South 84°27'33" West 275.15 feet;

2. North 05°32'27" West 1.82 feet;

3. North 05°23'40" West 1,890.10 feet;

4. North 03°49'20" West 15.25 feet;

5. North 05°32'38" West 34.99 feet;

6. North 44°00'41" West 312.52 feet;

7. North 49°00'49" West 339.27 feet;

8. North 05°20'34" West 3,196.62 feet, to the southerly line of the Long Island Railroad as monumented;

Thence along the southerly line of the Long Island Railroad as monumented, South 82°57'08" West, 877.24 feet, to the northeast corner of the herein described property at the Point of Beginning;

Thence South 05°27'31" East 384.27 feet ;

Thence North 67°06'35" West 769.69 feet to the southerly line of the Long Island Railroad as monumented;

Thence along the southerly line of the Long Island Railroad as monumented, North 82°57'08" East 677.64 feet to the Point of Beginning.

Containing within said bounds 2.99 Acres

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the town of Brookhaven shall dedicate as parklands such lands described as follows:

Beginning at the southeast corner of the herein described property, said point being more particularly described thus:

Commencing at the intersection of the easterly line of Old Town Road with the northerly line of Horse Block Road (Suffolk County Route 16), said point being the southwest corner of property acquired by the County of Suffolk from Decca Navigator Systems, Inc. per Map No. 93 entitled "Map Showing Property to be Acquired from Decca Navigator System, Inc. for County Purposes" County of Suffolk Department of Public Works R.M. Kammerer, Commissioner.

Running thence along the northerly line of Horse Block Road (C.R. 16) the following seven courses:

1. South 75°01'07" East 163.82 feet;

2. Along the arc of a circular curve to the right having a radius of 1,945.86 feet, tangent to the previous course, said curve has a chord

which bears South 73°24'46" East 109.06 feet, an arc length of 109.07 feet to a point of reverse curvature;

3. Along the arc of a circular curve to the left having a radius of 1,873.86 feet, tangent to the previous curve, said curve has a chord which bears South 73°24'46" East 105.02 feet, an arc length of 105.04 feet;

4. South 75°01'07" East, tangent to the previous curve, 79.43 feet;

5. South 05°32'27" East 19.19 feet;

6. South 75°01'07" East 104.97 feet;

7. South 79°17'52" East 184.55 feet, to the westerly line of land now or formerly of Rosh, LLC.;

Thence, along said westerly line, North 05°32'27" West 2,605.87 feet, to the southerly line of land of the County of Suffolk;

Thence along lands of the County of Suffolk the following eight courses:

1. South 84°27'33" West 275.15 feet;

2. North 05°32'27" West 1.82 feet;

3. North 05°23'40" West 1,890.10 feet;

4. North 03°49'20" West 15.25 feet;

5. North 05°32'38" West 34.99 feet;

6. North 44°00'41" West 312.52 feet;

7. North 49°00'49" West 339.27 feet;

8. North 05°20'34" West 1,467.95 feet, to the Point of Beginning.

RUNNING thence South 84°16'27" West 598.41 feet;

Thence North 05°27'31" West 442.71 feet;

Thence North 84°32'29" East 599.29 feet;

Thence South 05°20'34" East 439.92 feet to the Point of Beginning.

Containing within said bounds 6.13 Acres

§ 5. In the event that the fair market value of the lands described in section four of this act to be dedicated by the town of Brookhaven 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 Brookhaven, shall dedicate the difference of 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 Brookhaven 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 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.

§ 7. This act shall take effect immediately.