

STATE OF NEW YORK

8743--B

Cal. No. 1573

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Subject to the provisions of this act, the city of Elmira,
2 county of Chemung is hereby authorized, acting by and through its
3 governing body, and upon such terms and conditions as determined by such
4 body, to discontinue as parklands and to sell and convey the lands
5 described in section three of this act, containing approximately 1.9
6 acres of parkland, to Cerulean Holdings, Inc. for the purpose of
7 constructing an apartment complex to serve low-income and special needs
8 residents.

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

15 § 3. The parklands authorized by section one of this act to be alien-
16 ated are described as follows:

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

19 Beginning at an iron pin standing in the ground at the intersection of
20 the south line of East Washington Avenue with the west line of lands of
21 New York, Lackawanna and Western Railway Company, conveyed by Elmira
22 iron and Steel Rolling Mill Company April 1, 1884 and recorded April 8,
23 1884 in the Chemung County Deeds Volume 82, page 538; running thence as

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

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1 the needle played in November 1920 S. 76° west along the said south line
2 279.27 feet to an iron pin now standing in the ground; thence south 14°
3 21' 20" east and parallel with the east line of Canal Street 75 feet to
4 an iron pin now standing in the ground; thence south 76° west 40 foot to
5 an iron pin now standing in said east line of Canal Street; thence south
6 14° 21' 20" east along said east line and its prolongation south of
7 south line of East Seventh Street 568.55 feet to an iron pin now stand-
8 ing in the ground; thence north 76° 02' 40" east parallel with the north
9 face the brick wall of the Old Rolling Mill and distant 25 feet perpen-
10 dicularly therefrom, 130.45 feet to an iron pin now standing in the
11 ground; thence south 13° 37' 20" east parallel with the east face of
12 said Old Rolling Mill and 25 feet distant perpendicularly therefrom
13 140.10 feet to a cross in a stone, which is 1 foot north of an iron pin
14 now standing in the ground; thence north 76° 08' 40" east parallel with
15 the north face of the new wing of the Old Rolling Mill, and distant 25
16 feet perpendicularly therefrom, 69.05 feet to an iron pin standing in
17 the said west line of lands of New York Lackawanna and Western Railway
18 Company; thence north 5° 31' 40" west along said west line 792.40 feet
19 to the point the place of beginning. The above described parcel contain-
20 ing 4.163 acres, more or less.

21 EXCEPTING ALL THAT TRACT OR PARCEL OF LAND, situate in the City of
22 Elmira, County of Chemung and State of New York beginning at a point in
23 the east line of Canal Street two hundred ninety-three and fifty-three
24 hundredths feet (293.53') south of the south line of East Washington
25 Avenue; thence south 14° 21' 20" east along the east line of Canal
26 Street and its extension south of the south line of East Seventh Street
27 three hundred fifty and two hundredths feet (350.02') to an iron pin;
28 thence north 76° 02' 40" east one hundred thirty and forty-five
29 hundredths feet (130.45') to an iron pin; thence south 13° 37' 20" east
30 one hundred forty and ten hundredths feet (140.10') to a cross cut in
31 stone which is one foot north of an iron pin; thence north 76° 08' 40"
32 east sixty nine and five hundredths feet (69.05') to an iron pin; thence
33 north 5° 31' 40" west four hundred ninety-six and fifteen hundredths
34 feet (496.15') along the west property line of the Erie Lackawanna Rail-
35 road Company to a point; thence south 75° 58' west two hundred seventy-
36 three and eighty hundredths feet (273.80') to the place of beginning.
37 The above described parcel containing two and twenty-six hundredths
38 acres (2.26 acres) of land.

39 AND FURTHER EXCEPTING all that tract or parcel of land situate in the
40 City of Elmira, County of Chemung and State of New York, beginning at a
41 point in the north property line on the above described premises thir-
42 ty-five and fourteen hundredths feet (35.14') east of the east line of
43 Canal Street; thence northerly at right angles to the north property
44 line four and seventy-two hundredths feet (4.72') to a point; thence
45 easterly along the north side of the building thirty-three and thirty-
46 five hundredths feet (33.35') to a point; thence southerly along the
47 east side of the building five feet (5'±) more or less, to the north
48 property line of the first described parcel; thence westerly thirty-
49 three and thirty-five hundredths feet (33.35') to the place of begin-
50 ning. The above described parcel containing one hundred and fifty-seven
51 square feet or .003 acres, more or less.

52 Such remaining parkland containing 1.9 acres of land, more or less, is
53 to be discontinued, sold, and conveyed to Cerulean Holdings, Inc. as
54 described in section one of this act.

55 § 4. In the event that the city of Elmira, county of Chemung, received
56 any funding, support or assistance from the federal government for the

1 purchase, maintenance or improvement of the parklands set forth in
2 section three of this act, the discontinuance and alienation of such
3 parkland authorized by the provisions of this act shall not occur until
4 the city of Elmira, county of Chemung, has complied with any federal
5 requirements pertaining to the alienation or conversion of parklands,
6 including satisfying to the secretary of the interior that the alien-
7 ation or conversion complies with all conditions which the secretary of
8 the interior deems necessary to ensure the substitution of other lands
9 shall be equivalent in fair market value and usefulness to the lands
10 being alienated or converted.

11 § 5. This act shall take effect immediately.