STATE OF NEW YORK

8743

IN SENATE

April 6, 2022

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT authorizing the city of Elmira, county of Chemung, to alienate and sell parklands to Cerulean Holdings, Inc.

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

Section 1. Notwithstanding any other provision of law, the city of Elmira, county of Chemung, 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 and to sell and convey at fair market value the approximately 1.9 acres portion of the property commonly known as "Patch Park", and more fully described in section three of this act, to Cerulean Holdings, Inc. for the purpose of constructing an apartment complex to serve low-income and special needs residents.

§ 2. The authorization contained in section one of this act shall be effective only upon the condition that the city of Elmira, county of Chemung, dedicate an amount equal to or greater than the fair market value of the parklands being discontinued toward the acquisition of new parklands and/or capital improvements to existing park and recreational facilities.

§ 3. The parklands authorized by section one of this act to be alienated are described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Elmira, County of Chemung and State of New York, bounded and described as follows:

Beginning at an iron pin standing in the ground at the intersection of the south line of East Washington Avenue with the west line of lands of New York, Lackawanna and Western Railway Company, conveyed by Elmira iron and Steel Rolling Mill Company April 1, 1884 and recorded April 8, 1884 in the Chemung County Deeds Volume 82, page 538; running thence as the needle played in November 1920 S. 76° west along the said south line 279.27 feet to an iron pin now standing in the ground; thence south 14° 21' 20" east and parallel with the east line of Canal Street 75 feet to an iron pin now standing in the ground; thence south 76° west 40 foot to an iron pin now standing in said east line of Canal Street; thence south

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

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14° 21' 20" east along said east line and its prolongation south of south line of East Seventh Street 568.55 feet to an iron pin now standing in the ground; thence north 76° 02' 40" east parallel with the north face the brick wall of the Old Rolling Mill and distant 25 feet perpendicularly therefrom, 130.45 feet to an iron pin now standing in the ground; thence south 13° 37' 20" east parallel with the east face of said Old Rolling Mill and 25 feet distant perpendicularly therefrom 140.10 feet to a cross in a stone, which is 1 foot north of an iron pin now standing in the ground; thence north 76° 08' 40" east parallel with the north face of the new wing of the Old Rolling Mill, and distant 25 feet perpendicularly therefrom, 69.05 feet to an iron pin standing in the said west line of lands of New York Lackawanna and Western Railway Company; thence north 5° 31' 40" west along said west line 792.40 feet to the point the place of beginning.

ALSO, all of the interest of the party of the first part in that part of Canal Street lying east of the center line thereof, north of the south line of East Seventh Street and south of the south line of East Washington Avenue.

ALSO, all of that interest of the party of the first part in that part in East Washington Avenue lying south of the center line thereof, east of the centerline of Canal Street prolonged and west of the said west line of the New York, Lackawanna and Western Railway Company.

EXCEPTING ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Elmira, County of Chemung and State of New York beginning at a point in the east line of Canal Street two hundred ninety-three and fifty-three hundredths feet (293.53') south of the south line of East Washington Avenue; thence south 14° 21' 20" east along the east line of Canal Street and its extension south of the south line of East Seventh Street three hundred fifty and two hundredths feet (350.02') to an iron pin; thence north 76° 02' 40" east one hundred thirty and forty-five hundredths feet (130.45') to an iron pin; thence south 13° 37' 20" east one hundred forty and ten hundredths feet (140.10') to a cross cut in stone which is one foot north of an iron pin; thence north 76° 08' 40" east sixty nine and five hundredths feet (69.05') to an iron pin; thence north 5° 31' 40" west four hundred ninety-six and fifteen hundredths feet (496.15') along the west property line of the Erie Lackawanna Railroad Company to a point; thence south 75° 58' west two hundred seventy-three and eighty hundredths feet (273.80') to the place of beginning. The above described parcel containing two and twenty-six hundredths acres (2.26 acres) of land. Also all the rights, title and interest of party of the first part in and to the main switch now standing on the lands above conveyed and passing over lands heretofore conveyed to George W. Peck and Ira C. Pratt and LeVallye, McLeod, Kinkaid Company.

AND FURTHER EXCEPTING all that tract or parcel of land situate in the City of Elmira, County of Chemung and State of New York, beginning at a point in the north property line on the above described premises thirty-five and fourteen hundredths feet (35.14') east of the east line of Canal Street; thence northerly at right angles to the north property line four and seventy-two hundredths feet (4.72') to a point; thence easterly along the north side of the building thirty-three and thirty-five hundredths feet (33.35') to a point; thence southerly along the east side of the building five feet (5'±) more or less, to the north property line of the first described parcel; thence westerly thirty-three and thirty-five hundredths feet (33.35') to the place of beginning.

§ 4. In the event that the city of Elmira, county of Chemung, 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 city of Elmira, county of Chemung, has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying to the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to ensure 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.